

CHAMBER ACTION

1 The Agriculture & Environment Appropriations Committee
2 recommends the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to agriculture; amending s. 193.451, F.S.;
8 clarifying the value for purpose of assessment for ad
9 valorem taxes of certain property leased by the Department
10 of Agriculture and Consumer Services; providing intent for
11 retroactive application; amending ss. 372.921 and 372.922,
12 F.S.; conforming provisions relating to regulatory
13 authority over the possession, control, care, and
14 maintenance of bison; creating s. 450.175, F.S.; providing
15 a part title; repealing s. 450.211, F.S., relating to the
16 advisory committee for the Legislative Commission on
17 Migrant Labor; amending s. 487.2031, F.S.; revising
18 definition of the term "material safety data sheet" for
19 purposes of the Florida Agricultural Worker Safety Act;
20 amending s. 502.014, F.S.; deleting a duty of the
21 department relating to issuance of a temporary marketing
22 permit for milk and milk products and a fee therefor;
23 amending s. 502.091, F.S.; deleting reference to a milk

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24 | type no longer produced; amending s. 503.011, F.S.;

25 | updating a reference in the definition of "frozen

26 | desserts"; amending s. 531.39, F.S.; deleting an outdated

27 | reference relating to state standards for weights and

28 | measures; amending s. 531.47, F.S.; revising provisions

29 | relating to packages on which information is required;

30 | amending s. 531.49, F.S.; revising provisions relating to

31 | advertising packaged commodities; amending s. 570.07,

32 | F.S.; providing an additional power of the department;

33 | creating s. 570.076, F.S.; authorizing the department to

34 | adopt rules establishing the Environmental Stewardship

35 | Certification Program; providing program standards;

36 | providing requirements for receipt of an agricultural

37 | certification; authorizing the Soil and Water Conservation

38 | Council to develop and recommend additional criteria;

39 | authorizing the department and the Institute of Food and

40 | Agricultural Sciences at the University of Florida to

41 | develop, deliver, and certify completion of a curriculum;

42 | amending s. 570.9135, F.S.; correcting a reference;

43 | amending s. 581.083, F.S.; prohibiting the cultivation of

44 | nonnative plants for purposes of fuel production or

45 | purposes other than agriculture in plantings greater than

46 | a specified size, except under a special permit issued by

47 | the department; providing an exemption; requiring

48 | application for a special permit and a fee therefor;

49 | requiring an applicant to show proof of security through a

50 | bond or certificate of deposit; defining the term

51 | "certificate of deposit"; requiring removal and

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52 | destruction of plants under certain circumstances;
53 | specifying circumstances under which the department may
54 | issue a final order for plant removal and destruction;
55 | requiring reimbursement of costs and expenses for plant
56 | removal and destruction by the department; providing
57 | requirements for maintenance of a bond or certificate of
58 | deposit by a permitholder; providing requirements relating
59 | to assignment and cancellation of a bond or certificate of
60 | deposit; authorizing requirement for an annual bond or
61 | certificate of deposit and an increase or decrease in the
62 | amount of security required; authorizing the department to
63 | verify statements and accounts with respect to cultivated
64 | acreage; providing for suspension or revocation of a
65 | special permit under certain circumstances; amending s.
66 | 585.002, F.S.; providing for department regulatory
67 | authority over the possession, control, care, and
68 | maintenance of bison; providing an exception; amending s.
69 | 590.125, F.S.; providing requirements relating to the
70 | denial of a request for a burn permit; clarifying
71 | liability with respect to prescribed burning; providing
72 | for obsolete agricultural equipment to be assessed at its
73 | salvage value for purposes of ad valorem taxation;
74 | defining the term "agricultural equipment"; providing a
75 | procedure for a taxpayer to claim the right of assessment;
76 | authorizing the property appraiser to require information
77 | establishing a taxpayer's right to the classification;
78 | providing severability; providing an effective date.

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

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82 Section 1. Subsection (3) is added to section 193.451,
83 Florida Statutes, to read:

84 193.451 Annual growing of agricultural crops, nonbearing
85 fruit trees, nursery stock; taxability.--

86 (3) Personal property leased or subleased by the
87 Department of Agriculture and Consumer Services and utilized in
88 the inspection, grading, or classification of citrus fruit shall
89 be deemed to have value for purposes of assessment for ad
90 valorem property taxes no greater than its market value as
91 salvage. It is the expressed intent of the Legislature that this
92 subsection shall have retroactive application to December 31,
93 2003.

