

1 Certification Program; providing program
2 standards; providing requirements for receipt
3 of an agricultural certification; authorizing
4 the Soil and Water Conservation Council to
5 develop and recommend additional criteria;
6 authorizing the department and the Institute of
7 Food and Agricultural Sciences at the
8 University of Florida to develop, deliver, and
9 certify completion of a curriculum; amending s.
10 570.9135, F.S.; correcting a reference;
11 amending s. 581.011, F.S.; defining the term
12 "invasive plant"; amending s. 581.083, F.S.;
13 prohibiting the cultivation of nonnative plants
14 for purposes of fuel production or purposes
15 other than agricultural in plantings greater
16 than a specified size, except under a special
17 permit issued by the department; providing an
18 exemption; requiring application for a special
19 permit and a fee therefor; requiring an
20 applicant to show proof of security through a
21 bond or certificate of deposit; defining the
22 term "certificate of deposit"; requiring the
23 removal and destruction of plants under certain
24 circumstances; specifying the circumstances
25 under which the department may issue a final
26 order for plant removal and destruction;
27 requiring reimbursement of costs and expenses
28 for plant removal and destruction by the
29 department; providing requirements for
30 maintenance of a bond or certificate of deposit
31 by a permitholder; providing requirements

1 relating to assignment and cancellation of a
2 bond or certificate of deposit; authorizing the
3 requirement of an annual bond or certificate of
4 deposit and an increase or decrease in the
5 amount of security required; authorizing the
6 department to verify statements and accounts
7 with respect to cultivated acreage; providing
8 for the suspension or revocation of a special
9 permit under certain circumstances; amending s.
10 585.002, F.S.; providing for the department's
11 regulatory authority over the possession,
12 control, care, and maintenance of bison;
13 providing an exception; amending s. 590.125,
14 F.S.; clarifying liability with respect to
15 prescribed burning; providing for obsolete
16 agricultural equipment to be assessed at its
17 value as salvage; defining the term
18 "agricultural equipment"; providing a procedure
19 for a taxpayer to claim the right of assessment
20 under this section; authorizing the property
21 appraiser to require information establishing a
22 taxpayer's right to the classification;
23 providing severability; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (8) of section 372.921, Florida
29 Statutes, is amended to read:

30 372.921 Exhibition or sale of wildlife.--
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1 (8) This section shall not apply to the possession,
2 control, care, and maintenance of ostriches, emus, ~~and~~ rheas,
3 and bison domesticated and confined for commercial farming
4 purposes, except those kept and maintained on hunting
5 preserves or game farms or primarily for exhibition purposes
6 in zoos, carnivals, circuses, and other such establishments
7 where such species are kept primarily for display to the
8 public.

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

11 372.922 Personal possession of wildlife.--

12 (6) This section shall not apply to the possession,
13 control, care, and maintenance of ostriches, emus, ~~and~~ rheas,
14 and bison domesticated and confined for commercial farming
15 purposes, except those kept and maintained on hunting
16 preserves or game farms or primarily for exhibition purposes
17 in zoos, carnivals, circuses, and other such establishments
18 where such species are kept primarily for display to the
19 public.

20 Section 3. Section 450.175, Florida Statutes, is
21 created to read:

22 450.175 Short title.--Part II of this chapter may be
23 cited as the "Alfredo Bahena Act."

24 Section 4. Section 450.211, Florida Statutes, is
25 repealed.

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

28 487.2031 Definitions.--For the purposes of this part,
29 the term:

30
31

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

4 (a) The chemical name and the common name of the
5 agricultural pesticide.

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

8 1. The potential for fire, explosions, corrosivity,
9 and reactivity.

10 2. The known acute health effects and chronic health
11 effects of exposure to the agricultural pesticide, including
12 those medical conditions that are generally recognized as
13 being aggravated by exposure to the agricultural pesticide.

14 3. The primary routes of entry and symptoms of
15 overexposure.

16 (c) The proper handling practices, necessary personal
17 protective equipment, and other proper or necessary safety
18 precautions in circumstances that involve the use of or
19 exposure to the agricultural pesticide, including appropriate
20 emergency treatment in case of overexposure.

21 (d) The emergency procedures for spills, fire,
22 disposal, and first aid.

