

1                                   A bill to be entitled  
2           An act relating to agriculture and consumer  
3           services; transferring the Division of  
4           Licensing of the Department of State to the  
5           Department of Agriculture and Consumer  
6           Services; amending s. 20.10, F.S.; conforming  
7           provisions; amending s. 20.14, F.S.; creating  
8           the Division of Licensing in the Department of  
9           Agriculture and Consumer Services; amending ss.  
10          493.6101, 493.6104, 493.6108, 493.6109,  
11          493.6112, 493.6121, 790.06, F.S.; redesignating  
12          the department with regulatory  
13          responsibilities; creating s. 288.1175, F.S.;  
14          amending s. 316.515, F.S.; revising the types  
15          of equipment authorized for transporting farm  
16          products; allowing the Department of  
17          Transportation to issue certain permits;  
18          amending s. 370.31, F.S.; transferring the  
19          Sturgeon Production Working Group from the  
20          Department of Environmental Protection to the  
21          Department of Agriculture and Consumer  
22          Services; revising membership and procedures;  
23          amending s. 388.261, F.S.; revising provisions  
24          relating to state aid to counties and districts  
25          for arthropod control; prorating county funds  
26          under certain circumstances; providing an  
27          exemption from funding requirements under  
28          certain circumstances; authorizing the use of  
29          state funds when requested by a county or  
30          district; authorizing funds for technical  
31          assistance or to purchase equipment, supplies,

1 or services; amending s. 388.281, F.S.;  
2 revising uses for state matching funds;  
3 amending s. 388.361, F.S.; authorizing the  
4 Department of Agriculture and Consumer Services  
5 to cooperate with local agencies; authorizing  
6 collection, detection, suppression, and control  
7 of mosquitoes and arthropods on public or  
8 private land; amending s. 388.45, F.S.;  
9 clarifying provisions relating to threats to  
10 public health and the issuance of declarations;  
11 authorizing declaration of a threat to animal  
12 health when certain conditions exist;  
13 authorizing treatment or control measures;  
14 amending s. 403.067, F.S.; authorizing  
15 implementation of interim measures for  
16 specified water bodies for which total maximum  
17 daily load or allocation has not been  
18 established; amending s. 403.707, F.S.;  
19 authorizing the processing or disposal of  
20 certain invasive exotic plant species;  
21 authorizing the Department of Environmental  
22 Protection to adopt rules; amending s. 403.709,  
23 F.S.; deleting the minimum county allocation to  
24 local mosquito control agencies from waste tire  
25 fees; amending s. 482.277, F.S.; revising  
26 requirements relating to guarantees and  
27 warranties in contracts for treatment of  
28 wood-destroying organisms; declaring  
29 legislative intent with respect to such  
30 warranties and guarantees; amending s.  
31 482.2401, F.S.; adding education in pest

1 control as an approved use of administrative  
2 fine revenues; creating s. 482.243, F.S.;  
3 creating the Pest Control Enforcement Advisory  
4 Council in the department; providing for  
5 membership, terms, and procedures; providing  
6 powers and duties; amending s. 487.041, F.S.;  
7 increasing the annual registration fee for a  
8 registered pesticide; amending s. 500.121,  
9 F.S.; providing sanctions for nutrient labeling  
10 violations; amending s. 500.148, F.S.;  
11 authorizing the department to issue a report  
12 certifying food establishment compliance with  
13 sanitation and permitting requirements for food  
14 exportation purposes; authorizing fees;  
15 amending s. 501.160, F.S.; providing for  
16 enforcement of prohibitions of unconscionable  
17 prices on rental or sale of essential  
18 commodities; amending s. 570.07, F.S.;  
19 authorizing the department to provide meals  
20 when personnel cannot leave emergency incident  
21 locations; amending s. 573.124, F.S.;  
22 increasing penalties for furnishing false  
23 information, or refusing to furnish  
24 information, relating to the marketing of  
25 agricultural commodities; amending s. 581.091,  
26 F.S.; requiring the Department of Agriculture  
27 and Consumer Services to periodically review  
28 the state lists of noxious weeds and invasive  
29 plants; requiring water management districts  
30 and local governments to use the lists when  
31 identifying noxious weeds, invasive plants, and

1 certain other plants pursuant to rule,  
2 ordinance or regulation; amending s. 585.002,  
3 F.S.; authorizing the department to set fees  
4 for additional services relating to the animal  
5 industry; amending s. 585.08, F.S.; authorizing  
6 the Division of Animal Industry, under certain  
7 circumstances, to condemn and destroy an animal  
8 that is liable to spread contagious,  
9 infectious, or communicable disease; amending  
10 s. 585.09, F.S.; conforming a cross-reference;  
11 repealing s. 585.10, F.S., relating to  
12 limitations on payments to owners of condemned  
13 and destroyed animals; amending s. 585.11,  
14 F.S.; authorizing the department to cooperate  
15 with United States Department of Agriculture  
16 accredited private veterinarians; amending s.  
17 585.21, F.S.; requiring written permission of  
18 the department prior to sale in the state of  
19 certain biological products; amending s.  
20 585.61, F.S.; increasing fees for use of animal  
21 disease diagnostic laboratories; amending s.  
22 590.02, F.S.; revising the powers of the  
23 Division of Forestry; providing that certain  
24 managerial positions are classified under the  
25 Selected Exempt Service; naming the Cross City  
26 Work Center the L. Earl Peterson Forestry  
27 Station; amending s. 590.11, F.S.; providing a  
28 criminal penalty for violation of recreational  
29 fire provisions; amending s. 590.125, F.S.;  
30 revising requirements for certified prescribed  
31 burning; renaming procedures for protecting

1 wild lands from wildfires; amending s. 597.020,  
2 F.S.; requiring aquaculture licenses and  
3 certifications to expire annually; amending s.  
4 616.242, F.S.; providing that certain kiddie  
5 rides shall be exempt from the requirement for  
6 receipt of an inspection certificate each time  
7 the ride is set up; revising accident-reporting  
8 requirements; amending s. 496.404, F.S.;  
9 redefining the term "educational institutions";  
10 designating the U.S.D.A. Service Center  
11 Building in Bartow as the John W. Hunt  
12 Building; amending s. 316.640, F.S.;  
13 eliminating certain limitations on the  
14 authority of the Office of Agricultural Law  
15 Enforcement; amending s. 570.073, F.S.;  
16 specifying duties of the Office of Agricultural  
17 Law Enforcement with respect to its  
18 jurisdiction over violations of law which  
19 threaten the security and safety of agriculture  
20 and consumer services; authorizing the office  
21 to enforce civil traffic offenses and laws  
22 relating to the responsibilities of the  
23 Commissioner of Agriculture; specifying that  
24 officers within the department have the full  
25 powers granted to other peace officers of this  
26 state; authorizing the commission to appoint  
27 part-time, reserve, or auxiliary law  
28 enforcement officers; amending s. 163.05, F.S.;  
29 amending s. 570.71, F.S.; revising provisions  
30 relating to conservation easements and rural  
31 land protection easements; amending s. 590.14,

1 F.S.; revising criteria for determining  
2 administrative fines for violation of  
3 provisions relating to forestry; creating s.  
4 604.40, F.S.; providing regulations regarding  
5 equipment used on a farm; amending s. 604.50,  
6 F.S.; clarifying the definition of a  
7 nonresidential farm building; providing an  
8 appropriation and one position; providing an  
9 appropriation; creating ch. 261, F.S.; creating  
10 the T. Mark Schmidt Off-Highway Vehicle Safety  
11 and Recreation Act; providing legislative  
12 findings and intent; providing definitions;  
13 creating the Off-Highway Vehicle Recreation  
14 Advisory Committee effective July 1, 2003;  
15 providing membership, duties, and  
16 responsibilities of the committee; providing  
17 functions, duties, and responsibilities of the  
18 Department of Agriculture and Consumer  
19 Services; requiring the department to review  
20 certain public lands and make a report to the  
21 Governor and the Legislature; providing  
22 rulemaking authority; providing for the  
23 publication and distribution of a guidebook;  
24 providing for the repair, maintenance, and  
25 rehabilitation of areas, trails, and lands;  
26 providing for contracts and agreements;  
27 providing criteria for recreation areas and  
28 trails; providing a penalty; providing for the  
29 use of designated off-highway vehicle funds  
30 within the Incidental Trust Fund of the  
31 Division of Forestry of the department;

1 amending s. 316.2074, F.S.; revising the  
2 definition of the term "all-terrain vehicle";  
3 prohibiting the use of all-terrain vehicles on  
4 public roadways in the state; providing  
5 exceptions; creating the Florida Off-Highway  
6 Vehicle Titling Act; providing legislative  
7 intent; providing definitions; providing for  
8 administration by the Department of Highway  
9 Safety and Motor Vehicles; providing for rules,  
10 forms, and notices; requiring certificates of  
11 title; providing for application for and  
12 issuance of certificates of title; providing  
13 for duplicate certificates of title; requiring  
14 the furnishing of a manufacturer's statement of  
15 origin; providing for fees; providing for  
16 disposition of fees; providing authority to  
17 refuse to issue and to cancel a certificate of  
18 title; providing crimes relating to  
19 certificates of title; providing penalties;  
20 providing noncriminal infractions; providing  
21 penalties; amending s. 375.313, F.S.; deleting  
22 fee collection responsibility of the Fish and  
23 Wildlife Conservation Commission for  
24 registration of off-road vehicles; repealing s.  
25 375.315, F.S., relating to the registration of  
26 off-road vehicles by the commission; amending  
27 s. 163.3177, F.S.; revising requirements for  
28 future land use plans; providing effective  
29 dates.

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

1           Section 1. Effective January 3, 2003, pursuant to  
2 section 20.06(2), Florida Statutes, the Division of Licensing  
3 of the Department of State is transferred by a type two  
4 transfer to the Department of Agriculture and Consumer  
5 Services and reestablished as a division within that  
6 department. Notwithstanding the provisions of section  
7 20.06(2)(b), Florida Statutes, the Commissioner of Agriculture  
8 is not authorized to reconfigure the division or its units or  
9 subunits, or to modify its structure, duties, programs,  
10 activities, or functions, or to reassign any funds from any  
11 trust fund supporting those duties, programs, activities, or  
12 functions.

13           Section 2. Effective January 3, 2003, subsection (2)  
14 of section 20.10, Florida Statutes, is amended to read:

15           20.10 Department of State.--There is created a  
16 Department of State.

17           (2) The following divisions of the Department of State  
18 are established:

- 19           (a) Division of Elections.  
20           (b) Division of Historical Resources.  
21           (c) Division of Corporations.  
22           (d) Division of Library and Information Services.  
23           ~~(e) Division of Licensing.~~  
24           ~~(e)~~~~(f)~~ Division of Cultural Affairs.  
25           ~~(f)~~~~(g)~~ Division of Administration.

26           Section 3. Effective January 3, 2003, subsection (2)  
27 of section 20.14, Florida Statutes, is amended to read:

28           20.14 Department of Agriculture and Consumer  
29 Services.--There is created a Department of Agriculture and  
30 Consumer Services.

31



1           (2) The following divisions of the Department of  
2 Agriculture and Consumer Services are established:

- 3           (a) Administration.  
4           (b) Agricultural Environmental Services.  
5           (c) Animal Industry.  
6           (d) Aquaculture.  
7           (e) Consumer Services.  
8           (f) Dairy Industry.  
9           (g) Food Safety.  
10          (h) Forestry.  
11          (i) Fruit and Vegetables.  
12          (j) Licensing.  
13          (k)~~(j)~~ Marketing and Development.  
14          (l)~~(k)~~ Plant Industry.  
15          (m)~~(l)~~ Standards.

16           Section 4. Effective January 3, 2003, subsection (1)  
17 of section 493.6101, Florida Statutes, is amended to read:

18           493.6101 Definitions.--

19           (1) "Department" means the Department of Agriculture  
20 and Consumer Services State.

21           Section 5. Effective January 3, 2003, subsection (2)  
22 of section 493.6104, Florida Statutes, is amended to read:

23           493.6104 Advisory council.--

24           (2) Council members shall be appointed by the  
25 Commissioner of Agriculture ~~Secretary of State~~ for a 4-year  
26 term. In the event of an appointment to fill an unexpired  
27 term, the appointment shall be for no longer than the  
28 remainder of the unexpired term. No member may serve more than  
29 two full consecutive terms. Members may be removed by the  
30 Commissioner of Agriculture ~~Secretary of State~~ for cause.