94 Section 2. Subsection (8) of section 372.921, Florida
95 Statutes, is amended to read:

96 372.921 Exhibition or sale of wildlife.--

97 (8) This section shall not apply to the possession,
98 control, care, and maintenance of ostriches, emus, ~~and~~ rheas,
99 and bison domesticated and confined for commercial farming
100 purposes, except those kept and maintained on hunting preserves
101 or game farms or primarily for exhibition purposes in zoos,
102 carnivals, circuses, and other such establishments where such
103 species are kept for display to the public for a fee.

104 Section 3. Subsection (6) of section 372.922, Florida
105 Statutes, is amended to read:

106 372.922 Personal possession of wildlife.--

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107 (6) This section shall not apply to the possession,
 108 control, care, and maintenance of ostriches, emus, ~~and~~ rheas,
 109 and bison domesticated and confined for commercial farming
 110 purposes, except those kept and maintained on hunting preserves
 111 or game farms or primarily for exhibition purposes in zoos,
 112 carnivals, circuses, and other such establishments where such
 113 species are kept for display to the public for a fee.

114 Section 4. Section 450.175, Florida Statutes, is created
 115 to read:

116 450.175 Part title.--Part II of this chapter may be cited
 117 as the "Alfredo Bahena Act."

118 Section 5. Section 450.211, Florida Statutes, is repealed.

119 Section 6. Subsection (7) of section 487.2031, Florida
 120 Statutes, is amended to read:

121 487.2031 Definitions.--For the purposes of this part, the
 122 term:

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

126 (a) The chemical name and the common name of the
 127 agricultural pesticide.

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

130 1. The potential for fire, explosions, corrosivity, and
 131 reactivity.

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

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

136 3. The primary routes of entry and symptoms of
137 overexposure.

138 (c) The proper handling practices, necessary personal
139 protective equipment, and other proper or necessary safety
140 precautions in circumstances that involve the use of or exposure
141 to the agricultural pesticide, including appropriate emergency
142 treatment in case of overexposure.

143 (d) The emergency procedures for spills, fire, disposal,
144 and first aid.

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

149 (f) The year and month, if available, that the information
150 was compiled and the name, address, and emergency telephone
151 number of the manufacturer responsible for preparing the
152 information.

153 Section 7. Section 502.014, Florida Statutes, is amended
154 to read:

155 502.014 Powers and duties.--

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

158 (a) The production, processing, and distribution of milk
159 and milk products.

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

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

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

167 (d) The laboratory work of testing and analyzing milk and
168 milk products.

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

172 (b) The department shall designate employees who shall be
173 certified by the United States Food and Drug Administration as
174 state milk sanitation rating officers, sampling surveillance
175 officers, and laboratory evaluation officers in accordance with
176 the requirements published in "Methods of Making Sanitation
177 Ratings of Milk Supplies," "Evaluation of Milk Laboratories,"
178 and "Procedures Governing the Cooperative State-Public Health
179 Service/Food and Drug Administration Program for Certification
180 of Interstate Milk Shippers," respectively, as adopted by
181 department rule. These officers shall conduct routine sanitation
182 compliance survey ratings of milk producers, milk plants,
183 laboratories, receiving stations, transfer stations, and
184 manufacturers of single-service containers for milk and milk
185 products. These ratings shall be made in accordance with the
186 recommendations of the United States Food and Drug
187 Administration published in Standard Methods for the Examination
188 of Dairy Products.

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

194 (4) The department shall define by rule "cottage cheese,"
195 "dry-curd cottage cheese," and "lowfat cottage cheese." The
196 department shall periodically update these definitions to
197 maintain conformity with the federal definitions.

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

201 ~~(b) The department shall establish a fee, not to exceed~~
202 ~~\$100, for the issuance of a state temporary marketing permit or~~
203 ~~the use of a federal permit in the state. The fee shall cover~~
204 ~~all costs of issuing the state permit or processing the federal~~
205 ~~permit.~~

206 (5)(6) The department may impound any reconstituted or
207 recombined milk or any adulterated or misbranded milk or milk
208 product to prevent its use for human consumption, and may
209 dispose of it in a manner that does not create a nuisance.