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

27 (f) The year and month, if available, that the
28 information was compiled and the name, address, and emergency
29 telephone number of the manufacturer responsible for preparing
30 the information.

31

1 Section 6. Subsection (5) of section 502.014, Florida
2 Statutes, is repealed.

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

5 502.091 Milk and milk products which may be sold.--

6 (1) Only Grade A pasteurized milk and milk products ~~or~~
7 ~~certified pasteurized milk~~ shall be sold to the final consumer
8 or to restaurants, soda fountains, grocery stores, or similar
9 establishments.

10 (a) In an emergency, however, the department may
11 authorize the sale of reconstituted pasteurized milk products,
12 or pasteurized milk and milk products that have not been
13 graded or the grade of that is unknown, in which case such
14 milk and milk products shall be appropriately labeled, as
15 determined by the department.

16 (b) If the department determines that milk is fit for
17 human consumption even though it is less than Grade A because
18 the producer failed to comply with the sanitation or bacterial
19 standards defined in this chapter, or if any specific shipment
20 of milk fails to comply with standards of the pasteurized milk
21 ordinance, the department may issue a permit allowing the milk
22 to be used in ungraded products, such as frozen desserts,
23 which are being processed by such milk plant. During
24 processing of such milk, it shall be pasteurized at a
25 temperature of at least 175° F. for at least 15 seconds or at
26 least 160° F. for at least 30 minutes.

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

29 503.011 Definitions.--The following definitions shall
30 apply in the interpretation and enforcement of this chapter:
31

1 (2) "Frozen desserts" means the foods which conform to
2 the provisions of "definitions and standards of identity for
3 frozen desserts," United States Food and Drug Administration,
4 21 C.F.R. part 135(2004)(~~1990~~), and foods, defined by rule
5 of the department, which resemble but do not conform to
6 federal definitions. The term also includes, but is not
7 limited to, "quiescently frozen confection," "quiescently
8 frozen dairy confection," and "frozen dietary dairy dessert
9 and frozen dietary dessert."

10 Section 9. Section 531.39, Florida Statutes, is
11 amended to read:

12 531.39 State standards.--Weights and measures that are
13 traceable to the United States prototype standards supplied by
14 the Federal Government(~~Pub. L. No. 89-164, 1965~~), or approved
15 as being satisfactory by the National Institute of Standards
16 and Technology, shall be the state primary standards of
17 weights and measures, and shall be maintained in such
18 calibration as prescribed by the National Institute of
19 Standards and Technology. In addition, there shall be
20 provided by the state such secondary standards as may be
21 necessary to carry out the provisions of this chapter. The
22 secondary standards shall be verified upon their initial
23 receipt and as often thereafter as deemed necessary by the
24 department.

25 Section 10. Section 531.47, Florida Statutes, is
26 amended to read:

27 531.47 Information required on packages.--Except as
28 otherwise provided in this chapter or by rules adopted
29 pursuant thereto, any package ~~introduced in intrastate~~
30 ~~commerce~~, kept for the purpose of sale, or offered or exposed
31

1 for sale ~~in intrastate commerce~~ shall bear on the outside of
2 the package a definite, plain, and conspicuous declaration of:

3 (1) The identity of the commodity in the package,
4 unless the same can easily be identified through the wrapper
5 or container.

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

8 (3) The name and place of business of the
9 manufacturer, packer, or distributor, in the case of any
10 package kept or offered or exposed for sale or sold in any
11 place other than on the premises where packed.

12 Section 11. Section 531.49, Florida Statutes, is
13 amended to read:

14 531.49 Advertising packages for sale.--Whenever a
15 packaged commodity is advertised in any manner with the retail
16 price stated, there shall be closely and conspicuously
17 associated with the retail price a declaration of quantity as
18 is required by law or rule to appear on the package. ~~When a~~
19 ~~dual declaration is required, only the declaration that sets~~
20 ~~forth the quantity in terms of the smaller unit of weight or~~
21 ~~measure need appear in the advertisement.~~

22 Section 12. Section 570.076, Florida Statutes, is
23 created to read:

24 570.076 Environmental Stewardship Certification
25 Program.--The department may, by rule, establish the
26 Environmental Stewardship Certification Program consistent
27 with this section. A rule adopted under this section must be
28 developed in consultation with state universities,
29 agricultural organizations, and other interested parties.