31

1 Cause shall include, but is not limited to, absences from two  
2 consecutive meetings.

3 Section 6. Effective January 3, 2003, section  
4 493.6108, Florida Statutes, is amended to read:

5 493.6108 Investigation of applicants by Department of  
6 Agriculture and Consumer Services ~~State~~--

7 (1) Except as otherwise provided, prior to the  
8 issuance of a license under this chapter, the department shall  
9 make an investigation of the applicant for a license. The  
10 investigation shall include:

11 (a)1. An examination of fingerprint records and police  
12 records. When a criminal history analysis of any applicant  
13 under this chapter is performed by means of fingerprint card  
14 identification, the time limitations prescribed by s.  
15 120.60(1) shall be tolled during the time the applicant's  
16 fingerprint card is under review by the Department of Law  
17 Enforcement or the United States Department of Justice,  
18 Federal Bureau of Investigation.

19 2. If a legible set of fingerprints, as determined by  
20 the Department of Law Enforcement or the Federal Bureau of  
21 Investigation, cannot be obtained after two attempts, the  
22 Department of Agriculture and Consumer Services ~~State~~ may  
23 determine the applicant's eligibility based upon a criminal  
24 history record check under the applicant's name conducted by  
25 the Department of Law Enforcement and the Federal Bureau of  
26 Investigation. A set of fingerprints taken by a law  
27 enforcement agency and a written statement signed by the  
28 fingerprint technician or a licensed physician stating that  
29 there is a physical condition that precludes obtaining a  
30 legible set of fingerprints or that the fingerprints taken are  
31

1 the best that can be obtained is sufficient to meet this  
2 requirement.

3 (b) An inquiry to determine if the applicant has been  
4 adjudicated incompetent under chapter 744 or has been  
5 committed to a mental institution under chapter 394.

6 (c) Such other investigation of the individual as the  
7 department may deem necessary.

8 (2) In addition to subsection (1), the department  
9 shall make an investigation of the general physical fitness of  
10 the Class "G" applicant to bear a weapon or firearm.  
11 Determination of physical fitness shall be certified by a  
12 physician currently licensed pursuant to chapter 458, chapter  
13 459, or any similar law of another state or authorized to act  
14 as a licensed physician by a federal agency or department.  
15 Such certification shall be submitted on a form provided by  
16 the department.

17 (3) The department shall also investigate the mental  
18 history and current mental and emotional fitness of any Class  
19 "G" applicant, and may deny a Class "G" license to anyone who  
20 has a history of mental illness or drug or alcohol abuse.

21 Section 7. Effective January 3, 2003, subsection (2)  
22 of section 493.6109, Florida Statutes, is amended to read:

23 493.6109 Reciprocity.--

24 (2) The rules authorized in subsection (1) may be  
25 promulgated only if:

26 (a) The other state or territory has requirements  
27 which are substantially similar to or greater than those  
28 established in this chapter.

29 (b) The applicant has engaged in licensed activities  
30 for at least 1 year in the other state or territory with no  
31 disciplinary action against him or her.

1           (c) The Commissioner of Agriculture ~~Secretary of State~~  
2 or other appropriate authority of the other state or territory  
3 agrees to accept service of process for those licensees who  
4 are operating in this state on a temporary basis.

5           Section 8. Effective January 3, 2003, section  
6 493.6112, Florida Statutes, is amended to read:

7           493.6112 Notification to Department of Agriculture and  
8 Consumer Services ~~State~~ of changes of partner or officer or  
9 employees.--

10          (1) After filing the application, unless the  
11 department declines to issue the license or revokes it after  
12 issuance, an agency or school shall, within 5 working days of  
13 the withdrawal, removal, replacement, or addition of any or  
14 all partners or officers, notify and file with the department  
15 complete applications for such individuals. The agency's or  
16 school's good standing under this chapter shall be contingent  
17 upon the department's approval of any new partner or officer.

18          (2) Each agency or school shall, upon the employment  
19 or termination of employment of a licensee, report such  
20 employment or termination immediately to the department and,  
21 in the case of a termination, report the reason or reasons  
22 therefor. The report shall be on a form prescribed by the  
23 department.

24          Section 9. Effective January 3, 2003, subsection (7)  
25 of section 493.6121, Florida Statutes, is amended to read:

26          493.6121 Enforcement; investigation.--

27          (7) The Department of Legal Affairs shall represent  
28 the Department of Agriculture and Consumer Services ~~State~~ in  
29 judicial proceedings seeking enforcement of this chapter, or  
30 upon an action by any party seeking redress against the  
31 department, and shall coordinate with the department in the

1 conduct of any investigations incident to its legal  
2 responsibility.

3 Section 10. Effective January 3, 2003, section 790.06,  
4 Florida Statutes, is amended to read:

5 790.06 License to carry concealed weapon or firearm.--

6 (1) The Department of Agriculture and Consumer  
7 Services ~~State~~ is authorized to issue licenses to carry  
8 concealed weapons or concealed firearms to persons qualified  
9 as provided in this section. Each such license must bear a  
10 color photograph of the licensee. For the purposes of this  
11 section, concealed weapons or concealed firearms are defined  
12 as a handgun, electronic weapon or device, tear gas gun,  
13 knife, or billie, but the term does not include a machine gun  
14 as defined in s. 790.001(9). Such licenses shall be valid  
15 throughout the state for a period of 5 years from the date of  
16 issuance. Any person in compliance with the terms of such  
17 license may carry a concealed weapon or concealed firearm  
18 notwithstanding the provisions of s. 790.01. The licensee must  
19 carry the license, together with valid identification, at all  
20 times in which the licensee is in actual possession of a  
21 concealed weapon or firearm and must display both the license  
22 and proper identification upon demand by a law enforcement  
23 officer. Violations of the provisions of this subsection shall  
24 constitute a noncriminal violation with a penalty of \$25,  
25 payable to the clerk of the court.

26 (2) The Department of Agriculture and Consumer  
27 Services ~~State~~ shall issue a license if the applicant:

28 (a) Is a resident of the United States or is a  
29 consular security official of a foreign government that  
30 maintains diplomatic relations and treaties of commerce,  
31 friendship, and navigation with the United States and is

1 certified as such by the foreign government and by the  
2 appropriate embassy in this country;

3 (b) Is 21 years of age or older;

4 (c) Does not suffer from a physical infirmity which  
5 prevents the safe handling of a weapon or firearm;

6 (d) Is not ineligible to possess a firearm pursuant to  
7 s. 790.23 by virtue of having been convicted of a felony;

8 (e) Has not been committed for the abuse of a  
9 controlled substance or been found guilty of a crime under the  
10 provisions of chapter 893 or similar laws of any other state  
11 relating to controlled substances within a 3-year period  
12 immediately preceding the date on which the application is  
13 submitted;

14 (f) Does not chronically and habitually use alcoholic  
15 beverages or other substances to the extent that his or her  
16 normal faculties are impaired. It shall be presumed that an  
17 applicant chronically and habitually uses alcoholic beverages  
18 or other substances to the extent that his or her normal  
19 faculties are impaired if the applicant has been committed  
20 under chapter 397 or under the provisions of former chapter  
21 396 or has been convicted under s. 790.151 or has been deemed  
22 a habitual offender under s. 856.011(3), or has had two or  
23 more convictions under s. 316.193 or similar laws of any other  
24 state, within the 3-year period immediately preceding the date  
25 on which the application is submitted;

26 (g) Desires a legal means to carry a concealed weapon  
27 or firearm for lawful self-defense;

28 (h) Demonstrates competence with a firearm by any one  
29 of the following:  
30  
31

- 1           1. Completion of any hunter education or hunter safety  
2 course approved by the Fish and Wildlife Conservation  
3 Commission or a similar agency of another state;
- 4           2. Completion of any National Rifle Association  
5 firearms safety or training course;
- 6           3. Completion of any firearms safety or training  
7 course or class available to the general public offered by a  
8 law enforcement, junior college, college, or private or public  
9 institution or organization or firearms training school,  
10 utilizing instructors certified by the National Rifle  
11 Association, Criminal Justice Standards and Training  
12 Commission, or the Department of State;
- 13          4. Completion of any law enforcement firearms safety  
14 or training course or class offered for security guards,  
15 investigators, special deputies, or any division or  
16 subdivision of law enforcement or security enforcement;
- 17          5. Presents evidence of equivalent experience with a  
18 firearm through participation in organized shooting  
19 competition or military service;
- 20          6. Is licensed or has been licensed to carry a firearm  
21 in this state or a county or municipality of this state,  
22 unless such license has been revoked for cause; or
- 23          7. Completion of any firearms training or safety  
24 course or class conducted by a state-certified or National  
25 Rifle Association certified firearms instructor;
- 26
- 27 A photocopy of a certificate of completion of any of the  
28 courses or classes; or an affidavit from the instructor,  
29 school, club, organization, or group that conducted or taught  
30 said course or class attesting to the completion of the course  
31 or class by the applicant; or a copy of any document which

1 shows completion of the course or class or evidences  
2 participation in firearms competition shall constitute  
3 evidence of qualification under this paragraph; any person who  
4 conducts a course pursuant to subparagraph 2., subparagraph  
5 3., or subparagraph 7., or who, as an instructor, attests to  
6 the completion of such courses, must maintain records  
7 certifying that he or she observed the student safely handle  
8 and discharge the firearm;

9 (i) Has not been adjudicated an incapacitated person  
10 under s. 744.331, or similar laws of any other state, unless 5  
11 years have elapsed since the applicant's restoration to  
12 capacity by court order;

13 (j) Has not been committed to a mental institution  
14 under chapter 394, or similar laws of any other state, unless  
15 the applicant produces a certificate from a licensed  
16 psychiatrist that he or she has not suffered from disability  
17 for at least 5 years prior to the date of submission of the  
18 application;

19 (k) Has not had adjudication of guilt withheld or  
20 imposition of sentence suspended on any felony or misdemeanor  
21 crime of domestic violence unless 3 years have elapsed since  
22 probation or any other conditions set by the court have been  
23 fulfilled, or the record has been sealed or expunged;

24 (l) Has not been issued an injunction that is  
25 currently in force and effect and that restrains the applicant  
26 from committing acts of domestic violence or acts of repeat  
27 violence; and

28 (m) Is not prohibited from purchasing or possessing a  
29 firearm by any other provision of Florida or federal law.

30 (3) The Department of Agriculture and Consumer  
31 Services ~~State~~ shall deny a license if the applicant has been



1 found guilty of, had adjudication of guilt withheld for, or  
2 had imposition of sentence suspended for one or more crimes of  
3 violence constituting a misdemeanor, unless 3 years have  
4 elapsed since probation or any other conditions set by the  
5 court have been fulfilled or the record has been sealed or  
6 expunged. The Department of Agriculture and Consumer Services  
7 ~~State~~ shall revoke a license if the licensee has been found  
8 guilty of, had adjudication of guilt withheld for, or had  
9 imposition of sentence suspended for one or more crimes of  
10 violence within the preceding 3 years. The department shall,  
11 upon notification by a law enforcement agency, a court, or the  
12 Florida Department of Law Enforcement and subsequent written  
13 verification, suspend a license or the processing of an  
14 application for a license if the licensee or applicant is  
15 arrested or formally charged with a crime that would  
16 disqualify such person from having a license under this  
17 section, until final disposition of the case. The department  
18 shall suspend a license or the processing of an application  
19 for a license if the licensee or applicant is issued an  
20 injunction that restrains the licensee or applicant from  
21 committing acts of domestic violence or acts of repeat  
22 violence.

23 (4) The application shall be completed, under oath, on  
24 a form promulgated by the Department of Agriculture and  
25 Consumer Services ~~State~~ and shall include:

26 (a) The name, address, place and date of birth, race,  
27 and occupation of the applicant;

28 (b) A statement that the applicant is in compliance  
29 with criteria contained within subsections (2) and (3);

30 (c) A statement that the applicant has been furnished  
31 a copy of this chapter and is knowledgeable of its provisions;

1 (d) A conspicuous warning that the application is  
2 executed under oath and that a false answer to any question,  
3 or the submission of any false document by the applicant,  
4 subjects the applicant to criminal prosecution under s.  
5 837.06; and

6 (e) A statement that the applicant desires a concealed  
7 weapon or firearms license as a means of lawful self-defense.

8 (5) The applicant shall submit to the Department of  
9 Agriculture and Consumer Services ~~State~~:

10 (a) A completed application as described in subsection  
11 (4).