210 (6)(7) The department has authority to adopt rules
211 pursuant to ss. 120.536(1) and 120.54 to implement and enforce
212 the provisions of this chapter. In adopting these rules, the
213 department shall be guided by and may conform to the definitions
214 and standards of the administrative procedures and provisions of
215 the pasteurized milk ordinance. The rules shall include, but are
216 not limited to:

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217 (a) Standards for milk and milk products.

218 (b) Provisions for the production, transportation,
 219 processing, handling, sampling, examination, grading, labeling,
 220 and sale of all milk and milk products and imitation and
 221 substitute milk and milk products sold for public consumption in
 222 this state.

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

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

227 (7)~~(8)~~ The department shall not conduct routine tests or
 228 inspections on raw milk that is shipped from outside the state.
 229 Nothing in this subsection shall be construed to limit the
 230 authority of the department to review industry records or sample
 231 milk at any stage of production, processing, or distribution in
 232 cases of suspected hazard to public health.

233 Section 8. Subsection (1) of section 502.091, Florida
 234 Statutes, is amended to read:

235 502.091 Milk and milk products which may be sold.--

236 (1) Only Grade A pasteurized milk and milk products ~~or~~
 237 ~~certified pasteurized milk~~ shall be sold to the final consumer
 238 or to restaurants, soda fountains, grocery stores, or similar
 239 establishments.

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

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244 products shall be appropriately labeled, as determined by the
245 department.

246 (b) If the department determines that milk is fit for
247 human consumption even though it is less than Grade A because
248 the producer failed to comply with the sanitation or bacterial
249 standards defined in this chapter, or if any specific shipment
250 of milk fails to comply with standards of the pasteurized milk
251 ordinance, the department may issue a permit allowing the milk
252 to be used in ungraded products, such as frozen desserts, which
253 are being processed by such milk plant. During processing of
254 such milk, it shall be pasteurized at a temperature of at least
255 175° F. for at least 15 seconds or at least 160° F. for at least
256 30 minutes.

257 Section 9. Subsection (2) of section 503.011, Florida
258 Statutes, is amended to read:

259 503.011 Definitions.--The following definitions shall
260 apply in the interpretation and enforcement of this chapter:

261 (2) "Frozen desserts" means the foods which conform to the
262 provisions of "definitions and standards of identity for frozen
263 desserts," United States Food and Drug Administration, 21 C.F.R.
264 part 135 (2004) ~~(1990)~~, and foods, defined by rule of the
265 department, which resemble but do not conform to federal
266 definitions. The term also includes, but is not limited to,
267 "quiescently frozen confection," "quiescently frozen dairy
268 confection," and "frozen dietary dairy dessert and frozen
269 dietary dessert."

270 Section 10. Section 531.39, Florida Statutes, is amended
271 to read:

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272 531.39 State standards.--Weights and measures that are
 273 traceable to the United States prototype standards supplied by
 274 the Federal Government (~~Pub. L. No. 89-164, 1965~~), or approved
 275 as being satisfactory by the National Institute of Standards and
 276 Technology, shall be the state primary standards of weights and
 277 measures, and shall be maintained in such calibration as
 278 prescribed by the National Institute of Standards and
 279 Technology. In addition, there shall be provided by the state
 280 such secondary standards as may be necessary to carry out the
 281 provisions of this chapter. The secondary standards shall be
 282 verified upon their initial receipt and as often thereafter as
 283 deemed necessary by the department.

284 Section 11. Section 531.47, Florida Statutes, is amended
 285 to read:

286 531.47 Information required on packages.--Except as
 287 otherwise provided in this chapter or by rules adopted pursuant
 288 thereto, any package ~~introduced in intrastate commerce,~~ kept for
 289 the purpose of sale, or offered or exposed for sale ~~in~~
 290 ~~intrastate commerce~~ shall bear on the outside of the package a
 291 definite, plain, and conspicuous declaration of:

292 (1) The identity of the commodity in the package, unless
 293 the same can easily be identified through the wrapper or
 294 container.

