

1                                   A bill to be entitled  
2       An act relating to agriculture; amending s. 163.3162,  
3       F.S.; prohibiting county government enforcement of certain  
4       ordinances, resolutions, regulations, rules, or policies  
5       relating to certain activities of bona fide farm operation  
6       on land classified as agricultural; prohibiting county  
7       government imposition of an assessment or fee for  
8       stormwater management on agricultural land meeting certain  
9       requirements; amending s. 205.064, F.S.; expanding  
10      eligibility for exemption from a local business tax  
11      receipt for the privilege of selling specified products;  
12      amending s. 373.1395, F.S.; providing indemnity for an  
13      agricultural landowner for easement or any other right  
14      secured by a water management district for access to lands  
15      the district provides or makes available to the public;  
16      delineating what is covered by indemnification for  
17      landowners and water management districts; providing that  
18      agricultural landowners and water management districts are  
19      liable for gross negligence and certain other acts as  
20      specified; creating s. 500.70, F.S.; delineating  
21      requirements for a tomato farmer, packer, repacker, or  
22      handler to be considered in compliance with state food  
23      safety microbial standards and guidelines; amending s.  
24      570.07, F.S.; providing that the Department of Agriculture  
25      and Consumer Services may adopt by rule comprehensive best  
26      management practices for agricultural production and food  
27      safety; amending s. 581.091, F.S.; providing conditions  
28      for use of *Casuarina cunninghamiana* as a windbreak for

29 commercial citrus groves; defining the term "commercial  
30 citrus grove"; providing for permitting and permit fees;  
31 providing for destruction of *Casuarina cunninghamiana*;  
32 specifying responsibility and liability for removal and  
33 destruction of such trees; providing that use as a  
34 windbreak does not preclude research or release of agents  
35 to control *Casuarina spp.*; providing that the use of  
36 *Casuarina cunninghamiana* for windbreaks does not interfere  
37 with or restrict efforts to manage or control noxious  
38 weeds or invasive plants; prohibiting any other agency or  
39 local government from removing *Casuarina cunninghamiana*  
40 planted as a windbreak under special permit; amending s.  
41 583.13, F.S.; revising the labeling and advertising  
42 requirements for dressed poultry; amending s. 604.15,  
43 F.S.; revising a definition to make tropical foliage  
44 exempt from regulation under provisions relating to  
45 dealers in agricultural products; amending s. 604.50,  
46 F.S.; expanding county and municipal exemptions for  
47 nonresidential farm buildings to include permits and  
48 impact fees; amending s. 823.145, F.S.; expanding the  
49 materials used in agricultural operations that can be  
50 openly burned; providing certain limitations on such  
51 burning; amending s. 849.094, F.S.; revising certain game  
52 promotion filing requirements; providing an effective  
53 date.

54  
55 Be It Enacted by the Legislature of the State of Florida:  
56

57 Section 1. Subsection (4) of section 163.3162, Florida  
58 Statutes, is amended to read:  
59 163.3162 Agricultural Lands and Practices Act.--  
60 (4) DUPLICATION OF REGULATION.--Except as otherwise  
61 provided in this section and s. 487.051(2), and notwithstanding  
62 any other law, including any provision of chapter 125 or this  
63 chapter, a county may not exercise any of its powers to adopt or  
64 enforce any ordinance, resolution, regulation, rule, or policy  
65 to prohibit, restrict, regulate, or otherwise limit an activity  
66 of a bona fide farm operation on land classified as agricultural  
67 land pursuant to s. 193.461, if such activity is regulated  
68 through implemented best management practices, interim measures,  
69 or regulations developed by the Department of Environmental  
70 Protection, the Department of Agriculture and Consumer Services,  
71 or a water management district and adopted under chapter 120 as  
72 part of a statewide or regional program; or if such activity is  
73 expressly regulated by the United States Department of  
74 Agriculture, the United States Army Corps of Engineers, or the  
75 United States Environmental Protection Agency. A county may not  
76 impose an assessment or fee for stormwater management or a  
77 stormwater tax imposed by a municipal services taxing unit on  
78 land classified as agricultural land pursuant to s. 193.461, if  
79 the agricultural operation has an agricultural discharge permit  
80 or implements best management practices developed by the  
81 Department of Environmental Protection, the Department of  
82 Agriculture and Consumer Services, or a water management  
83 district and adopted under chapter 120 as part of a statewide or  
84 regional program.

85 (a) When an activity of a farm operation takes place  
86 within a wellfield protection area as defined in any wellfield  
87 protection ordinance adopted by a county, and the implemented  
88 best management practice, regulation, or interim measure does  
89 not specifically address wellfield protection, a county may  
90 regulate that activity pursuant to such ordinance. This  
91 subsection does not limit the powers and duties provided for in  
92 s. 373.4592 or limit the powers and duties of any county to  
93 address an emergency as provided for in chapter 252.