12 (b) A nonrefundable license fee not to exceed \$85, if  
13 he or she has not previously been issued a statewide license,  
14 or a nonrefundable license fee not to exceed \$70 for renewal  
15 of a statewide license. Costs for processing the set of  
16 fingerprints as required in paragraph (c) shall be borne by  
17 the applicant. However, an individual holding an active  
18 certification from the Criminal Justice Standards and Training  
19 Commission as a "law enforcement officer," "correctional  
20 officer," or "correctional probation officer" as defined in s.  
21 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the  
22 licensing requirements of this section. If any individual  
23 holding an active certification from the Criminal Justice  
24 Standards and Training Commission as a "law enforcement  
25 officer," a "correctional officer," or a "correctional  
26 probation officer" as defined in s. 943.10(1), (2), (3), (6),  
27 (7), (8), or (9) wishes to receive a concealed weapons or  
28 firearms license, such person is exempt from the background  
29 investigation and all background investigation fees, but shall  
30 pay the current license fees regularly required to be paid by  
31 nonexempt applicants. Further, a law enforcement officer, a

1 correctional officer, or a correctional probation officer as  
2 defined in s. 943.10(1), (2), or (3) is exempt from the  
3 required fees and background investigation for a period of 1  
4 year subsequent to the date of retirement of said officer as a  
5 law enforcement officer, a correctional officer, or a  
6 correctional probation officer.

7 (c) A full set of fingerprints of the applicant  
8 administered by a law enforcement agency.

9 (d) A photocopy of a certificate or an affidavit or  
10 document as described in paragraph (2)(h).

11 (e) A full frontal view color photograph of the  
12 applicant taken within the preceding 30 days, in which the  
13 head, including hair, measures  $7/8$  of an inch wide and  $1\ 1/8$   
14 inches high.

15 (6)(a) The Department of Agriculture and Consumer  
16 Services State, upon receipt of the items listed in subsection  
17 (5), shall forward the full set of fingerprints of the  
18 applicant to the Department of Law Enforcement for state and  
19 federal processing, provided the federal service is available,  
20 to be processed for any criminal justice information as  
21 defined in s. 943.045. The cost of processing such  
22 fingerprints shall be payable to the Department of Law  
23 Enforcement by the Department of Agriculture and Consumer  
24 Services State.

25 (b) The sheriff's office shall provide fingerprinting  
26 service if requested by the applicant and may charge a fee not  
27 to exceed \$5 for this service.

28 (c) The Department of Agriculture and Consumer  
29 Services State shall, within 90 days after the date of receipt  
30 of the items listed in subsection (5):

31 1. Issue the license; or

1           2. Deny the application based solely on the ground  
2 that the applicant fails to qualify under the criteria listed  
3 in subsection (2) or subsection (3). If the Department of  
4 Agriculture and Consumer Services ~~State~~ denies the  
5 application, it shall notify the applicant in writing, stating  
6 the ground for denial and informing the applicant of any right  
7 to a hearing pursuant to chapter 120.

8           3. In the event the department receives criminal  
9 history information with no final disposition on a crime which  
10 may disqualify the applicant, the time limitation prescribed  
11 by this paragraph may be suspended until receipt of the final  
12 disposition or proof of restoration of civil and firearm  
13 rights.

14           (d) In the event a legible set of fingerprints, as  
15 determined by the Department of Agriculture and Consumer  
16 Services ~~State~~ or the Federal Bureau of Investigation, cannot  
17 be obtained after two attempts, the Department of Agriculture  
18 and Consumer Services ~~State~~ shall determine eligibility based  
19 upon the name checks conducted by the Florida Department of  
20 Law Enforcement.

21           (e) A consular security official of a foreign  
22 government that maintains diplomatic relations and treaties of  
23 commerce, friendship, and navigation with the United States  
24 and is certified as such by the foreign government and by the  
25 appropriate embassy in this country must be issued a license  
26 within 20 days after the date of the receipt of a completed  
27 application, certification document, color photograph as  
28 specified in paragraph (5)(e), and a nonrefundable license fee  
29 of \$300. Consular security official licenses shall be valid  
30 for 1 year and may be renewed upon completion of the  
31 application process as provided in this section.

1           (7) The Department of Agriculture and Consumer  
2 Services State shall maintain an automated listing of  
3 licenseholders and pertinent information, and such information  
4 shall be available on-line, upon request, at all times to all  
5 law enforcement agencies through the Florida Crime Information  
6 Center.

7           (8) Within 30 days after the changing of a permanent  
8 address, or within 30 days after having a license lost or  
9 destroyed, the licensee shall notify the Department of  
10 Agriculture and Consumer Services State of such change.  
11 Failure to notify the Department of Agriculture and Consumer  
12 Services State pursuant to the provisions of this subsection  
13 shall constitute a noncriminal violation with a penalty of  
14 \$25.

15           (9) In the event that a concealed weapon or firearm  
16 license is lost or destroyed, the license shall be  
17 automatically invalid, and the person to whom the same was  
18 issued may, upon payment of \$15 to the Department of  
19 Agriculture and Consumer Services State, obtain a duplicate,  
20 or substitute thereof, upon furnishing a notarized statement  
21 to the Department of Agriculture and Consumer Services State  
22 that such license has been lost or destroyed.

23           (10) A license issued under this section shall be  
24 suspended or revoked pursuant to chapter 120 if the licensee:

25           (a) Is found to be ineligible under the criteria set  
26 forth in subsection (2);

27           (b) Develops or sustains a physical infirmity which  
28 prevents the safe handling of a weapon or firearm;

29           (c) Is convicted of a felony which would make the  
30 licensee ineligible to possess a firearm pursuant to s.  
31 790.23;

1 (d) Is found guilty of a crime under the provisions of  
2 chapter 893, or similar laws of any other state, relating to  
3 controlled substances;

4 (e) Is committed as a substance abuser under chapter  
5 397, or is deemed a habitual offender under s. 856.011(3), or  
6 similar laws of any other state;

7 (f) Is convicted of a second violation of s. 316.193,  
8 or a similar law of another state, within 3 years of a  
9 previous conviction of such section, or similar law of another  
10 state, even though the first violation may have occurred prior  
11 to the date on which the application was submitted;

12 (g) Is adjudicated an incapacitated person under s.  
13 744.331, or similar laws of any other state; or

14 (h) Is committed to a mental institution under chapter  
15 394, or similar laws of any other state.

16 (11) No less than 90 days prior to the expiration date  
17 of the license, the Department of Agriculture and Consumer  
18 Services State shall mail to each licensee a written notice of  
19 the expiration and a renewal form prescribed by the Department  
20 of Agriculture and Consumer Services State. The licensee must  
21 renew his or her license on or before the expiration date by  
22 filing with the Department of Agriculture and Consumer  
23 Services State the renewal form containing a notarized  
24 affidavit stating that the licensee remains qualified pursuant  
25 to the criteria specified in subsections (2) and (3), a color  
26 photograph as specified in paragraph (5)(e), and the required  
27 renewal fee. Out-of-state residents must also submit a  
28 completed fingerprint card and fingerprint processing fee.  
29 The license shall be renewed upon receipt of the completed  
30 renewal form, color photograph, appropriate payment of fees,  
31 and, if applicable, a completed fingerprint card.

1 Additionally, a licensee who fails to file a renewal  
2 application on or before its expiration date must renew his or  
3 her license by paying a late fee of \$15. No license shall be  
4 renewed 6 months or more after its expiration date, and such  
5 license shall be deemed to be permanently expired. A person  
6 whose license has been permanently expired may reapply for  
7 licensure; however, an application for licensure and fees  
8 pursuant to subsection (5) must be submitted, and a background  
9 investigation shall be conducted pursuant to the provisions of  
10 this section. Persons who knowingly file false information  
11 pursuant to this subsection shall be subject to criminal  
12 prosecution under s. 837.06.

13 (12) No license issued pursuant to this section shall  
14 authorize any person to carry a concealed weapon or firearm  
15 into any place of nuisance as defined in s. 823.05; any  
16 police, sheriff, or highway patrol station; any detention  
17 facility, prison, or jail; any courthouse; any courtroom,  
18 except that nothing in this section would preclude a judge  
19 from carrying a concealed weapon or determining who will carry  
20 a concealed weapon in his or her courtroom; any polling place;  
21 any meeting of the governing body of a county, public school  
22 district, municipality, or special district; any meeting of  
23 the Legislature or a committee thereof; any school, college,  
24 or professional athletic event not related to firearms; any  
25 school administration building; any portion of an  
26 establishment licensed to dispense alcoholic beverages for  
27 consumption on the premises, which portion of the  
28 establishment is primarily devoted to such purpose; any  
29 elementary or secondary school facility; any area technical  
30 center; any college or university facility unless the licensee  
31 is a registered student, employee, or faculty member of such

1 college or university and the weapon is a stun gun or  
2 nonlethal electric weapon or device designed solely for  
3 defensive purposes and the weapon does not fire a dart or  
4 projectile; inside the passenger terminal and sterile area of  
5 any airport, provided that no person shall be prohibited from  
6 carrying any legal firearm into the terminal, which firearm is  
7 encased for shipment for purposes of checking such firearm as  
8 baggage to be lawfully transported on any aircraft; or any  
9 place where the carrying of firearms is prohibited by federal  
10 law. Any person who willfully violates any provision of this  
11 subsection commits a misdemeanor of the second degree,  
12 punishable as provided in s. 775.082 or s. 775.083.

13 (13) All moneys collected by the department pursuant  
14 to this section shall be deposited in the Division of  
15 Licensing Trust Fund, and the Legislature shall appropriate  
16 from the fund those amounts deemed necessary to administer the  
17 provisions of this section. All revenues collected, less  
18 those costs determined by the Department of Agriculture and  
19 Consumer Services ~~State~~ to be nonrecurring or one-time costs,  
20 shall be deferred over the 3-year licensure period.  
21 Notwithstanding the provisions of s. 493.6117, all moneys  
22 collected pursuant to this section shall not revert to the  
23 General Revenue Fund; however, this shall not abrogate the  
24 requirement for payment of the service charge imposed pursuant  
25 to chapter 215.

26 (14) All funds received by the sheriff pursuant to the  
27 provisions of this section shall be deposited into the general  
28 revenue fund of the county and shall be budgeted to the  
29 sheriff.

30 (15) The Legislature finds as a matter of public  
31 policy and fact that it is necessary to provide statewide



1 uniform standards for issuing licenses to carry concealed  
2 weapons and firearms for self-defense and finds it necessary  
3 to occupy the field of regulation of the bearing of concealed  
4 weapons or firearms for self-defense to ensure that no honest,  
5 law-abiding person who qualifies under the provisions of this  
6 section is subjectively or arbitrarily denied his or her  
7 rights. The Department of Agriculture and Consumer Services  
8 ~~State~~ shall implement and administer the provisions of this  
9 section. The Legislature does not delegate to the Department  
10 of Agriculture and Consumer Services ~~State~~ the authority to  
11 regulate or restrict the issuing of licenses provided for in  
12 this section, beyond those provisions contained in this  
13 section. Subjective or arbitrary actions or rules which  
14 encumber the issuing process by placing burdens on the  
15 applicant beyond those sworn statements and specified  
16 documents detailed in this section or which create  
17 restrictions beyond those specified in this section are in  
18 conflict with the intent of this section and are prohibited.  
19 This section shall be liberally construed to carry out the  
20 constitutional right to bear arms for self-defense. This  
21 section is supplemental and additional to existing rights to  
22 bear arms, and nothing in this section shall impair or  
23 diminish such rights.

24 (16) The Department of Agriculture and Consumer  
25 Services ~~State~~ shall maintain statistical information on the  
26 number of licenses issued, revoked, suspended, and denied.

27 (17) As amended by chapter 87-24, Laws of Florida,  
28 this section shall be known and may be cited as the "Jack  
29 Hagler Self Defense Act."

30 Section 11. Subsection (5) of section 316.515, Florida  
31 Statutes, is amended to read:

1           316.515 Maximum width, height, length.--  
2           (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,  
3 SAFETY REQUIREMENTS.--Notwithstanding any other provisions of  
4 law, straight trucks and cotton module movers, not exceeding  
5 50 feet in length, or any combination of up to and including  
6 three implements of husbandry including the towing power unit,  
7 and any single agricultural trailer, with a load thereon not  
8 exceeding 130 inches in width, is authorized for the purpose  
9 of transporting peanuts, grains, soybeans, cotton, hay, straw,  
10 or other perishable farm products from their point of  
11 production to the first point of change of custody or of  
12 long-term storage, and for the purpose of returning to such  
13 point of production, by a person engaged in the production of  
14 any such product or custom hauler, if such vehicle or  
15 combination of vehicles otherwise complies with this section.  
16 Such vehicles shall be operated in accordance with all safety  
17 requirements prescribed by law and Department of  
18 Transportation rules. The Department of Transportation may  
19 issue overlength permits for cotton module movers greater than  
20 50 feet but not more than 55 feet in overall length.

