

1 A bill to be entitled
2 An act relating to agriculture; amending ss. 372.921 and
3 372.922, F.S.; conforming provisions relating to
4 regulatory authority over the possession, control, care,
5 and maintenance of bison; creating s. 450.175, F.S.;
6 providing a part title; repealing s. 450.211, F.S.,
7 relating to the advisory committee for the Legislative
8 Commission on Migrant Labor; amending s. 487.2031, F.S.;
9 revising definition of the term "material safety data
10 sheet" for purposes of the Florida Agricultural Worker
11 Safety Act; amending s. 502.014, F.S.; deleting a duty of
12 the Department of Agriculture and Consumer Services
13 relating to issuance of a temporary marketing permit for
14 milk and milk products and a fee therefor; amending s.
15 502.091, F.S.; deleting reference to a milk type no longer
16 produced; amending s. 503.011, F.S.; updating a reference
17 in the definition of "frozen desserts"; amending s.
18 531.39, F.S.; deleting an outdated reference relating to
19 state standards for weights and measures; amending s.
20 531.47, F.S.; revising provisions relating to packages on
21 which information is required; amending s. 531.49, F.S.;
22 revising provisions relating to advertising packaged
23 commodities; creating s. 570.076, F.S.; authorizing the
24 department to adopt rules establishing the Environmental
25 Stewardship Certification Program; providing program
26 standards; providing requirements for receipt of an
27 agricultural certification; authorizing the Soil and Water
28 Conservation Council to develop and recommend additional

29 criteria; authorizing the department and the Institute of
30 Food and Agricultural Sciences at the University of
31 Florida to develop, deliver, and certify completion of a
32 curriculum; amending s. 570.9135, F.S.; correcting a
33 reference; amending s. 581.083, F.S.; prohibiting the
34 cultivation of nonnative plants for purposes of fuel
35 production or purposes other than agriculture in plantings
36 greater than a specified size, except under a special
37 permit issued by the department; providing an exemption;
38 requiring application for a special permit and a fee
39 therefor; requiring an applicant to show proof of security
40 through a bond or certificate of deposit; defining the
41 term "certificate of deposit"; requiring removal and
42 destruction of plants under certain circumstances;
43 specifying circumstances under which the department may
44 issue a final order for plant removal and destruction;
45 requiring reimbursement of costs and expenses for plant
46 removal and destruction by the department; providing
47 requirements for maintenance of a bond or certificate of
48 deposit by a permit holder; providing requirements relating
49 to assignment and cancellation of a bond or certificate of
50 deposit; authorizing requirement for an annual bond or
51 certificate of deposit and an increase or decrease in the
52 amount of security required; authorizing the department to
53 verify statements and accounts with respect to cultivated
54 acreage; providing for suspension or revocation of a
55 special permit under certain circumstances; amending s.
56 585.002, F.S.; providing for department regulatory

57 authority over the possession, control, care, and
 58 maintenance of bison; providing an exception; amending s.
 59 590.125, F.S.; providing requirements relating to the
 60 denial of a request for a burn permit; clarifying
 61 liability with respect to prescribed burning; providing
 62 for obsolete agricultural equipment to be assessed at its
 63 salvage value for purposes of ad valorem taxation;
 64 defining the term "agricultural equipment"; providing a
 65 procedure for a taxpayer to claim the right of assessment;
 66 authorizing the property appraiser to require information
 67 establishing a taxpayer's right to the classification;
 68 providing an effective date.

69

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

71

72 Section 1. Subsection (8) of section 372.921, Florida
 73 Statutes, is amended to read:

74 372.921 Exhibition or sale of wildlife.--

75 (8) This section shall not apply to the possession,
 76 control, care, and maintenance of ostriches, emus, ~~and~~ rheas,
 77 and bison domesticated and confined for commercial farming
 78 purposes, except those kept and maintained on hunting preserves
 79 or game farms or primarily for exhibition purposes in zoos,
 80 carnivals, circuses, and other such establishments where such
 81 species are kept for display to the public for a fee.

82 Section 2. Subsection (6) of section 372.922, Florida
 83 Statutes, is amended to read:

84 372.922 Personal possession of wildlife.--

85 (6) This section shall not apply to the possession,
 86 control, care, and maintenance of ostriches, emus, ~~and~~ rheas,
 87 and bison domesticated and confined for commercial farming
 88 purposes, except those kept and maintained on hunting preserves
 89 or game farms or primarily for exhibition purposes in zoos,
 90 carnivals, circuses, and other such establishments where such
 91 species are kept for display to the public for a fee.