30 (1) The program must:
31

1 (a) Be integrated, to the maximum extent practicable,
2 with programs that are sponsored by agricultural organizations
3 or state universities.

4 (b) Be designed to recognize and promote agricultural
5 operations or homeowner practices that demonstrate exemplary
6 resource management that is related to environmental
7 stewardship.

8 (c) Include a process to periodically review a
9 certification to ensure compliance with the program
10 requirements, including implementation by the
11 certificateholder.

12 (d) Require periodic continuing education in relevant
13 environmental stewardship issues in order to maintain
14 certification.

15 (2) The department shall provide an agricultural
16 certification under this program for the implementation of one
17 or more of the following criteria:

18 (a) A voluntary agreement between an agency and an
19 agricultural producer for environmental improvement or
20 water-resource protection.

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

23 (c) Best-management practices adopted by rule pursuant
24 to s. 403.067(7)(d) or s. 570.085(2).

25 (3) The Soil and Water Conservation Council created
26 under s. 582.06 may develop and recommend to the department
27 for adoption additional criteria for receipt of an
28 agricultural certification which may include, but need not be
29 limited to:

30 (a) Comprehensive management of all on-farm resources.
31

1 (b) Promotion of environmental awareness and
2 responsible resource stewardship in agricultural or urban
3 communities.

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

6 (4) If needed, the department and the Institute of
7 Food and Agricultural Sciences at the University of Florida
8 may jointly develop a curriculum that provides instruction
9 concerning environmental issues pertinent to agricultural
10 certification and deliver the curriculum to, and certify its
11 completion by, any person who seeks certification or to
12 maintain certification.

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

16 Section 13. Paragraph (a) of subsection (4) of section
17 570.9135, Florida Statutes, is amended to read:

18 570.9135 Beef Market Development Act; definitions;
19 Florida Beef Council, Inc., creation, purposes, governing
20 board, powers, and duties; referendum on assessments imposed
21 on gross receipts from cattle sales; payments to organizations
22 for services; collecting and refunding assessments; vote on
23 continuing the act; council bylaws.--

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

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

29 Section 14. Section 581.011, Florida Statutes, is
30 amended to read:

31 581.011 Definitions.--As used in this chapter:

1 (1) "Agent" means any person selling or distributing
2 nursery stock under the partial or full control of a
3 nurseryman.

4 (2) "Aquatic plant" means any plant, including a
5 floating, immersed, submersed, or ditch bank species, growing
6 in or closely associated with an aquatic environment, and
7 includes any part or seed of such plant.

8 (3) "Arthropod" means any segmented invertebrate
9 animal having jointed appendages and an exoskeleton, including
10 insects, spiders, ticks, mites, and scorpions, but excluding
11 crustaceans for the purpose of this chapter.

12 (4) "Authorized representative" means any designated
13 employee, inspector, or collaborator of the division or the
14 United States Department of Agriculture.

15 (5) "Certificate of inspection" means an official
16 document stipulating compliance with the requirements of this
17 chapter. The term "certificate" includes label, rubber stamp
18 imprint, tag, permit, written statement, or any form of
19 inspection and certification document which accompanies the
20 movement of inspected and certified plant material and plant
21 products.

22 (6) "Certificate of registration" means an official
23 document issued by the division to nurseries, stock dealers,
24 agents, and plant brokers as evidence of being properly
25 registered with the division in compliance with the
26 requirements of this chapter and of any of the rules
27 promulgated hereunder.

28 (7) "Citrus" means all plants, plant parts, and plant
29 products, including seed and fruit, of all genera, species,
30 and varieties of the Rutaceous subfamilies Aurantioideae,
31

1 Rutoideae, and Toddalioideae, unless specifically excluded by
2 the rules of the department.

3 (8) "Collaborator" means a person cooperating with the
4 division in some capacity, who has been officially designated
5 to perform certain duties for the division.

6 (9) "Compliance agreement" means a written agreement
7 between the department and any person engaged in growing,
8 handling, or moving articles, plants, or plant products
9 regulated under this chapter, wherein the person agrees to
10 comply with stipulated requirements.