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

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

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299 | offered or exposed for sale or sold in any place other than on
300 | the premises where packed.

301 | Section 12. Section 531.49, Florida Statutes, is amended
302 | to read:

303 | 531.49 Advertising packages for sale.--Whenever a packaged
304 | commodity is advertised in any manner with the retail price
305 | stated, there shall be closely and conspicuously associated with
306 | the retail price a declaration of quantity as is required by law
307 | or rule to appear on the package. ~~When a dual declaration is~~
308 | ~~required, only the declaration that sets forth the quantity in~~
309 | ~~terms of the smaller unit of weight or measure need appear in~~
310 | ~~the advertisement.~~

311 | Section 13. Subsection (41) is added to section 570.07,
312 | Florida Statutes, to read:

313 | 570.07 Department of Agriculture and Consumer Services;
314 | functions, powers, and duties.--The department shall have and
315 | exercise the following functions, powers, and duties:

316 | (41) Notwithstanding any other provision of law, to use
317 | any program for on-line procurement of commodities or
318 | contractual services, but not be obligated to do so.

319 | Section 14. Section 570.076, Florida Statutes, is created
320 | to read:

321 | 570.076 Environmental Stewardship Certification
322 | Program.--The department may, by rule, establish the
323 | Environmental Stewardship Certification Program consistent with
324 | this section. A rule adopted under this section must be
325 | developed in consultation with state universities, agricultural
326 | organizations, and other interested parties.

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327 (1) The program must:
 328 (a) Be integrated, to the maximum extent practicable, with
 329 programs that are sponsored by agricultural organizations or
 330 state universities.
 331 (b) Be designed to recognize and promote agricultural
 332 operations or homeowner practices that demonstrate exemplary
 333 resource management that is related to environmental
 334 stewardship.
 335 (c) Include a process to periodically review a
 336 certification to ensure compliance with the program
 337 requirements, including implementation by the certificateholder.
 338 (d) Require periodic continuing education in relevant
 339 environmental stewardship issues in order to maintain
 340 certification.
 341 (2) The department shall provide an agricultural
 342 certification under this program for implementation of one or
 343 more of the following criteria:
 344 (a) A voluntary agreement between an agency and an
 345 agricultural producer for environmental improvement or water-
 346 resource protection.
 347 (b) A conservation plan that meets or exceeds the
 348 requirements of the United States Department of Agriculture.
 349 (c) Best management practices adopted by rule pursuant to
 350 s. 403.067(7)(d) or s. 570.085(2).
 351 (3) The Soil and Water Conservation Council created by s.
 352 582.06 may develop and recommend to the department for adoption
 353 additional criteria for receipt of an agricultural certification
 354 which may include, but not be limited to:

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- 355 (a) Comprehensive management of all on-farm resources.
- 356 (b) Promotion of environmental awareness and responsible
- 357 resource stewardship in agricultural or urban communities.
- 358 (c) Completion of a curriculum of study that is related to
- 359 environmental issues and regulation.
- 360 (4) If needed, the department and the Institute of Food
- 361 and Agricultural Sciences at the University of Florida may
- 362 jointly develop a curriculum that provides instruction
- 363 concerning environmental issues pertinent to agricultural
- 364 certification and deliver such curriculum to, and certify its
- 365 completion by, any person seeking certification or to maintain
- 366 certification.
- 367 (5) The department may enter into agreements with third-
- 368 party providers to administer or implement all or part of the
- 369 program.

370 Section 15. Paragraph (a) of subsection (4) of section
371 570.9135, Florida Statutes, is amended to read:

372 570.9135 Beef Market Development Act; definitions; Florida
373 Beef Council, Inc., creation, purposes, governing board, powers,
374 and duties; referendum on assessments imposed on gross receipts
375 from cattle sales; payments to organizations for services;
376 collecting and refunding assessments; vote on continuing the
377 act; council bylaws.--

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

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

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383 Section 16. Subsection (4) is added to section 581.083,
384 Florida Statutes, to read:

385 581.083 Introduction or release of plant pests, noxious
386 weeds, or organisms affecting plant life; cultivation of
387 nonnative plants; special permit and security required.--

388 (4) A person may not cultivate a nonnative plant,
389 including a genetically engineered plant or a plant that has
390 been introduced, for purposes of fuel production or purposes
391 other than agriculture in plantings greater in size than 2
392 contiguous acres, except under a special permit issued by the
393 department through the division, which is the sole agency
394 responsible for issuing such special permits. Such a permit
395 shall not be required if the department determines, in
396 conjunction with the Institute of Food and Agricultural Sciences
397 at the University of Florida, that the plant is not invasive and
398 subsequently exempts the plant by rule.