92 Section 3. Section 450.175, Florida Statutes, is created
 93 to read:

94 450.175 Part title.--Part II of this chapter may be cited
 95 as the "Alfredo Bahena Act."

96 Section 4. Section 450.211, Florida Statutes, is repealed.

97 Section 5. Subsection (7) of section 487.2031, Florida
 98 Statutes, is amended to read:

99 487.2031 Definitions.--For the purposes of this part, the
 100 term:

101 (7) "Material safety data sheet" means written,
 102 electronic, or printed material concerning an agricultural
 103 pesticide that sets forth the following information:

104 (a) The chemical name and the common name of the
 105 agricultural pesticide.

106 (b) The hazards or other risks in the use of the
 107 agricultural pesticide, including:

108 1. The potential for fire, explosions, corrosivity, and
 109 reactivity.

110 2. The known acute health effects and chronic health
 111 effects of exposure to the agricultural pesticide, including

112 those medical conditions that are generally recognized as being
 113 aggravated by exposure to the agricultural pesticide.

114 3. The primary routes of entry and symptoms of
 115 overexposure.

116 (c) The proper handling practices, necessary personal
 117 protective equipment, and other proper or necessary safety
 118 precautions in circumstances that involve the use of or exposure
 119 to the agricultural pesticide, including appropriate emergency
 120 treatment in case of overexposure.

121 (d) The emergency procedures for spills, fire, disposal,
 122 and first aid.

123 (e) A description of the known specific potential health
 124 risks posed by the agricultural pesticide, which is written in
 125 lay terms and is intended to alert any person who reads the
 126 information.

127 (f) The year and month, if available, that the information
 128 was compiled and the name, address, and emergency telephone
 129 number of the manufacturer responsible for preparing the
 130 information.

131 Section 6. Section 502.014, Florida Statutes, is amended
 132 to read:

133 502.014 Powers and duties.--

134 (1) The department shall administer and enforce all
 135 regulatory laws currently in effect governing:

136 (a) The production, processing, and distribution of milk
 137 and milk products.

138 (b) The sanitation and sanitary practices of
 139 establishments where food and drink, including milk and milk

140 products, are sold for consumption on the premises, except food
141 service establishments regulated under chapters 381 and 509.

142 (c) The sanitary and healthful condition of the food and
143 drink sold or offered for sale by establishments under the
144 department's jurisdiction pursuant to paragraph (b).

145 (d) The laboratory work of testing and analyzing milk and
146 milk products.

147 (2)(a) The department shall conduct onsite inspections of
148 dairy farms and milk plants, and collect test samples of milk
149 and milk products, as required by this chapter.

150 (b) The department shall designate employees who shall be
151 certified by the United States Food and Drug Administration as
152 state milk sanitation rating officers, sampling surveillance
153 officers, and laboratory evaluation officers in accordance with
154 the requirements published in "Methods of Making Sanitation
155 Ratings of Milk Supplies," "Evaluation of Milk Laboratories,"
156 and "Procedures Governing the Cooperative State-Public Health
157 Service/Food and Drug Administration Program for Certification
158 of Interstate Milk Shippers," respectively, as adopted by
159 department rule. These officers shall conduct routine sanitation
160 compliance survey ratings of milk producers, milk plants,
161 laboratories, receiving stations, transfer stations, and
162 manufacturers of single-service containers for milk and milk
163 products. These ratings shall be made in accordance with the
164 recommendations of the United States Food and Drug
165 Administration published in Standard Methods for the Examination
166 of Dairy Products.

167 (3) The department shall manage a program to issue permits
 168 to persons who test milk or milk products for milkfat content by
 169 weight, volume, chemical, electronic, or other means when the
 170 result of such test is used as a basis for payment for the milk
 171 or milk products.

172 (4) The department shall define by rule "cottage cheese,"
 173 "dry-curd cottage cheese," and "lowfat cottage cheese." The
 174 department shall periodically update these definitions to
 175 maintain conformity with the federal definitions.