11 (10) "Department" means the Department of Agriculture
12 and Consumer Services of the state or its authorized
13 representative.

14 (11) "Director" means the director of the Division of
15 Plant Industry.

16 (12) "Distribution" means the movement of nursery
17 stock from the property where it is grown or kept to any other
18 noncontiguous property, regardless of the ownership of the
19 properties concerned.

20 (13) "Division" means the Division of Plant Industry
21 of the Department of Agriculture and Consumer Services.

22 (14) "Genetically engineered organism" means an
23 organism altered or produced through genetic modification from
24 a donor, vector, or recipient organism using recombinant DNA
25 techniques.

26 (15) "Invasive plant" means a naturalized exotic plant
27 that disrupts naturally-occurring native plant communities.

28 ~~(16)(15)~~ "Move" means to ship, offer for shipment,
29 receive for transportation, carry, or otherwise transport.

30 ~~(17)(16)~~ "Museum" means the Florida State Collection
31 of Arthropods.

1 ~~(18)~~(17) "Noxious aquatic plant" means any part,
2 including, but not limited to, seeds or reproductive parts, of
3 an aquatic plant that has the potential to hinder the growth
4 of beneficial plants, interfere with irrigation or navigation,
5 or adversely affect the public welfare or the natural
6 resources of this state.

7 ~~(19)~~(18) "Noxious weed" means any living stage,
8 including, but not limited to, seeds and productive parts, of
9 a parasitic or other plant of a kind, or subdivision of a
10 kind, which may be a serious agricultural threat in Florida or
11 have a negative impact on the plant species protected under s.
12 581.185.

13 ~~(20)~~(19) "Nursery" means any grounds or premises on or
14 in which nursery stock is grown, propagated, or held for sale
15 or distribution, except where aquatic plant species are tended
16 for harvest in the natural environment.

17 ~~(21)~~(20) "Nurseryman" means any person engaged in the
18 production of nursery stock for sale or distribution.

19 ~~(22)~~(21) "Nursery stock" means all plants, trees,
20 shrubs, vines, bulbs, cuttings, grafts, scions, or buds grown
21 or kept for or capable of propagation or distribution, unless
22 specifically excluded by the rules of the department.

23 ~~(23)~~(22) "Official organ" means a printed document
24 published by the division for notification to the public and
25 industries in matters relating to division activities and in
26 which official announcements may be made.

27 ~~(24)~~(23) "Places" means vessels, railroad cars,
28 automobiles, aircraft, and other vehicles; buildings; docks;
29 nurseries; orchards; and other premises where plants or plant
30 products are grown, kept, or handled.

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1 ~~(25)~~(24) "Plant broker" means a person who transacts
2 the transfer of plants from a seller to a buyer and who may or
3 may not be in actual physical possession of the plants.

4 ~~(26)~~(25) "Plant pest" means any living stage of any
5 insects, mites, nematodes, slugs, snails, protozoa, or other
6 invertebrate animals, bacteria, fungi, other parasitic plants
7 or their reproductive parts, or viruses, or any organisms
8 similar to or allied with any of the foregoing, including any
9 genetically engineered organisms, or any infectious substances
10 which can directly or indirectly injure or cause disease or
11 damage in any plants or plant parts or any processed,
12 manufactured, or other plant products.

13 ~~(27)~~(26) "Plants and plant products" means trees,
14 shrubs, vines, forage and cereal plants, and all other plants
15 and plant parts, including cuttings, grafts, scions, buds,
16 fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all
17 products made from them, unless specifically excluded by the
18 rules of the department.

19 ~~(28)~~(27) "Quarantine" means an official order issued
20 by the department that regulates the movement of articles,
21 plants, or plant products to prevent the spread of disease or
22 pests.

23 ~~(29)~~(28) "Stock dealer" means any person not a grower
24 of nursery stock in this state who buys or otherwise acquires
25 nursery stock for the purpose of reselling independently of
26 any control of a nurseryman, agent, or plant broker, and who
27 at any time maintains physical possession of such nursery
28 stock.

29 ~~(30)~~(29) "Technical council" means the Plant Industry
30 Technical Council.