399 (a)1. Each application for a special permit must be
400 accompanied by a fee as described in subsection (2) and proof
401 that the applicant has obtained a bond in the form approved by
402 the department and issued by a surety company admitted to do
403 business in this state or a certificate of deposit. The
404 application must include, on a form provided by the department,
405 the name of the applicant and the applicant's address or the
406 address of the applicant's principal place of business; a
407 statement completely identifying the nonnative plant to be
408 cultivated; and a statement of the estimated cost of removing
409 and destroying the plant that is the subject of the special
410 permit and the basis for calculating or determining that

411 estimate. If the applicant is a corporation, partnership, or
 412 other business entity, the applicant must also provide in the
 413 application the name and address of each officer, partner, or
 414 managing agent. The applicant shall notify the department within
 415 10 business days of any change of address or change in the
 416 principal place of business. The department shall mail all
 417 notices to the applicant's last known address.

418 2. As used in this subsection, the term "certificate of
 419 deposit" means a certificate of deposit at any recognized
 420 financial institution doing business in the United States. The
 421 department may not accept a certificate of deposit in connection
 422 with the issuance of a special permit unless the issuing
 423 institution is properly insured by the Federal Deposit Insurance
 424 Corporation or the Federal Savings and Loan Insurance
 425 Corporation.

426 (b) Upon obtaining a permit, the permitholder may annually
 427 cultivate and maintain the nonnative plants as authorized by the
 428 special permit. If the permitholder ceases to maintain or
 429 cultivate the plants authorized by the special permit, if the
 430 permit expires, or if the permitholder ceases to abide by the
 431 conditions of the special permit, the permitholder shall
 432 immediately remove and destroy the plants that are subject to
 433 the permit, if any remain. The permitholder shall notify the
 434 department of the removal and destruction of the plants within
 435 10 days after such event.

436 (c) If the department:

437 1. Determines that the permitholder is no longer
 438 maintaining or cultivating the plants subject to the special

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439 permit and has not removed and destroyed the plants authorized
440 by the special permit;

441 2. Determines that the continued maintenance or
442 cultivation of the plants presents an imminent danger to public
443 health, safety, or welfare;

444 3. Determines that the permitholder has exceeded the
445 conditions of the authorized special permit; or

446 4. Receives a notice of cancellation of the surety bond,

447
448 the department may issue an immediate final order, which shall
449 be immediately appealable or enjoicable as provided by chapter
450 120, directing the permitholder to immediately remove and
451 destroy the plants authorized to be cultivated under the special
452 permit. A copy of the immediate final order shall be mailed to
453 the permitholder and to the surety company or financial
454 institution that has provided security for the special permit,
455 if applicable.

456 (d) If, upon issuance by the department of an immediate
457 final order to the permitholder, the permitholder fails to
458 remove and destroy the plants subject to the special permit
459 within 60 days after issuance of the order, or such shorter
460 period as is designated in the order as public health, safety,
461 or welfare requires, the department may enter the cultivated
462 acreage and remove and destroy the plants that are the subject
463 of the special permit. If the permitholder makes a written
464 request to the department for an extension of time to remove and
465 destroy the plants that demonstrates specific facts showing why
466 the plants could not reasonably be removed and destroyed in the

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467 applicable timeframe, the department may extend the time for
 468 removing and destroying plants subject to a special permit. The
 469 reasonable costs and expenses incurred by the department for
 470 removing and destroying plants subject to a special permit shall
 471 be reimbursed to the department by the permitholder within 21
 472 days after the date the permitholder and the surety company or
 473 financial institution are served a copy of the department's
 474 invoice for the costs and expenses incurred by the department to
 475 remove and destroy the cultivated plants, along with a notice of
 476 administrative rights, unless the permitholder or the surety
 477 company or financial institution object to the reasonableness of
 478 the invoice. In the event of an objection, the permitholder or
 479 surety company or financial institution is entitled to an
 480 administrative proceeding as provided by chapter 120. Upon entry
 481 of a final order determining the reasonableness of the incurred
 482 costs and expenses, the permitholder shall have 15 days
 483 following service of the final order to reimburse the
 484 department. Failure of the permitholder to timely reimburse the
 485 department for the incurred costs and expenses entitles the
 486 department to reimbursement from the applicable bond or
 487 certificate of deposit.