176 ~~(5)(a) The department shall adopt criteria for issuance of~~
 177 ~~a state temporary marketing permit for milk and milk products~~
 178 ~~that do not conform to existing standards and definitions.~~

179 ~~(b) The department shall establish a fee, not to exceed~~
 180 ~~\$100, for the issuance of a state temporary marketing permit or~~
 181 ~~the use of a federal permit in the state. The fee shall cover~~
 182 ~~all costs of issuing the state permit or processing the federal~~
 183 ~~permit.~~

184 (5)(6) The department may impound any reconstituted or
 185 recombined milk or any adulterated or misbranded milk or milk
 186 product to prevent its use for human consumption, and may
 187 dispose of it in a manner that does not create a nuisance.

188 (6)(7) The department has authority to adopt rules
 189 pursuant to ss. 120.536(1) and 120.54 to implement and enforce
 190 the provisions of this chapter. In adopting these rules, the
 191 department shall be guided by and may conform to the definitions
 192 and standards of the administrative procedures and provisions of
 193 the pasteurized milk ordinance. The rules shall include, but are
 194 not limited to:

195 (a) Standards for milk and milk products.

196 (b) Provisions for the production, transportation,
 197 processing, handling, sampling, examination, grading, labeling,
 198 and sale of all milk and milk products and imitation and
 199 substitute milk and milk products sold for public consumption in
 200 this state.

201 (c) Provisions for the inspection of dairy herds, dairy
 202 farms, and milk plants.

203 (d) Provisions for the issuance and revocation of permits
 204 issued by the department pursuant to this chapter.

205 (7)~~(8)~~ The department shall not conduct routine tests or
 206 inspections on raw milk that is shipped from outside the state.
 207 Nothing in this subsection shall be construed to limit the
 208 authority of the department to review industry records or sample
 209 milk at any stage of production, processing, or distribution in
 210 cases of suspected hazard to public health.

211 Section 7. Subsection (1) of section 502.091, Florida
 212 Statutes, is amended to read:

213 502.091 Milk and milk products which may be sold.--

214 (1) Only Grade A pasteurized milk and milk products ~~or~~
 215 ~~certified pasteurized milk~~ shall be sold to the final consumer
 216 or to restaurants, soda fountains, grocery stores, or similar
 217 establishments.

218 (a) In an emergency, however, the department may authorize
 219 the sale of reconstituted pasteurized milk products, or
 220 pasteurized milk and milk products that have not been graded or
 221 the grade of that is unknown, in which case such milk and milk

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222 products shall be appropriately labeled, as determined by the
 223 department.

224 (b) If the department determines that milk is fit for
 225 human consumption even though it is less than Grade A because
 226 the producer failed to comply with the sanitation or bacterial
 227 standards defined in this chapter, or if any specific shipment
 228 of milk fails to comply with standards of the pasteurized milk
 229 ordinance, the department may issue a permit allowing the milk
 230 to be used in ungraded products, such as frozen desserts, which
 231 are being processed by such milk plant. During processing of
 232 such milk, it shall be pasteurized at a temperature of at least
 233 175° F. for at least 15 seconds or at least 160° F. for at least
 234 30 minutes.

235 Section 8. Subsection (2) of section 503.011, Florida
 236 Statutes, is amended to read:

237 503.011 Definitions.--The following definitions shall
 238 apply in the interpretation and enforcement of this chapter:

239 (2) "Frozen desserts" means the foods which conform to the
 240 provisions of "definitions and standards of identity for frozen
 241 desserts," United States Food and Drug Administration, 21 C.F.R.
 242 part 135 (2004) ~~(1990)~~, and foods, defined by rule of the
 243 department, which resemble but do not conform to federal
 244 definitions. The term also includes, but is not limited to,
 245 "quiescently frozen confection," "quiescently frozen dairy
 246 confection," and "frozen dietary dairy dessert and frozen
 247 dietary dessert."

248 Section 9. Section 531.39, Florida Statutes, is amended to
 249 read:

250 531.39 State standards.--Weights and measures that are
 251 traceable to the United States prototype standards supplied by
 252 the Federal Government (~~Pub. L. No. 89-164, 1965~~), or approved
 253 as being satisfactory by the National Institute of Standards and
 254 Technology, shall be the state primary standards of weights and
 255 measures, and shall be maintained in such calibration as
 256 prescribed by the National Institute of Standards and
 257 Technology. In addition, there shall be provided by the state
 258 such secondary standards as may be necessary to carry out the
 259 provisions of this chapter. The secondary standards shall be
 260 verified upon their initial receipt and as often thereafter as
 261 deemed necessary by the department.