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1 Section 15. Section 581.083, Florida Statutes, is
2 amended to read:

3 581.083 Introduction or release of plant pests,
4 noxious weeds, or organisms affecting plant life; cultivation
5 of nonnative plants; special permit and security required.--

6 (1) The introduction into or release within this state
7 of any plant pest, noxious weed, genetically engineered plant
8 or plant pest, or any other organism which may directly or
9 indirectly affect the plant life of this state as an injurious
10 pest, parasite, or predator of other organisms, or any
11 arthropod, is prohibited, except under special permit issued
12 by the department through the division, which shall be the
13 sole issuing agency for such special permits.

14 (2) Each application for a special permit shall be
15 accompanied by a fee in an amount determined by the
16 department, through its rulemaking authority, not to exceed
17 \$50. The department may waive this fee by rule for
18 governmental agencies.

19 (3) Except for research projects approved by the
20 department, no permit for any organism shall be issued unless
21 the department has determined that the parasite, predator, or
22 biological control agent is specific to a target organism or
23 plant and not likely to become a pest of plants or other
24 beneficial organisms. The department may rely on findings of
25 the Department of Environmental Protection, the United States
26 Department of Agriculture, and other agencies in making any
27 determination about organisms used for biological control.

28 (4) A person may not cultivate a nonnative plant,
29 including a genetically engineered plant or a plant that has
30 been introduced, for purposes of fuel production or purposes
31 other than agriculture in plantings greater in size than 2

1 contiguous acres, except under a special permit issued by the
2 department through the division, which is the sole agency
3 responsible for issuing such special permits. Such a permit is
4 not required if the department, in conjunction with the
5 Institute of Food and Agricultural Sciences at the University
6 of Florida, determines that the plant is not invasive and
7 subsequently exempts the plant by rule.

8 (a)1. Each application for a special permit must be
9 accompanied by a fee as described in subsection (2) and proof
10 that the applicant has obtained a bond in the form approved by
11 the department and issued by a surety company admitted to do
12 business in this state or by a certificate of deposit. The
13 application must also include, on a form provided by the
14 department, the name of the applicant and the applicant's
15 address or the address of the applicant's principal place of
16 business, a statement completely identifying the nonnative
17 plant to be cultivated, and a statement of the estimated cost
18 of removing and destroying the plant that is the subject of
19 the special permit and the basis for calculating or
20 determining that estimate. If the applicant is a corporation,
21 partnership, or other business entity, the applicant must also
22 provide in the application the name and address of each
23 officer, partner, or managing agent. The applicant shall
24 notify the department within 10 business days of any change of
25 address or change in the principal place of business. The
26 department shall mail all notices to the applicant's last
27 known address.

28 2. As used in this subsection, the term "certificate
29 of deposit" means a certificate of deposit at any recognized
30 financial institution doing business in the United States. The
31 department may not accept a certificate of deposit in

1 connection with the issuance of a special permit unless the
2 issuing institution is properly insured by the Federal Deposit
3 Insurance Corporation or the Federal Savings and Loan
4 Insurance Corporation.

5 (b) Upon obtaining a permit, the permitholder may
6 annually cultivate and maintain the nonnative plants as
7 authorized by the special permit. If the permitholder ceases
8 to maintain or cultivate the plants authorized by the special
9 permit, if the permit expires, or if the permitholder ceases
10 to abide by the conditions of the special permit, the
11 permitholder shall immediately remove and destroy the plants
12 that are subject to the permit, if any remain. The
13 permitholder shall notify the department of the removal and
14 destruction of the plants within 10 days after such event.

15 (c) If the department:

16 1. Determines that the permitholder is no longer
17 maintaining or cultivating the plants subject to the special
18 permit and has not removed and destroyed the plants authorized
19 by the special permit;

20 2. Determines that the continued maintenance or
21 cultivation of the plants presents an imminent danger to
22 public health, safety, welfare and the environment;

23 3. Determines that the permitholder has exceeded the
24 conditions of the authorized special permit; or

25 4. Receives a notice of cancellation of the surety
26 bond,

27
28 the department may issue an immediate final order, which shall
29 be immediately appealable or enjoicable as provided by chapter
30 120, directing the permitholder to immediately remove and
31 destroy the plants authorized to be cultivated under the

1 special permit. A copy of the immediate final order shall be
2 mailed to the permitholder and to the surety company or
3 financial institution that has provided security for the
4 special permit, if applicable.