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

23           370.31 Commercial production of sturgeon.--

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

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

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

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

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

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

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

14 (f) One representative from a private nonprofit  
15 organization involved in sturgeon production work, to be  
16 appointed by the Commissioner of Agriculture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 388.281 Use of state matching funds.--

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

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

8 Section 15. Subsection (6) of section 388.361, Florida  
9 Statutes, is amended, and subsection (7) is added to that  
10 section, to read:

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

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

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

1           Section 16. Section 388.45, Florida Statutes, is  
2 amended to read:

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

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



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

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

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

27 403.067 Establishment and implementation of total  
28 maximum daily loads.--

29 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

30 (a) The department shall not implement, without prior  
31 legislative approval, any additional regulatory authority

1 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part  
2 130, if such implementation would result in water quality  
3 discharge regulation of activities not currently subject to  
4 regulation.

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

13 Section 18. Paragraph (k) is added to subsection (12)  
14 of section 403.707, Florida Statutes, to read:

15 403.707 Permits.--

16 (12) The department shall establish a separate  
17 category for solid waste management facilities which accept  
18 only construction and demolition debris for disposal or  
19 recycling. The department shall establish a reasonable  
20 schedule for existing facilities to comply with this section  
21 to avoid undue hardship to such facilities. However, a  
22 permitted solid waste disposal unit which receives a  
23 significant amount of waste prior to the compliance deadline  
24 established in this schedule shall not be required to be  
25 retrofitted with liners or leachate control systems.  
26 Facilities accepting materials defined in s. 403.703(17)(b)  
27 must implement a groundwater monitoring system adequate to  
28 detect contaminants that may reasonably be expected to result  
29 from such disposal prior to the acceptance of those materials.

30 (k) Brazilian pepper and other invasive exotic plant  
31 species as designated by the department resulting from

1 eradication projects may be processed at permitted  
2 construction and demolition debris recycling facilities or  
3 disposed of at permitted construction and demolition debris  
4 disposal facilities or Class III facilities. The department  
5 may adopt rules to implement this paragraph.

6 Section 19. Paragraph (e) of subsection (3) of section  
7 403.709, Florida Statutes, is amended to read:

8 403.709 Solid Waste Management Trust Fund; use of  
9 waste tire fee moneys; waste tire site management.--

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

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

29 Section 20. Section 482.227, Florida Statutes, is  
30 amended to read:

31 482.227 Guarantees and warranties.--

1           (1) The Legislature finds that the terms "guarantee"  
2 and "warranty" are common in contracts for the treatment of  
3 wood-destroying organisms and intends to clarify that the  
4 purpose of this section is to assure that the consumer  
5 understands whether a contract contains a "guarantee" or  
6 "warranty" for repair and retreatment or for retreatment only  
7 or contains no guarantee. Unless the contract for treatment of  
8 wood-destroying organisms indicates conspicuously on the front  
9 page whether the guarantee or warranty is for repair and  
10 retreatment or for retreatment only or that no guaranty or  
11 warranty is offered, the term "guarantee" or "warranty" may be  
12 used in a contract for treatment of wood-destroying organisms  
13 only in the following circumstances:

14           (a) If the licensee promises to repair ~~restore~~ any  
15 property damaged by wood-destroying organisms during a  
16 specified period after the treatment, the term "full" or  
17 "unlimited" must be used together with the term "guarantee" or  
18 "warranty" wherever that term occurs other than in a  
19 disclaimer under subsection (2).

20           (b) If the licensee promises only to provide  
21 additional treatment if infestation occurs during a specified  
22 period after treatment, the term "limited" must be used with  
23 the term "guarantee" or "warranty" wherever that term occurs  
24 other than in a disclaimer under subsection (2).

25           (c) If the licensee does not promise to repair ~~restore~~  
26 the property or provide additional treatment, the term  
27 "guarantee" or "warranty" may not be used except in a  
28 disclaimer under subsection (2).

29           (2) A disclaimer indicating that no guarantee or  
30 warranty is offered under the contract ~~Any statement~~  
31

1 ~~disclaiming an expressed or implied guarantee or warranty~~ must  
2 appear in conspicuous type on the face of the contract.

3 Section 21. Effective October 1, 2003, section  
4 482.227, Florida Statutes, as amended by this act, is amended  
5 to read:

6 482.227 Guarantees and warranties; contracts executed  
7 after October 1, 2003.--

8 (1) The Legislature finds that the terms "guarantee"  
9 and "warranty" are common in contracts for the treatment of  
10 wood-destroying organisms, ~~and intends to clarify that~~ The  
11 purpose of this section is to assure that contract language  
12 describing the consumer understands whether a contract  
13 contains a "guarantee" or "warranty" is clear and easily  
14 identifiable for the protection of consumers and licensees for  
15 repair and retreatment or for retreatment only or contains no  
16 guarantee. Therefore the following provisions shall apply to  
17 each new contract for the treatment of wood-destroying  
18 organisms issued by the licensee and signed by the customer  
19 after October 1, 2003.~~Unless the contract for treatment of~~  
20 ~~wood-destroying organisms indicates conspicuously on the front~~  
21 ~~page whether the guarantee or warranty is for repair and~~  
22 ~~re-treatment or for re-treatment only or that no guaranty or~~  
23 ~~warranty is offered, the term "guarantee" or "warranty" may be~~  
24 ~~used in a contract for treatment of wood-destroying organisms~~  
25 ~~only in the following circumstances:~~

26 (a) ~~If the licensee promises to repair any property~~  
27 ~~damaged by wood-destroying organisms during a specified period~~  
28 ~~after the treatment, the term "full" or "unlimited" must be~~  
29 ~~used together with the term "guarantee" or "warranty" wherever~~  
30 ~~that term occurs other than in a disclaimer under subsection~~  
31 ~~(2).~~

1 ~~(b) If the licensee promises only to provide~~  
2 ~~additional treatment if infestation occurs during a specified~~  
3 ~~period after treatment, the term "limited" must be used with~~  
4 ~~the term "guarantee" or "warranty" wherever that term occurs~~  
5 ~~other than in a disclaimer under subsection (2).~~

6 ~~(c) If the licensee does not promise to repair the~~  
7 ~~property or provide additional treatment, the term "guarantee"~~  
8 ~~or "warranty" may not be used except in a disclaimer under~~  
9 ~~subsection (2).~~

10 (2) Any contract for treatment of wood-destroying  
11 organisms must specify on the first page in bold print that it  
12 is offered for repair and retreatment or for retreatment only  
13 or that no warranty or guarantee is offered.~~A disclaimer~~  
14 ~~indicating that no guarantee or warranty is offered under the~~  
15 ~~contract must appear in conspicuous type on the face of the~~  
16 ~~contract.~~

17 (3) The contract for treatment of wood-destroying  
18 organisms must specify on the first page in bold print whether  
19 there are any disclaimers, limitations, conditions, or  
20 exclusions on the licensee's obligation to repair or re-treat  
21 the property. Contract sections describing disclaimers,  
22 limitations, conditions, or exclusions applicable to the  
23 licensee's obligation to repair or retreat the property must  
24 contain headings in bold print.

25 (4) If a contract for treatment of wood-destroying  
26 organisms contains a disclaimer, limitation, condition, or  
27 exclusion applicable to the licensee's obligation to repair or  
28 retreat the property, the term "full" or "unlimited" may not  
29 be used together with the term "guarantee" or "warranty."

30 Section 22. It is the intent of the Legislature to  
31 phase in the requirements set forth in section 11 to provide

1 that the requirements of section 482.227, Florida Statutes, as  
2 amended by section 11 apply only to contracts for the  
3 treatment of wood-destroying organisms issued by the licensee  
4 and signed by the customer on or after October 1, 2003.

5 Section 23. Subsection (3) of section 482.2401,  
6 Florida Statutes, is amended to read:

7 482.2401 Disposition and use of revenues from fees and  
8 fines.--

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

17 Section 24. Section 482.243, Florida Statutes, is  
18 created to read:

19 482.243 Pest Control Enforcement Advisory Council.--

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

30 (2) The council shall consist of 11 members as  
31 follows: a representative of the department; a citizen not

1 involved in the conduct of pest control; a state university  
2 urban entomologist; and eight persons each holding a pest  
3 control operator's certificate issued under s. 482.111, of  
4 whom two shall be actively involved in termite control, two  
5 shall be actively involved in general household pest control,  
6 two shall be actively involved in structural fumigation, and  
7 two shall be actively involved in lawn and landscape pest  
8 control. Each member shall be appointed for a term of 4 years  
9 and shall serve until a successor is appointed.

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

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

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

28 (6) The meetings, powers and duties, procedures,  
29 recordkeeping, and reimbursement of expenses of members of the  
30 council shall be in accordance with the provisions of s.  
31



1 570.0705 relating to advisory committees established within  
2 the department.

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

17 Section 25. Subsection (2) of section 487.041, Florida  
18 Statutes, is amended to read:

19 487.041 Registration.--

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

30 Section 26. Subsection (6) is added to section  
31 500.121, Florida Statutes, to read:

1           500.121 Disciplinary procedures.--  
2           (6) If the department determines that a food offered  
3 in a food establishment is labeled with nutrient claims that  
4 are in violation of this chapter, the department shall retest  
5 or reexamine the product within 90 days after notification to  
6 the manufacturer and to the firm at which the product was  
7 collected. If the product is again found in violation, the  
8 department shall test or examine the product for a third time  
9 within 60 days after the second notification. The product  
10 manufacturer shall reimburse the department for the cost of  
11 the third test or examination. If the product is found in  
12 violation for a third time, the department shall exercise its  
13 authority under s. 500.172 and issue a stop-sale or stop-use  
14 order. The department may impose additional sanctions for  
15 violations of this subsection.

16           Section 27. Subsection (3) is added to section  
17 500.148, Florida Statutes, to read:

18           500.148 Reports and dissemination of information.--  
19           (3) Upon request of a food establishment, the  
20 department may issue a report certifying that the requesting  
21 food establishment currently complies with the sanitation and  
22 permitting requirements of this chapter and the rules  
23 promulgated thereunder. Such certification may be requested  
24 for the purpose of exporting food to a foreign country. The  
25 department is authorized to recover the cost associated with  
26 carrying out the provisions of this subsection, the amount of  
27 which shall be set by rule.

28           Section 28. Subsection (8) is added to section  
29 501.160, Florida Statutes, to read:

30  
31

1           501.160 Rental or sale of essential commodities during  
2 a declared state of emergency; prohibition against  
3 unconscionable prices.--

4           (8) Any violation of this section may be enforced by  
5 the Department of Agriculture and Consumer Services, the  
6 office of the state attorney, or the Department of Legal  
7 Affairs.

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

10           570.07 Department of Agriculture and Consumer  
11 Services; functions, powers, and duties.--The department shall  
12 have and exercise the following functions, powers, and duties:

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

20           Section 30. Subsection (8) of section 573.124, Florida  
21 Statutes, is amended to read:

22           573.124 Penalties; violation; hearings.--

23           (8) It shall be a felony of the third degree  
24 ~~misdemeanor of the second degree~~, punishable as provided in s.  
25 775.082 or s. 775.083, for:

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

30           (b) Any person engaged in the handling of any  
31 agricultural commodity or in the wholesale or retail trade

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

7 Section 31. Section 581.091, Florida Statutes, is  
8 amended to read:

9 581.091 Noxious weeds and infected plants or regulated  
10 articles; sale or distribution; receipt; information to  
11 department; withholding information.--

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

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

28 (3) It is unlawful for any person to fail to disclose  
29 or withhold available information regarding any infected or  
30 infested plant, plant product, regulated article, or noxious  
31 weed.

1           (4) The department, in conjunction with the Institute  
2 of Food and Agricultural Sciences at the University of  
3 Florida, shall biennially review the official state lists of  
4 noxious weeds and invasive plants as provided for under this  
5 chapter and department rules. The plants listed in s. 369.251  
6 shall be incorporated into the department lists as provided  
7 for under this chapter. A water management district when  
8 identifying by rule pursuant to s. 373.185, or a local  
9 government when identifying by ordinance or regulation adopted  
10 on or after March 1, 2002, a list of noxious weeds, invasive  
11 plants, or plants deemed to be a public nuisance or threat,  
12 shall only adopt the lists developed under this chapter or  
13 rules adopted thereunder. All local government ordinances or  
14 regulations, adopted prior to March 1, 2002, that list noxious  
15 weeds or invasive plants shall remain in effect. All local  
16 ordinances or regulations requiring the removal of invasive  
17 plants or noxious weeds from publicly or privately owned  
18 conservation areas or preserves shall be exempt from the  
19 limitations in this subsection.