262 Section 10. Section 531.47, Florida Statutes, is amended
 263 to read:

264 531.47 Information required on packages.--Except as
 265 otherwise provided in this chapter or by rules adopted pursuant
 266 thereto, any package ~~introduced in intrastate commerce,~~ kept for
 267 the purpose of sale, or offered or exposed for sale ~~in~~
 268 ~~intrastate commerce~~ shall bear on the outside of the package a
 269 definite, plain, and conspicuous declaration of:

270 (1) The identity of the commodity in the package, unless
 271 the same can easily be identified through the wrapper or
 272 container.

273 (2) The net quantity of contents in terms of weight,
 274 measure, or count.

275 (3) The name and place of business of the manufacturer,
 276 packer, or distributor, in the case of any package kept or

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277 offered or exposed for sale or sold in any place other than on
278 the premises where packed.

279 Section 11. Section 531.49, Florida Statutes, is amended
280 to read:

281 531.49 Advertising packages for sale.--Whenever a packaged
282 commodity is advertised in any manner with the retail price
283 stated, there shall be closely and conspicuously associated with
284 the retail price a declaration of quantity as is required by law
285 or rule to appear on the package. ~~When a dual declaration is~~
286 ~~required, only the declaration that sets forth the quantity in~~
287 ~~terms of the smaller unit of weight or measure need appear in~~
288 ~~the advertisement.~~

289 Section 12. Section 570.076, Florida Statutes, is created
290 to read:

291 570.076 Environmental Stewardship Certification
292 Program.--The department may, by rule, establish the
293 Environmental Stewardship Certification Program consistent with
294 this section. A rule adopted under this section must be
295 developed in consultation with state universities, agricultural
296 organizations, and other interested parties.

297 (1) The program must:

298 (a) Be integrated, to the maximum extent practicable, with
299 programs that are sponsored by agricultural organizations or
300 state universities.

301 (b) Be designed to recognize and promote agricultural
302 operations or homeowner practices that demonstrate exemplary
303 resource management that is related to environmental
304 stewardship.

305 (c) Include a process to periodically review a
 306 certification to ensure compliance with the program
 307 requirements, including implementation by the certificateholder.

308 (d) Require periodic continuing education in relevant
 309 environmental stewardship issues in order to maintain
 310 certification.

311 (2) The department shall provide an agricultural
 312 certification under this program for implementation of one or
 313 more of the following criteria:

314 (a) A voluntary agreement between an agency and an
 315 agricultural producer for environmental improvement or water-
 316 resource protection.

317 (b) A conservation plan that meets or exceeds the
 318 requirements of the United States Department of Agriculture.

319 (c) Best management practices adopted by rule pursuant to
 320 s. 403.067(7)(d) or s. 570.085(2).

321 (3) The Soil and Water Conservation Council created by s.
 322 582.06 may develop and recommend to the department for adoption
 323 additional criteria for receipt of an agricultural certification
 324 which may include, but not be limited to:

325 (a) Comprehensive management of all on-farm resources.

326 (b) Promotion of environmental awareness and responsible
 327 resource stewardship in agricultural or urban communities.

328 (c) Completion of a curriculum of study that is related to
 329 environmental issues and regulation.

330 (4) If needed, the department and the Institute of Food
 331 and Agricultural Sciences at the University of Florida may
 332 jointly develop a curriculum that provides instruction

333 concerning environmental issues pertinent to agricultural
 334 certification and deliver such curriculum to, and certify its
 335 completion by, any person seeking certification or to maintain
 336 certification.

337 (5) The department may enter into agreements with third-
 338 party providers to administer or implement all or part of the
 339 program.

340 Section 13. Paragraph (a) of subsection (4) of section
 341 570.9135, Florida Statutes, is amended to read:

342 570.9135 Beef Market Development Act; definitions; Florida
 343 Beef Council, Inc., creation, purposes, governing board, powers,
 344 and duties; referendum on assessments imposed on gross receipts
 345 from cattle sales; payments to organizations for services;
 346 collecting and refunding assessments; vote on continuing the
 347 act; council bylaws.--

348 (4) FLORIDA BEEF COUNCIL, INC.; CREATION; PURPOSES.--

349 (a) There is created the Florida Beef Council, Inc., a
 350 not-for-profit corporation organized under the laws of this
 351 state and operating as a direct-support ~~direct-service~~
 352 organization of the department.