488 (e) Each permitholder shall maintain for each separate
 489 growing location a bond or a certificate of deposit in an amount
 490 determined by the department, but not less than 150 percent of
 491 the estimated cost of removing and destroying the cultivated
 492 plants. The bond or certificate of deposit may not exceed \$5,000
 493 per acre, unless a higher amount is determined by the department
 494 to be necessary to protect the public health, safety, and

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495 welfare or unless an exemption is granted by the department
 496 based on conditions specified in the application which would
 497 preclude the department from incurring the cost of removing and
 498 destroying the cultivated plants and would prevent injury to the
 499 public health, safety, and welfare. The aggregate liability of
 500 the surety company or financial institution to all persons for
 501 all breaches of the conditions of the bond or certificate of
 502 deposit may not exceed the amount of the bond or certificate of
 503 deposit. The original bond or certificate of deposit required by
 504 this subsection shall be filed with the department. A surety
 505 company shall give the department 30 days' written notice of
 506 cancellation, by certified mail, in order to cancel a bond.
 507 Cancellation of a bond does not relieve a surety company of
 508 liability for paying to the department all costs and expenses
 509 incurred or to be incurred for removing and destroying the
 510 permitted plants covered by an immediate final order authorized
 511 under paragraph (c). A bond or certificate of deposit must be
 512 provided or assigned in the exact name in which an applicant
 513 applies for a special permit. The penal sum of the bond or
 514 certificate of deposit to be furnished to the department by a
 515 permitholder in the amount specified in this paragraph must
 516 guarantee payment of the costs and expenses incurred or to be
 517 incurred by the department for removing and destroying the
 518 plants cultivated under the issued special permit. The bond or
 519 certificate of deposit assignment or agreement must be upon a
 520 form prescribed or approved by the department and must be
 521 conditioned to secure the faithful accounting for and payment of
 522 all costs and expenses incurred by the department for removing

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523 and destroying all plants cultivated under the special permit.
524 The bond or certificate of deposit assignment or agreement must
525 include terms binding the instrument to the Commissioner of
526 Agriculture. Such certificate of deposit shall be presented with
527 an assignment of the permitholder's rights in the certificate in
528 favor of the Commissioner of Agriculture on a form prescribed by
529 the department and with a letter from the issuing institution
530 acknowledging that the assignment has been properly recorded on
531 the books of the issuing institution and will be honored by the
532 issuing institution. Such assignment is irrevocable while a
533 special permit is in effect and for an additional period of 6
534 months after termination of the special permit if operations to
535 remove and destroy the permitted plants are not continuing and
536 if the department's invoice remains unpaid by the permitholder
537 under the issued immediate final order. If operations to remove
538 and destroy the plants are pending, the assignment remains in
539 effect until all plants are removed and destroyed and the
540 department's invoice has been paid. The bond or certificate of
541 deposit may be released by the assignee of the surety company or
542 financial institution to the permitholder, or to the
543 permitholder's successors, assignee, or heirs, if operations to
544 remove and destroy the permitted plants are not pending and no
545 invoice remains unpaid at the conclusion of 6 months after the
546 last effective date of the special permit. The department may
547 not accept a certificate of deposit that contains any provision
548 that would give to any person any prior rights or claim on the
549 proceeds or principal of such certificate of deposit. The
550 department shall determine by rule whether an annual bond or

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551 certificate of deposit will be required. The amount of such bond
 552 or certificate of deposit shall be increased, upon order of the
 553 department, at any time if the department finds such increase to
 554 be warranted by the cultivating operations of the permitholder.
 555 In the same manner, the amount of such bond or certificate of
 556 deposit may be decreased when a decrease in the cultivating
 557 operations warrants such decrease. This paragraph applies to any
 558 bond or certificate of deposit, regardless of the anniversary
 559 date of its issuance, expiration, or renewal.