20           Section 32. Subsection (5) of section 585.002, Florida  
21 Statutes, is amended to read:

22           585.002 Department control; continuance of powers,  
23 duties, rules, orders, etc.--

24           (5) The department shall, by rule, establish a fee  
25 schedule to cover the approximate costs associated with  
26 carrying out the provisions of this chapter. This shall  
27 include establishment of fees for provision of health forms,  
28 required certificates, certifications, permits, quality  
29 assurance programs,and services. No individual fee shall  
30 exceed \$200, except that the fee for carrying out the  
31 quarantine requirements relating to horses imported from

1 countries where contagious equine metritis exists shall not  
2 exceed \$1,500. These fees shall be deposited in the  
3 department's General Inspection Trust Fund.

4 Section 33. Subsection (5) is added to section 585.08,  
5 Florida Statutes, to read:

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

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

14 Section 34. Section 585.09, Florida Statutes, is  
15 amended to read:

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

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

10 Section 35. Section 585.10, Florida Statutes, is  
11 repealed.

12 Section 36. Section 585.11, Florida Statutes, is  
13 amended to read:

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

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

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

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

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

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

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

19           Section 37. Subsection (1) of section 585.21, Florida  
20 Statutes, is amended to read:

21           585.21 Sale of biological products.--

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

28           Section 38. Subsection (3) of section 585.61, Florida  
29 Statutes, is amended to read:

30           585.61 Animal disease diagnostic laboratories.--

31



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

13           Section 39. Subsections (1) and (5) of section 590.02,  
14 Florida Statutes, are amended to read:

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

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

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

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

25           (c) To provide firefighting crews, who shall be under  
26 the control and direction of the division and its designated  
27 agents;

28           (d) To appoint center managers, forest area  
29 supervisors, forestry program administrators, a forest  
30 protection bureau chief, a forest protection assistant bureau  
31 chief, a field operations bureau chief, deputy chiefs of field

1 operations, district managers, senior forest rangers,  
2 investigators, forest rangers, firefighter rotorcraft pilots,  
3 and other employees who may, at the division's discretion, be  
4 certified as forestry firefighters pursuant to s. 633.35(4).

5 Other provisions of law notwithstanding, center managers,  
6 district managers, forest protection assistant bureau chief,  
7 and deputy chiefs of field operations shall have Selected  
8 Exempt Service status in the state personnel designation;

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

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

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

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

25 (5) The division shall organize its operational units  
26 to most effectively prevent, detect, and suppress wildfires,  
27 and to that end, may employ the necessary personnel to manage  
28 its activities in each unit. The division may construct  
29 lookout towers, roads, bridges, firelines, and other  
30 facilities and may purchase or fabricate tools, supplies, and  
31 equipment for firefighting. The division may reimburse the

1 public and private entities that it engages to assist in the  
2 suppression of wildfires for their personnel and equipment,  
3 including aircraft.

4 (a) The Cross City Work Center shall be named the L.  
5 Earl Peterson Forestry Station. This is to honor Mr. L. Earl  
6 Peterson. Florida's sixth state forester, whose distinguished  
7 career in state government has spanned 44 years and who is a  
8 native of Dixie County.

9 Section 40. Section 590.11, Florida Statutes, is  
10 amended to read:

11 590.11 Recreational fires.--

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

15 (2) Anyone who violates this section commits a  
16 misdemeanor of the second degree, punishable as provided in s.  
17 775.082 or s. 775.083.

18 Section 41. Paragraph (b) of subsection (3) and  
19 subsections (4) and (5) of section 590.125, Florida Statutes,  
20 are amended to read:

21 590.125 Open burning authorized by the division.--

22 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS  
23 AND PURPOSE.--

24 (b) Certified prescribed burning pertains only to  
25 broadcast burning. It must be conducted in accordance with  
26 this subsection and:

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

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

1           3. Requires that the specific consent of the landowner  
2 or his or her designee be obtained before requesting an  
3 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           6. Is considered to be in the public interest and does  
10 not constitute a public or private nuisance when conducted  
11 under applicable state air pollution statutes and rules.

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

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

22           (a) Describe the areas that will receive fuels  
23 treatment ~~be prescribe burned~~ to the affected local  
24 governmental entity.

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

30           (c) Prepare, and the county tax collector shall  
31 include with the annual tax statement, a notice to be sent to

1 all landowners in each township designated by the division as  
2 a wildfire hazard area. The notice must describe particularly  
3 the area to be treated ~~burned~~ and the tentative date or dates  
4 of the treatment ~~burning~~ and must list the reasons for and the  
5 expected benefits from the wildfire hazard reduction  
6 ~~prescribed burning~~.

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

21 (5) DUTIES OF AGENCIES.--The Department of Education  
22 shall incorporate, where feasible and appropriate, the issues  
23 of fuels treatment, including ~~prescribed burning~~ into its  
24 educational materials.

25 Section 42. Subsection (4) is added to section  
26 597.020, Florida Statutes, to read:

27 597.020 Shellfish processors; regulation.--

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

31

1           Section 43. Paragraph (a) of subsection (7) and  
2 paragraph (a) of subsection (14) of section 616.242, Florida  
3 Statutes, are amended to read:

4           616.242 Safety standards for amusement rides.--

5           (7) DEPARTMENT INSPECTIONS.--

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

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

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

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

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

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

9 Section 44. Subsection (8) of section 496.404, Florida  
10 Statutes, is amended to read:

11 496.404 Definitions.--As used in ss. 496.401-496.424:

12 (8) "Educational institutions" means those  
13 institutions and organizations described in s.  
14 212.08(7)(cc)8.a. The term includes private nonprofit  
15 organizations, the purpose of which is to raise funds for  
16 schools teaching grades kindergarten through grade 12,  
17 colleges, and universities, including any nonprofit newspaper  
18 of free or paid circulation primarily on university or college  
19 campuses which holds a current exemption from federal income  
20 tax under s. 501(c)(3) of the Internal Revenue Code, any  
21 educational television or radio network or system established  
22 pursuant to s. 229.805 or s. 229.8051, and any nonprofit  
23 television or radio station that is a part of such network or  
24 system and that holds a current exemption from federal income  
25 tax under s. 501(c)(3) of the Internal Revenue Code. The term  
26 also includes a nonprofit educational cable consortium that  
27 holds a current exemption from federal income tax under s.  
28 501(c)(3) of the Internal Revenue Code, whose primary purpose  
29 is the delivery of educational and instructional cable  
30 television programming and whose members are composed  
31 exclusively of educational organizations that hold a valid

1 consumer certificate of exemption and that are either an  
2 educational institution as defined in this subsection or  
3 qualified as a nonprofit organization pursuant to s. 501(c)(3)  
4 of the Internal Revenue Code.

5 Section 45. (1) The building known as the U.S.D.A.  
6 Service Center Building, located at 1700 Highway 17-98 South  
7 in Bartow is designated the John W. Hunt Building.

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

11 Section 46. Paragraph (a) of subsection (1) of section  
12 316.640, Florida Statutes, is amended to read:

13 316.640 Enforcement.--The enforcement of the traffic  
14 laws of this state is vested as follows:

15 (1) STATE.--

16 (a)1.a. The Division of Florida Highway Patrol of the  
17 Department of Highway Safety and Motor Vehicles, the Division  
18 of Law Enforcement of the Fish and Wildlife Conservation  
19 Commission, the Division of Law Enforcement of the Department  
20 of Environmental Protection, and law enforcement officers of  
21 the Department of Transportation each have authority to  
22 enforce all of the traffic laws of this state on all the  
23 streets and highways thereof and elsewhere throughout the  
24 state wherever the public has a right to travel by motor  
25 vehicle. The Division of the Florida Highway Patrol may employ  
26 as a traffic accident investigation officer any individual who  
27 successfully completes at least 200 hours of instruction in  
28 traffic accident investigation and court presentation through  
29 the Selective Traffic Enforcement Program as approved by the  
30 Criminal Justice Standards and Training Commission and funded  
31 through the National Highway Traffic Safety Administration or



1 a similar program approved by the commission, but who does not  
2 necessarily meet the uniform minimum standards established by  
3 the commission for law enforcement officers or auxiliary law  
4 enforcement officers under chapter 943. Any such traffic  
5 accident investigation officer who makes an investigation at  
6 the scene of a traffic accident may issue traffic citations,  
7 based upon personal investigation, when he or she has  
8 reasonable and probable grounds to believe that a person who  
9 was involved in the accident committed an offense under this  
10 chapter, chapter 319, chapter 320, or chapter 322 in  
11 connection with the accident. This paragraph does not permit  
12 the carrying of firearms or other weapons, nor do such  
13 officers have arrest authority other than for the issuance of  
14 a traffic citation as authorized in this paragraph.

15         b. University police officers shall have authority to  
16 enforce all of the traffic laws of this state when such  
17 violations occur on or about any property or facilities that  
18 are under the guidance, supervision, regulation, or control of  
19 the State University System, except that traffic laws may be  
20 enforced off-campus when hot pursuit originates on-campus.

21         c. Community college police officers shall have the  
22 authority to enforce all the traffic laws of this state only  
23 when such violations occur on any property or facilities that  
24 are under the guidance, supervision, regulation, or control of  
25 the community college system.

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

30         (I) An airport authority may employ as a parking  
31 enforcement specialist any individual who successfully

1 completes a training program established and approved by the  
2 Criminal Justice Standards and Training Commission for parking  
3 enforcement specialists but who does not otherwise meet the  
4 uniform minimum standards established by the commission for  
5 law enforcement officers or auxiliary or part-time officers  
6 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
7 construed to permit the carrying of firearms or other weapons,  
8 nor shall such parking enforcement specialist have arrest  
9 authority.

10 (II) A parking enforcement specialist employed by an  
11 airport authority is authorized to enforce all state, county,  
12 and municipal laws and ordinances governing parking only when  
13 such violations are on property or facilities owned or  
14 operated by the airport authority employing the specialist, by  
15 appropriate state, county, or municipal traffic citation.

16 e. The Office of Agricultural Law Enforcement of the  
17 Department of Agriculture and Consumer Services shall have the  
18 authority to enforce traffic laws of this state ~~only as~~  
19 ~~authorized by the provisions of chapter 570. However, nothing~~  
20 ~~in this section shall expand the authority of the Office of~~  
21 ~~Agricultural Law Enforcement at its agricultural inspection~~  
22 ~~stations to issue any traffic tickets except those traffic~~  
23 ~~tickets for vehicles illegally passing the inspection station.~~

24 f. School safety officers shall have the authority to  
25 enforce all of the traffic laws of this state when such  
26 violations occur on or about any property or facilities which  
27 are under the guidance, supervision, regulation, or control of  
28 the district school board.

29 2. An agency of the state as described in subparagraph  
30 1. is prohibited from establishing a traffic citation quota. A  
31

1 violation of this subparagraph is not subject to the penalties  
2 provided in chapter 318.

3           3. Any disciplinary action taken or performance  
4 evaluation conducted by an agency of the state as described in  
5 subparagraph 1. of a law enforcement officer's traffic  
6 enforcement activity must be in accordance with written  
7 work-performance standards. Such standards must be approved by  
8 the agency and any collective bargaining unit representing  
9 such law enforcement officer. A violation of this subparagraph  
10 is not subject to the penalties provided in chapter 318.

11           Section 47. Section 570.073, Florida Statutes, is  
12 amended to read:

13           570.073 Department of Agriculture and Consumer  
14 Services, law enforcement officers.--

15           (1) The commissioner may create an Office of  
16 Agricultural Law Enforcement under the supervision of a senior  
17 manager exempt under s. 110.205 in the Senior Management  
18 Service. The commissioner may designate law enforcement  
19 officers, as necessary, to enforce any criminal law or conduct  
20 any criminal investigation or to enforce the provisions of any  
21 statute or any other laws of this state. Officers appointed  
22 under this section shall have the primary responsibility for  
23 enforcing laws relating to agriculture and consumer services,  
24 as outlined in this section, and have jurisdiction over  
25 violations of law which threaten the overall security and  
26 safety of this state's agriculture and consumer services. The  
27 primary responsibilities of officers appointed under this  
28 section include the enforcement of ~~relating to any matter over~~  
29 ~~which the department has jurisdiction or which occurs on~~  
30 ~~property owned, managed, or occupied by the department. Those~~  
31 ~~matters include~~ laws relating to:

1 (a) Domesticated animals, including livestock,  
2 poultry, aquaculture products, and other wild or domesticated  
3 animals or animal products.

4 (b) Farms, farm equipment, livery tack, citrus or  
5 citrus products, or horticultural products.

6 (c) Trespass, littering, forests, forest fires, and  
7 open burning.

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

9 (e) Enforcement of a marketing order.

10 (f) Protection of consumers.

11 (g) Civil traffic offenses as provided for in state  
12 law chapters 316, 320, and 322, subject to the provisions of  
13 chapter 318, relating to any matter over which the department  
14 has jurisdiction or committed on property owned, managed, or  
15 occupied by the department.