353 Section 14. Subsection (4) is added to section 581.083,
 354 Florida Statutes, to read:

355 581.083 Introduction or release of plant pests, noxious
 356 weeds, or organisms affecting plant life; cultivation of
 357 nonnative plants; special permit and security required.--

358 (4) A person may not cultivate a nonnative plant,
 359 including a genetically engineered plant or a plant that has
 360 been introduced, for purposes of fuel production or purposes

361 other than agriculture in plantings greater in size than 2
 362 contiguous acres, except under a special permit issued by the
 363 department through the division, which is the sole agency
 364 responsible for issuing such special permits. Such a permit
 365 shall not be required if the department determines, in
 366 conjunction with the Institute of Food and Agricultural Sciences
 367 at the University of Florida, that the plant is not invasive and
 368 subsequently exempts the plant by rule.

369 (a)1. Each application for a special permit must be
 370 accompanied by a fee as described in subsection (2) and proof
 371 that the applicant has obtained a bond in the form approved by
 372 the department and issued by a surety company admitted to do
 373 business in this state or a certificate of deposit. The
 374 application must include, on a form provided by the department,
 375 the name of the applicant and the applicant's address or the
 376 address of the applicant's principal place of business; a
 377 statement completely identifying the nonnative plant to be
 378 cultivated; and a statement of the estimated cost of removing
 379 and destroying the plant that is the subject of the special
 380 permit and the basis for calculating or determining that
 381 estimate. If the applicant is a corporation, partnership, or
 382 other business entity, the applicant must also provide in the
 383 application the name and address of each officer, partner, or
 384 managing agent. The applicant shall notify the department within
 385 10 business days of any change of address or change in the
 386 principal place of business. The department shall mail all
 387 notices to the applicant's last known address.

388 2. As used in this subsection, the term "certificate of
389 deposit" means a certificate of deposit at any recognized
390 financial institution doing business in the United States. The
391 department may not accept a certificate of deposit in connection
392 with the issuance of a special permit unless the issuing
393 institution is properly insured by the Federal Deposit Insurance
394 Corporation or the Federal Savings and Loan Insurance
395 Corporation.

396 (b) Upon obtaining a permit, the permitholder may annually
397 cultivate and maintain the nonnative plants as authorized by the
398 special permit. If the permitholder ceases to maintain or
399 cultivate the plants authorized by the special permit, if the
400 permit expires, or if the permitholder ceases to abide by the
401 conditions of the special permit, the permitholder shall
402 immediately remove and destroy the plants that are subject to
403 the permit, if any remain. The permitholder shall notify the
404 department of the removal and destruction of the plants within
405 10 days after such event.

406 (c) If the department:

407 1. Determines that the permitholder is no longer
408 maintaining or cultivating the plants subject to the special
409 permit and has not removed and destroyed the plants authorized
410 by the special permit;

411 2. Determines that the continued maintenance or
412 cultivation of the plants presents an imminent danger to public
413 health, safety, or welfare;

414 3. Determines that the permitholder has exceeded the
415 conditions of the authorized special permit; or

416 4. Receives a notice of cancellation of the surety bond,
417
418 the department may issue an immediate final order, which shall
419 be immediately appealable or enjoicable as provided by chapter
420 120, directing the permitholder to immediately remove and
421 destroy the plants authorized to be cultivated under the special
422 permit. A copy of the immediate final order shall be mailed to
423 the permitholder and to the surety company or financial
424 institution that has provided security for the special permit,
425 if applicable.

426 (d) If, upon issuance by the department of an immediate
427 final order to the permitholder, the permitholder fails to
428 remove and destroy the plants subject to the special permit
429 within 60 days after issuance of the order, or such shorter
430 period as is designated in the order as public health, safety,
431 or welfare requires, the department may enter the cultivated
432 acreage and remove and destroy the plants that are the subject
433 of the special permit. If the permitholder makes a written
434 request to the department for an extension of time to remove and
435 destroy the plants that demonstrates specific facts showing why
436 the plants could not reasonably be removed and destroyed in the
437 applicable timeframe, the department may extend the time for
438 removing and destroying plants subject to a special permit. The
439 reasonable costs and expenses incurred by the department for
440 removing and destroying plants subject to a special permit shall
441 be reimbursed to the department by the permitholder within 21
442 days after the date the permitholder and the surety company or
443 financial institution are served a copy of the department's