5 (d) If, upon issuance by the department of an
6 immediate final order to the permitholder, the permitholder
7 fails to remove and destroy the plants subject to the special
8 permit within 60 days after issuance of the order, or such
9 shorter period as is designated in the order as the public
10 health, safety, and welfare requires, the department may enter
11 the cultivated acreage and remove and destroy the plants that
12 are the subject of the special permit. If the permitholder
13 makes a written request to the department for an extension of
14 time to remove and destroy the plants which demonstrates
15 specific facts showing why the plants could not reasonably be
16 removed and destroyed in the applicable timeframe, the
17 department may extend the time for removing and destroying the
18 plants subject to the special permit. The reasonable costs and
19 expenses incurred by the department for removing and
20 destroying the plants subject to the special permit shall be
21 reimbursed to the department by the permitholder within 21
22 days after the date the permitholder and the surety company or
23 financial institution are served a copy of the department's
24 invoice for the costs and expenses incurred by the department
25 to remove and destroy the cultivated plants, along with a
26 notice of administrative rights, unless the permitholder or
27 the surety company or financial institution object to the
28 reasonableness of the invoice. In the event of an objection,
29 the permitholder or surety company or financial institution is
30 entitled to an administrative proceeding as provided by
31 chapter 120. Upon entry of a final order determining the

1 reasonableness of the incurred costs and expenses, the
2 permitholder shall have 15 days following service of the final
3 order to reimburse the department. Failure of the permitholder
4 to timely reimburse the department for the incurred costs and
5 expenses entitles the department to reimbursement from the
6 applicable bond or certificate of deposit.

7 (e) Each permitholder shall maintain for each separate
8 growing location a bond or a certificate of deposit in an
9 amount determined by the department, but not less than 150
10 percent of the estimated cost of removing and destroying the
11 cultivated plants. The bond or certificate of deposit may not
12 exceed \$5,000 per acre, unless a higher amount is determined
13 by the department to be necessary to protect the public
14 health, safety, and welfare, or unless an exemption is granted
15 by the department based on conditions specified in the
16 application which would preclude the department from incurring
17 the cost of removing and destroying the cultivated plants and
18 would prevent injury to the public health, safety, and
19 welfare. The aggregate liability of the surety company or
20 financial institution to all persons for all breaches of the
21 conditions of the bond or certificate of deposit may not
22 exceed the amount of the bond or certificate of deposit. The
23 original bond or certificate of deposit required by this
24 subsection shall be filed with the department. A surety
25 company shall give the department 30 days' written notice of
26 cancellation by certified mail in order to cancel a bond.
27 Cancellation of a bond does not relieve a surety company or
28 financial institution of liability for paying to the
29 department all costs and expenses incurred or to be incurred
30 for removing and destroying the permitted plants covered by an
31 immediate final order authorized under paragraph (c). The bond

1 or certificate of deposit must be provided or assigned in the
2 exact name in which the applicant applies for the special
3 permit. The penal sum of the surety bond or certificate of
4 deposit to be furnished to the department by a permit holder in
5 the amount specified in this paragraph must guarantee payment
6 of the costs and expenses incurred or to be incurred by the
7 department for removing and destroying the plants cultivated
8 under the issued special permit. The bond or certificate of
9 deposit assignment or agreement must be upon a form prescribed
10 or approved by the department and must be conditioned to
11 secure the faithful accounting for and payment of all costs
12 and expenses incurred by the department for removing and
13 destroying all plants cultivated under the special permit. The
14 bond or certificate of deposit assignment or agreement must
15 include terms binding the instrument to the Commissioner of
16 Agriculture. Such a certificate of deposit shall be presented
17 with an assignment of the permit holder's rights in the
18 certificate in favor of the Commissioner of Agriculture on a
19 form prescribed by the department and a letter from the
20 issuing institution acknowledging that the assignment has been
21 properly recorded on the books of the issuing institution and
22 will be honored by the issuing institution. Such an assignment
23 is irrevocable while the special permit is in effect and for
24 an additional period of 6 months after termination of the
25 special permit if operations to remove and destroy the
26 permitted plants are not continuing and if the department's
27 invoice remains unpaid by the permit holder under the issued
28 immediate final order. If operations to remove and destroy the
29 plants are pending, the assignment remains in effect until all
30 plants are removed and destroyed and the department's invoice
31 has been paid. The bond or certificate of deposit may be