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

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

21 (j) Any crime incidental to or related to paragraphs  
22 (a)-(i).

23 (k) The responsibilities of the Commissioner of  
24 Agriculture.

25 (2) Each law enforcement officer shall meet the  
26 qualifications of law enforcement officers under s. 943.13 and  
27 shall be certified as a law enforcement officer by the  
28 Department of Law Enforcement under the provisions of chapter  
29 943. Upon certification, each law enforcement officer is  
30 subject to and shall have the same arrest and other authority  
31 provided for law enforcement officers generally in chapter 901

1 and shall have statewide jurisdiction ~~as provided in~~  
2 ~~subsection (1)~~. Each officer shall also have arrest authority  
3 as provided for state law enforcement officers in s. 901.15 ~~s.~~  
4 ~~901.15(11)~~. Such officers have full law enforcement powers  
5 granted to other peace officers of this state, including the  
6 authority to make arrests, carry firearms, serve court  
7 process, and seize contraband and the proceeds of illegal  
8 activities.

9 (3) The commissioner may also appoint part-time,  
10 reserve, or auxiliary law enforcement officers under chapter  
11 943.

12 ~~(4)(3)~~ All department law enforcement officers, upon  
13 certification under s. 943.1395, shall have the same right and  
14 authority to carry arms as do the sheriffs of this state.

15 ~~(5)(4)~~ Each law enforcement officer in the state who  
16 is certified pursuant to chapter 943 has the same authority as  
17 law enforcement officers designated in this section to enforce  
18 the laws of this state as described in subsection (1).

19 Section 48. Paragraph (b) of subsection (5) of section  
20 570.71, Florida Statutes, is amended to read:

21 570.71 Conservation easements and agreements.--

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

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

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

16 Section 49. Subsection (3) of section 590.14, Florida  
17 Statutes, is amended to read:

18 590.14 Notice of violation; penalties.--

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

26 Section 50. Section 604.40, Florida Statutes, is  
27 created to read:

28 604.40 Farm equipment.--Notwithstanding any other law,  
29 ordinance, rule or policy to the contrary, all power-drawn,  
30 power-driven or self-propelled equipment used on a farm may be  
31 stored, maintained, or repaired by the owner within the

1 boundaries of the owner's farm and at least 50 feet away from  
2 any public road without limitation.

3 Section 51. Section 604.50, Florida Statutes, is  
4 amended to read:

5 604.50 Nonresidential farm buildings.--Notwithstanding  
6 any other law to the contrary, any nonresidential farm  
7 building ~~located on a farm~~ is exempt from the Florida Building  
8 Code and any county or municipal building code. For purposes  
9 of this section, the term "nonresidential farm building" means  
10 any building or support structure that is used for  
11 agricultural purposes, is located on a farm that is not used  
12 as a residential dwelling, and is located on land that is an  
13 integral part of a farm operation or is classified as  
14 agricultural land under s. 193.461. The term "farm" is as  
15 defined in s. 823.14.

16 Section 52. There is appropriated to the Department of  
17 Agriculture and Consumer Services from the General Inspection  
18 Trust Fund of the Division of Food Safety of the Department of  
19 Agriculture and Consumer Services, one position and \$73,671 to  
20 carry out the provisions of this act.

21 Section 53. Chapter 261, Florida Statutes, consisting  
22 of sections 261.01, 261.02, 261.03, 261.04, 261.05, 261.06,  
23 261.07, 261.08, 261.09, 261.10, 261.11, and 261.12, Florida  
24 Statutes, is created to read:

25 261.01 Short title.--This chapter may be cited as the  
26 "T. Mark Schmidt Off-Highway Vehicle Safety and Recreation  
27 Act."

28 261.02 Legislative findings and intent.--

29 (1) The Legislature finds that off-highway vehicles  
30 are becoming increasingly popular in this state and that the  
31 use of these vehicles should be controlled and managed to

1 minimize negative effects on the environment, wildlife  
2 habitats, native wildlife, and native flora and fauna.

3 (2) The Legislature declares that effectively managed  
4 areas and adequate facilities for the use of off-highway  
5 vehicles are compatible with this state's overall recreation  
6 plan and the underlying goal of multiple use.

7 (3) It is the intent of the Legislature that:

8 (a) Existing off-highway vehicle recreational areas,  
9 facilities, and opportunities be improved and appropriately  
10 expanded and be managed in a manner consistent with this  
11 chapter, in particular to maintain natural resources and  
12 sustained long-term use of off-highway vehicle trails and  
13 areas.

14 (b) New off-highway vehicle recreational areas,  
15 facilities, and opportunities be provided and managed pursuant  
16 to this chapter in a manner that will sustain both long-term  
17 use and the environment.

18 (4) Nothing contained within this chapter shall be  
19 construed to require the construction or maintenance of  
20 off-highway vehicle recreation areas, facilities, or trails on  
21 public lands where such construction or maintenance would be  
22 inconsistent with the property's management objectives or land  
23 management plan.

24 261.03 Definitions.--As used in this chapter, the  
25 term:

26 (1) "Advisory committee" means the Off-Highway Vehicle  
27 Recreation Advisory Committee created by s. 261.04.

28 (2) "ATV" means any motorized off-highway or  
29 all-terrain vehicle 50 inches or less in width, having a dry  
30 weight of 900 pounds or less, designed to travel on three or  
31 more low-pressure tires, having a seat designed to be



1 straddled by the operator and handlebars for steering control,  
2 and intended for use by a single operator with no passenger.

3 (3) "Department" means the Department of Agriculture  
4 and Consumer Services.

5 (4) "Division" means the Division of Forestry of the  
6 Department of Agriculture and Consumer Services.

7 (5) "OHM" or "off-highway motorcycle" means any motor  
8 vehicle used off the roads or highways of this state that has  
9 a seat or saddle for the use of the rider and is designed to  
10 travel with not more than two wheels in contact with the  
11 ground, but excludes a tractor or a moped.

12 (6) "Off-highway vehicle" means any ATV or OHM that is  
13 used off the roads or highways of this state for recreational  
14 purposes and that is not registered and licensed for highway  
15 use under chapter 320.

16 (7) "Program" means the Off-Highway Vehicle Recreation  
17 Program.

18 (8) "Public lands" means lands within the state that  
19 are available for public use and that are owned, operated, or  
20 managed by a federal, state, county, or municipal governmental  
21 entity.

22 (9) "System" means the off-highway vehicle recreation  
23 areas and trails on public lands within the state.

24 (10) "Trust fund" means the Incidental Trust Fund of  
25 the Division of Forestry of the Department of Agriculture and  
26 Consumer Services.

27 261.04 Off-Highway Vehicle Recreation Advisory  
28 Committee; members; appointment.--

29 (1) Effective July 1, 2003, the Off-Highway Vehicle  
30 Recreation Advisory Committee is created within the Division  
31 of Forestry and consists of nine members, all of whom are

1 appointed by the Commissioner of Agriculture. The appointees  
2 shall include one representative of the Department of  
3 Agriculture and Consumer Services, one representative of the  
4 Department of Highway Safety and Motor Vehicles, one  
5 representative of the Department of Environmental Protection's  
6 Office of Greenways and Trails, one representative of the Fish  
7 and Wildlife Conservation Commission, one citizen with  
8 scientific expertise in disciplines relating to ecology,  
9 wildlife biology, or other environmental sciences, one  
10 representative of a licensed off-highway vehicle dealer, and  
11 three representatives of off-highway vehicle recreation  
12 groups. In making these appointments, the commissioner shall  
13 consider the places of residence of the members to ensure  
14 statewide representation.

15 (2) The term of office of each member of the advisory  
16 committee is 2 years. The members first appointed shall  
17 classify themselves by lot so that the terms of four members  
18 expire June 30, 2005, and the terms of five members expire  
19 June 30, 2006.

20 (3) In case of a vacancy on the advisory committee,  
21 the commissioner shall appoint a successor member for the  
22 unexpired portion of the term.

23 (4) The members shall elect a chair among themselves  
24 who shall serve for 1 year or until a successor is elected.

25 (5) The members of the advisory committee shall serve  
26 without compensation, but shall be reimbursed for travel and  
27 per diem expenses as provided in s. 112.061, while in the  
28 performance of their official duties.

29 261.05 Duties and responsibilities of the Off-Highway  
30 Vehicle Recreation Advisory Committee.--

31

1           (1) The advisory committee shall establish policies to  
2 guide the department regarding the Off-Highway Vehicle  
3 Recreation Program and the system of off-highway vehicle  
4 recreation areas and trails.

5           (2) The advisory committee shall make recommendations  
6 to the department regarding off-highway vehicle safety and  
7 training and education programs in the operation of such  
8 vehicles.

9           (3) The advisory committee must be informed regarding  
10 all governmental activities affecting the program.

11           (4) The advisory committee must be informed regarding  
12 off-highway vehicle impacts and effects on the environment,  
13 wildlife habitats, and native flora and fauna and shall make  
14 recommendations to avoid or minimize adverse environmental  
15 impacts and promote sustained long-term use.

16           (5) The advisory committee must be fully informed  
17 regarding the inventory of off-highway vehicle access and  
18 opportunities.

19           (6) The advisory committee shall meet at various times  
20 and locations throughout the state to receive public comments  
21 on the implementation of the program and shall take these  
22 public comments into consideration when making its  
23 recommendations.

24           (7) The advisory committee shall review and make  
25 recommendations annually regarding the department's proposed  
26 budget of expenditures from the designated off-highway vehicle  
27 funds in the trust fund, which may include providing funds to  
28 match grant funds available from other sources.

29           (8) The advisory committee shall make recommendations  
30 regarding all capital outlay expenditures from the trust fund  
31 proposed for inclusion in the budget and shall identify

1 additional funding sources for management, enforcement,  
2 education, rehabilitation, and other duties of the land  
3 management agencies related to the system.

4 (9) The advisory committee shall review grant  
5 applications submitted by any governmental agency or entity or  
6 nongovernmental entity requesting moneys from the trust fund  
7 to create, operate, manage, or improve off-highway vehicle  
8 recreation areas or trails within the state, protect and  
9 restore affected natural areas in the system, or provide  
10 off-highway vehicle driver education. The advisory committee  
11 shall recommend to the department approval or denial of such  
12 grant applications based upon criteria established by the  
13 advisory committee.

14 261.06 Functions, duties, and responsibilities of the  
15 department.--The following are functions, duties, and  
16 responsibilities of the department through the division:

17 (1) Coordination of the planning, development,  
18 conservation, and rehabilitation of state lands in and for the  
19 system.

20 (2) Coordination of the management, maintenance,  
21 administration, and operation of state lands in the system and  
22 the provision of law enforcement and appropriate public safety  
23 activities.

24 (3) Management of the trust fund and approval of the  
25 advisory committee's budget recommendations.

26 (4) Implementation of the program, including the  
27 ultimate approval of grant applications submitted by  
28 governmental agencies or entities or nongovernmental entities.

29 (5) Coordination to help ensure compliance with  
30 environmental laws and regulations of the program and lands in  
31 the system.

1           (6) Implementation of the policies established by the  
2 advisory committee.

3           (7) Provision of staff assistance to the advisory  
4 committee.

5           (8) Preparation of plans for lands in, or proposed to  
6 be included in, the system.

7           (9) Conducting surveys and the preparation of studies  
8 as are necessary or desirable for implementing the program.

9           (10) Recruitment and utilization of volunteers to  
10 further the program.

11           (11) Rulemaking authority to implement the provisions  
12 of ss. 261.01-261.10.

13           (12) In consultation with the Department of  
14 Environmental Protection, the Fish and Wildlife Conservation  
15 Commission, the environmental community, and the off-highway  
16 vehicle industry and user groups, review of the inventory of  
17 public lands to determine the feasibility of providing public  
18 access for off-highway vehicle recreation and trails. The  
19 department shall provide a report to the Governor and the  
20 presiding officers of the Legislature by January 1, 2003. The  
21 report must include at least two appropriate locations for  
22 public access for off-highway vehicle recreational use and the  
23 applicable cost of providing each facility. The cost section  
24 of the report shall fully explain the fiscal approach of  
25 renovating, maintaining, and operating each site and include a  
26 recommended fee structure to support the ongoing maintenance  
27 and operation of the program. The report shall also include  
28 the benefits and risks of offering each site for off-highway  
29 vehicle recreational use. The recommendations contained within  
30 the report shall be implemented to the extent enacted or

31

1 appropriated by the Legislature. This subsection shall expire  
2 July 1, 2003.