444 invoice for the costs and expenses incurred by the department to
445 remove and destroy the cultivated plants, along with a notice of
446 administrative rights, unless the permitholder or the surety
447 company or financial institution object to the reasonableness of
448 the invoice. In the event of an objection, the permitholder or
449 surety company or financial institution is entitled to an
450 administrative proceeding as provided by chapter 120. Upon entry
451 of a final order determining the reasonableness of the incurred
452 costs and expenses, the permitholder shall have 15 days
453 following service of the final order to reimburse the
454 department. Failure of the permitholder to timely reimburse the
455 department for the incurred costs and expenses entitles the
456 department to reimbursement from the applicable bond or
457 certificate of deposit.

458 (e) Each permitholder shall maintain for each separate
459 growing location a bond or a certificate of deposit in an amount
460 determined by the department, but not less than 150 percent of
461 the estimated cost of removing and destroying the cultivated
462 plants. The bond or certificate of deposit may not exceed \$5,000
463 per acre, unless a higher amount is determined by the department
464 to be necessary to protect the public health, safety, and
465 welfare or unless an exemption is granted by the department
466 based on conditions specified in the application which would
467 preclude the department from incurring the cost of removing and
468 destroying the cultivated plants and would prevent injury to the
469 public health, safety, and welfare. The aggregate liability of
470 the surety company or financial institution to all persons for
471 all breaches of the conditions of the bond or certificate of

472 deposit may not exceed the amount of the bond or certificate of
 473 deposit. The original bond or certificate of deposit required by
 474 this subsection shall be filed with the department. A surety
 475 company shall give the department 30 days' written notice of
 476 cancellation, by certified mail, in order to cancel a bond.
 477 Cancellation of a bond does not relieve a surety company of
 478 liability for paying to the department all costs and expenses
 479 incurred or to be incurred for removing and destroying the
 480 permitted plants covered by an immediate final order authorized
 481 under paragraph (c). A bond or certificate of deposit must be
 482 provided or assigned in the exact name in which an applicant
 483 applies for a special permit. The penal sum of the bond or
 484 certificate of deposit to be furnished to the department by a
 485 permitholder in the amount specified in this paragraph must
 486 guarantee payment of the costs and expenses incurred or to be
 487 incurred by the department for removing and destroying the
 488 plants cultivated under the issued special permit. The bond or
 489 certificate of deposit assignment or agreement must be upon a
 490 form prescribed or approved by the department and must be
 491 conditioned to secure the faithful accounting for and payment of
 492 all costs and expenses incurred by the department for removing
 493 and destroying all plants cultivated under the special permit.
 494 The bond or certificate of deposit assignment or agreement must
 495 include terms binding the instrument to the Commissioner of
 496 Agriculture. Such certificate of deposit shall be presented with
 497 an assignment of the permitholder's rights in the certificate in
 498 favor of the Commissioner of Agriculture on a form prescribed by
 499 the department and with a letter from the issuing institution

500 acknowledging that the assignment has been properly recorded on
501 the books of the issuing institution and will be honored by the
502 issuing institution. Such assignment is irrevocable while a
503 special permit is in effect and for an additional period of 6
504 months after termination of the special permit if operations to
505 remove and destroy the permitted plants are not continuing and
506 if the department's invoice remains unpaid by the permitholder
507 under the issued immediate final order. If operations to remove
508 and destroy the plants are pending, the assignment remains in
509 effect until all plants are removed and destroyed and the
510 department's invoice has been paid. The bond or certificate of
511 deposit may be released by the assignee of the surety company or
512 financial institution to the permitholder, or to the
513 permitholder's successors, assignee, or heirs, if operations to
514 remove and destroy the permitted plants are not pending and no
515 invoice remains unpaid at the conclusion of 6 months after the
516 last effective date of the special permit. The department may
517 not accept a certificate of deposit that contains any provision
518 that would give to any person any prior rights or claim on the
519 proceeds or principal of such certificate of deposit. The
520 department shall determine by rule whether an annual bond or
521 certificate of deposit will be required. The amount of such bond
522 or certificate of deposit shall be increased, upon order of the
523 department, at any time if the department finds such increase to
524 be warranted by the cultivating operations of the permitholder.
525 In the same manner, the amount of such bond or certificate of
526 deposit may be decreased when a decrease in the cultivating
527 operations warrants such decrease. This paragraph applies to any

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528 bond or certificate of deposit, regardless of the anniversary
529 date of its issuance, expiration, or renewal.