1 released by the assignee of the surety company or financial
2 institution to the permitholder, or to the permitholder's
3 successors, assignee, or heirs, if operations to remove and
4 destroy the permitted plants are not pending and no invoice
5 remains unpaid at the conclusion of 6 months after the last
6 effective date of the special permit. The department may not
7 accept a certificate of deposit that contains any provision
8 that would give to any person any prior rights or claim on the
9 proceeds or principal of such a certificate of deposit. The
10 department shall determine by rule whether an annual bond or
11 certificate of deposit will be required. The amount of such a
12 bond or certificate of deposit shall be increased, upon order
13 of the department, at any time if the department finds such an
14 increase to be warranted by the cultivating operations of the
15 permitholder. In the same manner, the amount of such a bond or
16 certificate of deposit may be decreased when a decrease in the
17 cultivating operations warrants such a decrease. This
18 paragraph applies to any bond or certificate of deposit,
19 regardless of the anniversary date of its issuance,
20 expiration, or renewal.

21 (f) In order to carry out the purposes of this
22 subsection, the department or its agents may require from any
23 permitholder verified statements of the cultivated acreage
24 subject to the special permit and may review the
25 permitholder's business or cultivation records at her or his
26 place of business during normal business hours in order to
27 determine the acreage cultivated. The failure of a
28 permitholder to furnish such a statement, to make such records
29 available, or to make and deliver a new or additional bond or
30 certificate of deposit is cause for suspension of the special

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1 permit. If the department finds such failure to be willful,
2 the special permit may be revoked.

3 Section 16. Subsection (3) of section 585.002, Florida
4 Statutes, is amended to read:

5 585.002 Department control; continuance of powers,
6 duties, rules, orders, etc.--

7 (3) The department, to the exclusion of all other
8 state agencies, shall have regulatory authority over the
9 possession, control, care, and maintenance of ostriches, emus,
10 ~~and rheas, and bison~~ domesticated and confined for commercial
11 farming purposes, except those kept and maintained on hunting
12 preserves or game farms or primarily for exhibition purposes
13 in zoos, carnivals, circuses, and other such establishments
14 where such species are kept primarily for display to the
15 public.

16 Section 17. Paragraph (c) of subsection (3) of section
17 590.125, Florida Statutes, is amended to read:

18 590.125 Open burning authorized by the division.--

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

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

27 Section 18. Assessment of obsolete agricultural
28 equipment.--

29 (1) For purposes of assessment for ad valorem property
30 taxes, obsolete agricultural equipment shall be deemed to have
31 a market value no greater than its value for salvage. As used

1 in this section, the term "agricultural equipment" means any
2 equipment that qualifies for the sales tax exemption provided
3 in section 212.08(3), Florida Statutes, wherever purchased.
4 Agricultural equipment shall be considered obsolete for
5 purposes of this section if it is no longer commonly used by
6 the taxpayer in agricultural production.

7 (2) Any taxpayer claiming the right of assessment for
8 ad valorem taxes under this section shall so state in a return
9 filed as provided by law, giving a brief description of the
10 equipment and its use. The property appraiser may require the
11 taxpayer to produce any additional information as necessary in
12 order to establish the taxpayer's right to have such property
13 classified as obsolete under this section for purposes of the
14 assessment.

15 Section 19. If any provision of this act or the
16 application thereof to any person or circumstance is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the act which can be given effect without the
19 invalid provision or application, and to this end the
20 provisions of this act are severable.

21 Section 20. This act shall take effect July 1, 2005.

22
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 CS for SB 858

26 The committee substitute defines "invasive plant."

27 The committee substitute also clarifies that the regulation of
28 bison for food or agricultural purposes is the jurisdiction of
29 the Department of Agriculture and Consumer Services and the
30 regulation of the display or exhibition of bison is the
31 jurisdiction of the Fish and Wildlife Conservation Commission.