3 261.07 Publication and distribution of guidebook;  
4 contents.--In consultation with the advisory committee, the  
5 department shall publish a guidebook that includes the text of  
6 this chapter, other laws and regulations relating to the  
7 program, and maps of areas and trails of the system. The  
8 guidebook may include other public areas, trails, and  
9 facilities for the use of off-highway vehicles. The guidebook  
10 must include information regarding the responsibilities of  
11 users of the system and must set forth pertinent laws, rules,  
12 and regulations including particular provisions and other  
13 information intended to prevent trespass and damage to public  
14 or private property. The guidebook must be prepared at minimal  
15 cost to facilitate the broadest possible distribution and must  
16 be available for distribution no later than October 1, 2003.

17 261.08 Repair, maintenance, and rehabilitation of  
18 areas, trails, and lands.--

19 (1) The protection of public safety, the appropriate  
20 use of lands in the system, and the conservation of the  
21 environment, wildlife habitats, native wildlife, and native  
22 flora and fauna in the system are of the highest priority in  
23 the management of the system. Accordingly, the public land  
24 managing agency shall avoid or minimize adverse impacts to the  
25 environment, promptly repair and continuously maintain areas  
26 and trails, anticipate and prevent accelerated erosion, and  
27 rehabilitate lands to the extent damaged by off-highway  
28 vehicle use in accordance with the management plans of the  
29 public land managing agency.

30 (2) The public land managing agency shall monitor the  
31 condition of soils and wildlife habitat in each area of the

1 system to determine whether there is compliance with  
2 applicable environmental laws and regulations and shall take  
3 appropriate action as necessary.

4 (3) The public land managing agency may regulate or  
5 prohibit, when necessary, the use of off-highway vehicles on  
6 the public lands of the state in order to prevent damage or  
7 destruction to said lands.

8 261.09 Contracts and agreements.--The public land  
9 managing agency may contract with private persons or entities  
10 and enter into cooperative agreements with other public  
11 agencies for the care and maintenance of lands in the system,  
12 including contracts for law enforcement services with public  
13 agencies having law enforcement powers.

14 261.10 Criteria for recreation areas and  
15 trails.--Publicly owned or operated off-highway vehicle  
16 recreation areas and trails shall be designated and maintained  
17 for recreational travel by off-highway vehicles. These areas  
18 and trails need not be generally suitable or maintained for  
19 normal travel by conventional two-wheel-drive vehicles and  
20 should not be designated as recreational footpaths. State  
21 off-highway vehicle recreation areas and trails must be  
22 selected and managed in accordance with this chapter.

23 261.11 Penalties.--No off-highway vehicle may be  
24 operated upon the public roads, streets, or highways of this  
25 state, except as otherwise permitted by the managing local,  
26 state, or federal agency. A violation of this section is a  
27 noncriminal traffic infraction, punishable as provided in  
28 chapter 318.

29 261.12 Designated off-highway vehicle funds within the  
30 Incidental Trust Fund of the Division of Forestry of the  
31 Department of Agriculture and Consumer Services.--

1           (1) The designated off-highway vehicle funds of the  
2 trust fund shall consist of deposits from the following  
3 sources:

4           (a) Fees paid to the Department of Highway Safety and  
5 Motor Vehicles for the titling of off-highway vehicles.

6           (b) Revenues and income from any other sources  
7 required by law or as appropriated by the Legislature to be  
8 deposited into the trust fund as designated off-highway  
9 vehicle funds.

10           (c) Donations from private sources that are designated  
11 as off-highway vehicle funds.

12           (d) Interest earned on designated off-highway vehicle  
13 funds on deposit in the trust fund.

14           (2) Designated off-highway vehicle funds in the trust  
15 fund shall be available for recommended allocation by the  
16 Off-Highway Vehicle Recreation Advisory Committee and the  
17 Department of Agriculture and Consumer Services and upon  
18 annual appropriation by the Legislature, exclusively for the  
19 following:

20           (a) Implementation of the Off-Highway Vehicle  
21 Recreation Program by the Department of Agriculture and  
22 Consumer Services, which includes personnel and other related  
23 expenses; administrative and operating expenses; expenses  
24 related to safety, training, rider education programs,  
25 management, maintenance, and rehabilitation of lands in the  
26 Off-Highway Vehicle Recreation Program's system of lands and  
27 trails; and, if funds are available, acquisition of lands to  
28 be included in the system and the management, maintenance, and  
29 rehabilitation of such lands.

30           (b) Approved grants to governmental agencies or  
31 entities or nongovernmental entities that wish to provide or



1 improve off-highway vehicle recreation areas or trails for  
2 public use on public lands, provide environmental protection  
3 and restoration to affected natural areas in the system,  
4 provide enforcement of applicable regulations related to the  
5 system and off-highway vehicle activities, or provide  
6 education in the operation of off-highway vehicles.

7 (c) Matching funds to be used to match grant funds  
8 available from other sources.

9 (3) Notwithstanding s. 216.301 and pursuant to s.  
10 216.351, any balance of designated off-highway vehicle funds  
11 in the trust fund at the end of any fiscal year shall remain  
12 therein and shall be available for the purposes set out in  
13 this section and as otherwise provided by law.

14 Section 54. Section 316.2074, Florida Statutes, is  
15 amended to read:

16 316.2074 All-terrain vehicles.--

17 (1) It is the intent of the Legislature, through the  
18 adoption of this section to provide safety protection for  
19 minors while operating an all-terrain vehicle in this state.

20 (2) As used in this section, the term "all-terrain  
21 vehicle" means any motorized off-highway vehicle 50 inches  
22 ~~(1270 mm)~~ or less in width, having a dry weight of 900 ~~600~~  
23 ~~pounds(273 kg)~~ or less, designed to travel ~~traveling~~ on three  
24 or more low-pressure tires, ~~designed for operator use only~~  
25 ~~with no passengers,~~ having a seat ~~or saddle~~ designed to be  
26 straddled by the operator, ~~and having~~ handlebars for steering  
27 control, and intended for use by a single operator with no  
28 passenger.

29 (3) No person under 16 years of age shall operate,  
30 ride, or be otherwise propelled on an all-terrain vehicle

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1 unless the person wears a safety helmet meeting United States  
2 Department of Transportation standards and eye protection.

3 (4) If a crash results in the death of any person or  
4 in the injury of any person which results in treatment of the  
5 person by a physician, the operator of each all-terrain  
6 vehicle involved in the crash shall give notice of the crash  
7 pursuant to s. 316.066.

8 (5) Except as provided in this section, an all-terrain  
9 vehicle may not be operated upon the public roads, streets, or  
10 highways of this state, except as otherwise permitted by the  
11 managing state or federal agency.

12 ~~(6)(5)~~ An all-terrain vehicle having four wheels may  
13 be used by police officers on public beaches designated as  
14 public roadways for the purpose of enforcing the traffic laws  
15 of the state. All-terrain vehicles may also be used by the  
16 police to travel on public roadways within 5 miles of beach  
17 access only when getting to and from the beach.

18 (7) An all-terrain vehicle having four wheels may be  
19 used by law enforcement officers on public roads within public  
20 lands while in the course and scope of their duties.

21 ~~(8)(6)~~ A violation of this section is a noncriminal  
22 traffic infraction, punishable as a nonmoving violation as  
23 provided in chapter 318.

24 Section 55. Short title.--Sections 55 through 67 of  
25 this act may be cited as the "Florida Off-Highway Vehicle  
26 Titling Act."

27 Section 56. Legislative intent.--It is the intent of  
28 the Legislature that all off-highway vehicles purchased after  
29 the effective date of this act and all off-highway vehicles  
30 operated on public lands be titled and issued a certificate of  
31 title to allow for easy determination of ownership.

1           Section 57. Definitions.--As used in sections 55  
2 through 67, the term:

3           (1) "ATV" means any motorized off-highway or  
4 all-terrain vehicle 50 inches or less in width, having a dry  
5 weight of 900 pounds or less, designed to travel on three or  
6 more low-pressure tires, having a seat designed to be  
7 straddled by the operator and handlebars for steering control,  
8 and intended for use by a single operator and with no  
9 passenger.

10           (2) "Dealer" means any person authorized by the  
11 Department of Revenue to buy, sell, resell, or otherwise  
12 distribute off-highway vehicles. Such person must have a valid  
13 sales tax certificate of registration issued by the Department  
14 of Revenue and a valid commercial or occupational license  
15 required by any county, municipality, or political subdivision  
16 of the state in which the person operates.

17           (3) "Department" means the Department of Highway  
18 Safety and Motor Vehicles.

19           (4) "Florida resident" means a person who has had a  
20 principal place of domicile in this state for a period of more  
21 than 6 consecutive months, who has registered to vote in this  
22 state, who has made a statement of domicile pursuant to  
23 section 222.17, Florida Statutes, or who has filed for  
24 homestead tax exemption on property in this state.

25           (5) "OHM" or "off-highway motorcycle" means any motor  
26 vehicle used off the roads or highways of this state that has  
27 a seat or saddle for the use of the rider and is designed to  
28 travel with not more than two wheels in contact with the  
29 ground, but excludes a tractor or a moped.

30           (6) "Off-highway vehicle" means any ATV or OHM that is  
31 used off the roads or highways of this state for recreational

1 purposes and that is not registered and licensed for highway  
2 use pursuant to chapter 320, Florida Statutes.

3 (7) "Owner" means a person, other than a lienholder,  
4 having the property in or title to an off-highway vehicle,  
5 including a person entitled to the use or possession of an  
6 off-highway vehicle subject to an interest held by another  
7 person, reserved or created by agreement and securing payment  
8 of performance of an obligation, but the term excludes a  
9 lessee under a lease not intended as security.

10 (8) "Public lands" means lands within the state that  
11 are available for public use and that are owned, operated, or  
12 managed by a federal, state, county, or municipal governmental  
13 entity.

14 Section 58. Administration of off-highway vehicle  
15 titling laws; records.--

16 (1) The administration of off-highway vehicle titling  
17 laws in sections 55 through 67 is under the Department of  
18 Highway Safety and Motor Vehicles, which shall provide for the  
19 issuing, handling, and recording of all off-highway vehicle  
20 titling applications and certificates, including the receipt  
21 and accounting of off-highway vehicle titling fees.

22 (2) The department shall keep records and perform  
23 other clerical duties pertaining to off-highway vehicle  
24 titling as required.

25 Section 59. Rules, forms, and notices.--

26 (1) The department may adopt rules pursuant to  
27 sections 120.536(1) and 120.54, Florida Statutes, which  
28 pertain to off-highway vehicle titling, in order to implement  
29 the provisions of sections 55 through 67 conferring duties  
30 upon it.

31

1           (2) The department shall prescribe and provide  
2 suitable forms for applications and other notices and forms  
3 necessary to administer the provisions of sections 55 through  
4 67.

5           Section 60. Certificate of title required.--

6           (1) Any off-highway vehicle that is purchased by a  
7 resident of this state after the effective date of this act or  
8 that is owned by a resident and is operated on the public  
9 lands of this state must be titled pursuant to sections 55  
10 through 67.

11           (2) A person may not sell, assign, or transfer an  
12 off-highway vehicle titled by the state without delivering to  
13 the purchaser or transferee a valid certificate of title with  
14 an assignment on it showing the transfer of title to the  
15 purchaser or transferee. A person may not purchase or  
16 otherwise acquire an off-highway vehicle required to be titled  
17 without obtaining a certificate of title for the vehicle in  
18 his or her name. The purchaser or transferee shall, within 30  
19 days after a change in off-highway vehicle ownership, file an  
20 application for a title transfer with the county tax  
21 collector. An additional \$10 fee shall be charged against a  
22 purchaser or transferee who files a title transfer application  
23 after the 30-day period. The county tax collector may retain  
24 \$5 of the additional amount.

25           (3) A certificate of title is prima facie evidence of  
26 the ownership of the off-highway vehicle and is good for the  
27 life of the off-highway vehicle so long as the certificate is  
28 owned or held by the legal holder. If a titled off-highway  
29 vehicle is destroyed or abandoned, the owner, with the consent  
30 of any recorded lienholders, shall, within 30 days after the  
31

1 destruction or abandonment, surrender to the department all  
2 title documents for cancellation.

3 (4) The department shall provide labeled places on the  
4 title where the seller's price shall be indicated when an  
5 off-highway vehicle is sold and where a selling dealer shall  
6 record his or her valid sales tax certificate of registration  
7 number.

8 (5)(a) There shall be a service charge of \$4.25 for  
9 each application that is handled in connection with the  
10 issuance, duplication, or transfer of any certificate of  
11 title. There shall be a service charge of \$1.25 for each  
12 application that is handled in connection with the recording  
13 or notation of a lien on an off-highway vehicle that is not in  
14 connection with the purchase of such vehicle.

15 (b) The service charges specified in paragraph (a)  
16 shall be collected by the department on any application  
17 handled directly from its office. Otherwise, these service  
18 charges shall be collected and retained by the tax collector  
19 who handles the application.