530 (f) In order to carry out the purposes of this subsection,
531 the department or its agents may require from any permitholder
532 verified statements of the cultivated acreage subject to the
533 special permit and may review the permitholder's business or
534 cultivation records at her or his place of business during
535 normal business hours in order to determine the acreage
536 cultivated. The failure of a permitholder to furnish such
537 statement, to make such records available, or to make and
538 deliver a new or additional bond or certificate of deposit is
539 cause for suspension of the special permit. If the department
540 finds such failure to be willful, the special permit may be
541 revoked.

542 Section 15. Subsection (3) of section 585.002, Florida
543 Statutes, is amended to read:

544 585.002 Department control; continuance of powers, duties,
545 rules, orders, etc.--

546 (3) The department, to the exclusion of all other state
547 agencies, shall have regulatory authority over the possession,
548 control, care, and maintenance of ostriches, emus, ~~and~~ rheas,
549 and bison domesticated and confined for commercial farming
550 purposes, except those kept and maintained on hunting preserves
551 or game farms or primarily for exhibition purposes in zoos,
552 carnivals, circuses, and other such establishments where such
553 species are kept for display to the public for a fee.

554 Section 16. Subsection (2) and paragraph (c) of subsection
555 (3) of section 590.125, Florida Statutes, are amended to read:

- 556 590.125 Open burning authorized by the division.--
 557 (2) NONCERTIFIED BURNING.--
 558 (a) Persons may be authorized to burn wild land or
 559 vegetative land-clearing debris in accordance with this
 560 subsection if:
- 561 1. There is specific consent of the landowner or his or
 562 her designee;
 - 563 2. Authorization has been obtained from the division or
 564 its designated agent before starting the burn;
 - 565 3. There are adequate firebreaks at the burn site and
 566 sufficient personnel and firefighting equipment for the control
 567 of the fire;
 - 568 4. The fire remains within the boundary of the authorized
 569 area;
 - 570 5. Someone is present at the burn site until the fire is
 571 extinguished;
 - 572 6. The division does not cancel the authorization; and
 - 573 7. The division determines that air quality and fire
 574 danger are favorable for safe burning.

575
 576 If a request for a burn permit is denied at any time or for any
 577 reason, the division must obtain, if possible, two telephone
 578 numbers from the person requesting the burn permit. Upon the
 579 return of conditions allowing for the issuance of a permit, the
 580 division must make at least two attempts to notify the person
 581 that an authorization may be granted.

- 582 (b) A person who burns wild land or vegetative land-
 583 clearing debris in a manner that violates any requirement of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

584 this subsection commits a misdemeanor of the second degree,
 585 punishable as provided in s. 775.082 or s. 775.083.

586 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 587 PURPOSE.--

588 (c) Neither a property owner nor ~~or~~ his or her agent is
 589 ~~neither~~ liable pursuant to s. 590.13 for damage or injury caused
 590 by the fire or resulting smoke or ~~nor~~ considered to be in
 591 violation of subsection (2) for burns conducted in accordance
 592 with this subsection unless gross negligence is proven.

593 Section 17. Assessment of obsolete agricultural
 594 equipment.--

595 (1) For purposes of assessment for ad valorem property
 596 taxes, obsolete agricultural equipment shall be deemed to have a
 597 market value no greater than its value for salvage. As used in
 598 this section, the term "agricultural equipment" means any
 599 equipment that qualifies for the sales tax exemption provided in
 600 s. 212.08(3), Florida Statutes, wherever purchased. Agricultural
 601 equipment shall be considered obsolete for purposes of this
 602 section if it is no longer commonly used by the taxpayer in
 603 agricultural production.

604 (2) Any taxpayer claiming the right of assessment for ad
 605 valorem taxes under the provisions of this section shall so
 606 state in a return filed as provided by law, giving a brief
 607 description of the equipment and its use. The property appraiser
 608 may require the taxpayer to produce any additional information
 609 as necessary in order to establish the taxpayer's right to have
 610 such property classified as obsolete under this section for
 611 purposes of the assessment.

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Section 18. This act shall take effect July 1, 2005.