560 (f) In order to carry out the purposes of this subsection,
 561 the department or its agents may require from any permitholder
 562 verified statements of the cultivated acreage subject to the
 563 special permit and may review the permitholder's business or
 564 cultivation records at her or his place of business during
 565 normal business hours in order to determine the acreage
 566 cultivated. The failure of a permitholder to furnish such
 567 statement, to make such records available, or to make and
 568 deliver a new or additional bond or certificate of deposit is
 569 cause for suspension of the special permit. If the department
 570 finds such failure to be willful, the special permit may be
 571 revoked.

572 Section 17. Subsection (3) of section 585.002, Florida
 573 Statutes, is amended to read:

574 585.002 Department control; continuance of powers, duties,
 575 rules, orders, etc.--

576 (3) The department, to the exclusion of all other state
 577 agencies, shall have regulatory authority over the possession,
 578 control, care, and maintenance of ostriches, emus, ~~and~~ rneas,

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579 | and bison domesticated and confined for commercial farming
 580 | purposes, except those kept and maintained on hunting preserves
 581 | or game farms or primarily for exhibition purposes in zoos,
 582 | carnivals, circuses, and other such establishments where such
 583 | species are kept for display to the public for a fee.

584 | Section 18. Subsection (2) and paragraph (c) of subsection
 585 | (3) of section 590.125, Florida Statutes, are amended to read:

586 | 590.125 Open burning authorized by the division.--

587 | (2) NONCERTIFIED BURNING.--

588 | (a) Persons may be authorized to burn wild land or
 589 | vegetative land-clearing debris in accordance with this
 590 | subsection if:

591 | 1. There is specific consent of the landowner or his or
 592 | her designee;

593 | 2. Authorization has been obtained from the division or
 594 | its designated agent before starting the burn;

595 | 3. There are adequate firebreaks at the burn site and
 596 | sufficient personnel and firefighting equipment for the control
 597 | of the fire;

598 | 4. The fire remains within the boundary of the authorized
 599 | area;

600 | 5. Someone is present at the burn site until the fire is
 601 | extinguished;

602 | 6. The division does not cancel the authorization; and

603 | 7. The division determines that air quality and fire
 604 | danger are favorable for safe burning.

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606 If a request for a burn permit is denied at any time or for any
 607 reason, the division must obtain, if possible, two telephone
 608 numbers from the person requesting the burn permit. Upon the
 609 return of conditions allowing for the issuance of a permit, the
 610 division must make at least two attempts to notify the person
 611 that an authorization may be granted.

612 (b) A person who burns wild land or vegetative land-
 613 clearing debris in a manner that violates any requirement of
 614 this subsection commits a misdemeanor of the second degree,
 615 punishable as provided in s. 775.082 or s. 775.083.

616 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 617 PURPOSE.--

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

623 Section 19. Assessment of obsolete agricultural
 624 equipment.--

625 (1) For purposes of assessment for ad valorem property
 626 taxes, obsolete agricultural equipment shall be deemed to have a
 627 market value no greater than its value for salvage. As used in
 628 this section, the term "agricultural equipment" means any
 629 equipment that qualifies for the sales tax exemption provided in
 630 s. 212.08(3), Florida Statutes, wherever purchased. Agricultural
 631 equipment shall be considered obsolete for purposes of this
 632 section if it is no longer commonly used by the taxpayer in
 633 agricultural production.

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634 (2) Any taxpayer claiming the right of assessment for ad
635 valorem taxes under the provisions of this section shall so
636 state in a return filed as provided by law, giving a brief
637 description of the equipment and its use. The property appraiser
638 may require the taxpayer to produce any additional information
639 as necessary in order to establish the taxpayer's right to have
640 such property classified as obsolete under this section for
641 purposes of the assessment.

642 Section 20. If any provision of this act or the
643 application thereof to any person or circumstances is held
644 invalid, the invalidity shall not affect other provisions or
645 applications of the act which can be given effect without the
646 invalid provision or application and, to this end, the
647 provisions of this act are declared severable.

648 Section 21. This act shall take effect July 1, 2005.