20 (c) In addition to the fees provided in paragraph (a),  
21 any tax collector may impose an additional service charge of  
22 not more than 50 cents on any transaction specified in  
23 paragraph (a) when such transaction occurs at any tax  
24 collector's branch office.

25 Section 61. Application for and issuance of  
26 certificate of title.--

27 (1) The owner of an off-highway vehicle that is  
28 required to be titled must apply to the county tax collector  
29 for a certificate of title. The application must include the  
30 true name of the owner, the residence or business address of  
31 the owner, and a complete description of the off-highway

1 vehicle. The application must be signed by the owner and must  
2 be accompanied by a fee of \$29.

3 (2) The owner must establish proof of ownership by  
4 submitting with the application an executed bill of sale, a  
5 manufacturer's statement of origin, an affidavit of ownership  
6 for off-highway vehicles purchased before the effective date  
7 of this act, or any other document acceptable to the  
8 department.

9 (3) To apply for a certificate of title upon transfer  
10 of ownership of an off-highway vehicle, the new owner must  
11 surrender to the department the last title document issued for  
12 that vehicle. The document must be properly executed. Proper  
13 execution includes the previous owner's signature and  
14 certification that the off-highway vehicle to be transferred  
15 is debt-free or is subject to a lien. If a lien exists, the  
16 previous owner must furnish the new owner, on forms supplied  
17 by the department, the names and addresses of all lienholders  
18 and the dates of all liens, with a statement from each  
19 lienholder that the lienholder has knowledge of and consents  
20 to the transfer of title to the new owner.

21 (4) An application for an initial certificate of title  
22 or a title transfer must include payment of the applicable  
23 state sales tax or proof of payment of such tax, except for  
24 off-highway vehicles purchased or transferred before the  
25 effective date of this act.

26 (5) If the owner submits a complete application and  
27 complies with all other requirements of this section, the  
28 department shall issue a certificate of title that states that  
29 the title is for an off-highway vehicle that is not suitable  
30 for highway use. After October 1, 2003, the department shall  
31 also issue a copy of the guidebook prepared by the Department

1 of Agriculture and Consumer Services pursuant to section  
2 261.07, Florida Statutes.

3 Section 62. Duplicate certificate of title.--

4 (1) The department may issue a duplicate certificate  
5 of title upon application by the person entitled to hold such  
6 a certificate if the department is satisfied that the original  
7 certificate has been lost, destroyed, or mutilated. A fee of  
8 \$15 shall be charged for issuing a duplicate certificate.

9 (2) In addition to the fee imposed by subsection (1),  
10 a fee of \$7 shall be charged for expedited service in issuing  
11 a duplicate certificate of title. Application for such  
12 expedited service may be made by mail or in person. The  
13 department shall issue each certificate of title applied for  
14 under this subsection within 5 working days after receipt of a  
15 proper application or shall refund the additional \$7 fee upon  
16 written request by the applicant.

17 (3) If, following the issuance of an original,  
18 duplicate, or corrected certificate of title by the  
19 department, the certificate is lost in transit and is not  
20 delivered to the addressee, the owner of the off-highway  
21 vehicle or the holder of a lien thereon may, within 180 days  
22 after the date of issuance of the certificate, apply to the  
23 department for reissuance of the certificate. An additional  
24 fee may not be charged for reissuance under this subsection.

25 (4) The department shall implement a system to verify  
26 that the application is signed by a person authorized to  
27 receive a duplicate certificate of title under this section if  
28 the address shown on the application is different from the  
29 address shown for the applicant on the records of the  
30 department.

31



1           Section 63. Manufacturer's statement of origin to be  
2 furnished.--

3           (1) Any person selling a new off-highway vehicle in  
4 this state must furnish a manufacturer's statement of origin  
5 to the purchaser. The statement, which must be in English or  
6 accompanied by an English translation if the vehicle was  
7 purchased outside the United States, must be signed and dated  
8 by an authorized representative of the manufacturer, indicate  
9 the complete name and address of the purchaser, include a  
10 complete description of the vehicle, and contain as many  
11 assignments as necessary to show title in the name of the  
12 purchaser.

13           (2) It is unlawful for an off-highway vehicle  
14 manufacturer, manufacturer's representative, or dealer to  
15 issue a manufacturer's certificate of origin describing an  
16 off-highway vehicle with the knowledge that the description is  
17 false or that the off-highway vehicle described does not  
18 exist. It is unlawful for any person to obtain or attempt to  
19 obtain a certificate of origin with the knowledge that the  
20 description is false or that the off-highway vehicle does not  
21 exist. Any person who violates this subsection commits a  
22 felony of the third degree, punishable as provided in section  
23 775.082, section 775.083, or section 775.084, Florida  
24 Statutes.

25           Section 64. Disposition of fees.--The department shall  
26 deposit all funds received under sections 55 through 67, less  
27 administrative costs of \$2 per title transaction, into the  
28 Incidental Trust Fund of the Division of Forestry of the  
29 Department of Agriculture and Consumer Services.

30           Section 65. Refusal to issue and authority to cancel a  
31 certificate of title.--

1           (1) If the department finds that an applicant for an  
2 off-highway vehicle certificate of title has given a false  
3 statement or false or incomplete information in applying for  
4 the certificate or has otherwise failed to comply with the  
5 applicable provisions pertaining to the application for a  
6 certificate, it may refuse to issue the certificate.

7           (2) If the department finds that an owner or dealer  
8 named in an off-highway vehicle certificate of title has given  
9 a false statement or false or incomplete information in  
10 applying for the certificate or has otherwise failed to comply  
11 with the applicable provisions pertaining to the application  
12 for a certificate, it may cancel the certificate.

13           (3) The department may cancel any pending application  
14 or any certificate if it finds that any title fee or sales tax  
15 pertaining to such application or certificate has not been  
16 paid, unless the fee or tax is paid within a reasonable time  
17 after the department has given notice.

18           Section 66. Crimes relating to certificates of title;  
19 penalties.--

20           (1) It is unlawful for any person to procure or  
21 attempt to procure a certificate of title or duplicate  
22 certificate of title to an off-highway vehicle, or to pass or  
23 attempt to pass a certificate of title or duplicate  
24 certificate of title to an off-highway vehicle or any  
25 assignment thereof, if such person knows or has reason to  
26 believe that the vehicle has been stolen. Any person who  
27 violates this subsection commits a felony of the third degree,  
28 punishable as provided in section 775.082, section 775.083, or  
29 section 775.084, Florida Statutes.

30           (2) It is unlawful for any person, knowingly and with  
31 intent to defraud, to have in his or her possession, sell,

1 offer to sell, counterfeit, or supply a blank, forged,  
2 fictitious, counterfeit, stolen, or fraudulently or unlawfully  
3 obtained certificate of title, duplicate certificate of title,  
4 bill of sale, or other indicia of ownership of an off-highway  
5 vehicle or to conspire to do any of the foregoing. Any person  
6 who violates this subsection commits a felony of the third  
7 degree, punishable as provided in section 775.082, section  
8 775.083, or section 775.084, Florida Statutes.

9 (3) It is unlawful to:

10 (a) Alter or forge any certificate of title to an  
11 off-highway vehicle or any assignment thereof or any  
12 cancellation of any lien on an off-highway vehicle.

13 (b) Retain or use such certificate, assignment, or  
14 cancellation knowing that it has been altered or forged.

15 (c) Use a false or fictitious name, give a false or  
16 fictitious address, or make any false statement in any  
17 application or affidavit required by sections 55 through 67 or  
18 in a bill of sale or sworn statement of ownership or otherwise  
19 commit a fraud in any application.

20 (d) Knowingly obtain goods, services, credit, or money  
21 by means of an invalid, duplicate, fictitious, forged,  
22 counterfeit, stolen, or unlawfully obtained certificate of  
23 title, bill of sale, or other indicia of ownership of an  
24 off-highway vehicle.

25 (e) Knowingly obtain goods, services, credit, or money  
26 by means of a certificate of title to an off-highway vehicle  
27 which certificate is required by law to be surrendered to the  
28 department.

29  
30 Any person who violates this subsection commits a felony of  
31 the third degree, punishable as provided in section 775.082,

1 section 775.083, or section 775.084, Florida Statutes. A  
2 violation of this subsection with respect to any off-highway  
3 vehicle makes such off-highway vehicle contraband which may be  
4 seized by a law enforcement agency and forfeited under  
5 sections 932.701-932.704, Florida Statutes.

6 Section 67. Nonmoving traffic violations.--Any person  
7 who fails to comply with any provision of sections 55 through  
8 66 for which a penalty is not otherwise provided commits a  
9 nonmoving traffic violation, punishable as provided in section  
10 318.18, Florida Statutes.

11 Section 68. Section 375.313, Florida Statutes, is  
12 amended to read:

13 375.313 Commission powers and duties.--The commission  
14 shall:

15 (1) Regulate or prohibit, when necessary, the use of  
16 motor vehicles on the public lands of the state in order to  
17 prevent damage or destruction to said lands.

18 ~~(2) Collect any registration fees imposed by s.~~  
19 ~~375.315 and deposit said fees in the State Game Trust Fund.~~  
20 ~~The revenue resulting from said registration shall be expended~~  
21 ~~for the funding and administration of ss. 375.311-375.315.~~

22 (2)(3) Adopt and promulgate such reasonable rules as  
23 deemed necessary to administer the provisions of ss.  
24 375.311-375.315, except that, before any such rules are  
25 adopted, the commission shall obtain the consent and  
26 agreement, in writing, of the owner, in the case of privately  
27 owned lands, or the owner or primary custodian, in the case of  
28 publicly owned lands.

29 Section 69. Section 375.315, Florida Statutes, is  
30 repealed.

31

1           Section 70. Paragraph (a) of subsection (6) of section  
2 163.3177, Florida Statutes, is amended to read:

3           163.3177 Required and optional elements of  
4 comprehensive plan; studies and surveys.--

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

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

1 development that will strengthen and diversify the community's  
2 economy. The future land use plan may designate areas for  
3 future planned development use involving combinations of types  
4 of uses for which special regulations may be necessary to  
5 ensure development in accord with the principles and standards  
6 of the comprehensive plan and this act. In addition, for rural  
7 communities, the amount of land designated for future planned  
8 industrial use shall be based upon surveys and studies that  
9 reflect the need for job creation, capital investment, and the  
10 necessity to strengthen and diversify the local economies, and  
11 shall not be limited solely by the projected population of the  
12 rural community. The future land use plan of a county may also  
13 designate areas for possible future municipal incorporation.  
14 The land use maps or map series shall generally identify and  
15 depict historic district boundaries and shall designate  
16 historically significant properties meriting protection. The  
17 future land use element must clearly identify the land use  
18 categories in which public schools are an allowable use. When  
19 delineating the land use categories in which public schools  
20 are an allowable use, a local government shall include in the  
21 categories sufficient land proximate to residential  
22 development to meet the projected needs for schools in  
23 coordination with public school boards and may establish  
24 differing criteria for schools of different type or size.  
25 Each local government shall include lands contiguous to  
26 existing school sites, to the maximum extent possible, within  
27 the land use categories in which public schools are an  
28 allowable use. All comprehensive plans must comply with the  
29 school siting requirements of this paragraph no later than  
30 October 1, 1999. The failure by a local government to comply  
31 with these school siting requirements by October 1, 1999, will

1 result in the prohibition of the local government's ability to  
2 amend the local comprehensive plan, except for plan amendments  
3 described in s. 163.3187(1)(b), until the school siting  
4 requirements are met. An amendment proposed by a local  
5 government for purposes of identifying the land use categories  
6 in which public schools are an allowable use is exempt from  
7 the limitation on the frequency of plan amendments contained  
8 in s. 163.3187. The future land use element shall include  
9 criteria which encourage the location of schools proximate to  
10 urban residential areas to the extent possible and shall  
11 require that the local government seek to collocate public  
12 facilities, such as parks, libraries, and community centers,  
13 with schools to the extent possible. For schools serving  
14 predominantly rural counties, defined as a county with a  
15 population of 100,000 or fewer, an agricultural land use  
16 category shall be eligible for the location of public school  
17 facilities if the local comprehensive plan contains school  
18 siting criteria and the location is consistent with such  
19 criteria.

20           Section 71. There is appropriated to the Department of  
21 Agriculture and Consumer Services from the General Inspection  
22 Trust Fund of the Division of Agricultural Environmental  
23 Services of the Department of Agriculture and Consumer  
24 Services, \$10,000 to carry out the provisions of this act  
25 relating to the Pest Control Enforcement Advisory Council.

26           Section 72. Except as otherwise expressly provided in  
27 this act, this act shall take effect July 1, 2002.

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