94 (b) This subsection may not be construed to permit an  
95 existing farm operation to change to a more excessive farm  
96 operation with regard to traffic, noise, odor, dust, or fumes  
97 where the existing farm operation is adjacent to an established  
98 homestead or business on March 15, 1982.

99 (c) This subsection does not limit the powers of a  
100 predominantly urbanized county with a population greater than  
101 1,500,000 and more than 25 municipalities, not operating under a  
102 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
103 VIII of the Constitution of 1885, as preserved by s. 6(e), Art.  
104 VIII of the Constitution of 1968, which has a delegated  
105 pollution control program under s. 403.182 and includes drainage  
106 basins that are part of the Everglades Stormwater Program, to  
107 enact ordinances, regulations, or other measures to comply with  
108 the provisions of s. 373.4592, or which are necessary to  
109 carrying out a county's duties pursuant to the terms and  
110 conditions of any environmental program delegated to the county  
111 by agreement with a state agency.

112 (d) For purposes of this subsection, a county ordinance  
 113 that regulates the transportation or land application of  
 114 domestic wastewater residuals or other forms of sewage sludge  
 115 shall not be deemed to be duplication of regulation.

116 Section 2. Subsection (1) of section 205.064, Florida  
 117 Statutes, is amended to read:

118 205.064 Farm, aquacultural, grove, horticultural,  
 119 floricultural, tropical piscicultural, and tropical fish farm  
 120 products; certain exemptions.--

121 (1) A local business tax receipt is not required of any  
 122 ~~natural~~ person for the privilege of engaging in the selling of  
 123 farm, aquacultural, grove, horticultural, floricultural,  
 124 tropical piscicultural, or tropical fish farm products, or  
 125 products manufactured therefrom, except intoxicating liquors,  
 126 wine, or beer, when such products were grown or produced by such  
 127 ~~natural~~ person in the state.

128 Section 3. Subsection (2) and paragraph (a) of subsection  
 129 (3) of section 373.1395, Florida Statutes, are amended, present  
 130 subsection (4) is renumbered as subsection (5) and amended,  
 131 present subsection (5) is renumbered as subsection (6), and a  
 132 new subsection (4) is added to that section, to read:

133 373.1395 Limitation on liability of water management  
 134 district with respect to areas made available to the public for  
 135 recreational purposes without charge.--

136 (2) Except as provided in subsection (5) ~~(4)~~, a water  
 137 management district that provides the public with a park area or  
 138 other land for outdoor recreational purposes, or allows access  
 139 over district lands for recreational purposes, owes no duty of

140 care to keep that park area or land safe for entry or use by  
 141 others or to give warning to persons entering or going on that  
 142 park area or land of any hazardous conditions, structures, or  
 143 activities thereon. A water management district that provides  
 144 the public with a park area or other land for outdoor  
 145 recreational purposes does not, by providing that park area or  
 146 land, extend any assurance that such park area or land is safe  
 147 for any purpose, does not incur any duty of care toward a person  
 148 who goes on that park area or land, and is not responsible for  
 149 any injury to persons or property caused by an act or omission  
 150 of a person who goes on that park area or land. This subsection  
 151 does not apply if there is any charge made or usually made for  
 152 entering or using the park area or land, or if any commercial or  
 153 other activity from which profit is derived from the patronage  
 154 of the public is conducted on such park area or land or any part  
 155 thereof.

156 (3) (a) Except as provided in subsection (5) ~~(4)~~, a water  
 157 management district that leases any land or water area to the  
 158 state for outdoor recreational purposes, or for access to  
 159 outdoor recreational purposes, owes no duty of care to keep that  
 160 land or water area safe for entry or use by others or to give  
 161 warning to persons entering or going on that land or water of  
 162 any hazardous conditions, structures, or activities thereon. A  
 163 water management district that leases a land or water area to  
 164 the state for outdoor recreational purposes does not, by giving  
 165 such lease, extend any assurance that such land or water area is  
 166 safe for any purpose, incur any duty of care toward a person who  
 167 goes on the leased land or water area, and is not responsible

168 for any injury to persons or property caused by an act or  
 169 omission of a person who goes on the leased land or water area.

170 (4) Where a water management district has secured an  
 171 easement, or other right, that is being used for the purpose of  
 172 providing access through private land classified as agricultural  
 173 land pursuant to s. 193.461 to lands that the water management  
 174 district provides or makes available to the public for outdoor  
 175 recreational purposes, the water management district shall  
 176 indemnify and save harmless the owner of the agricultural land  
 177 from any liability arising from use of such easement by the  
 178 general public or by the employees and agents of the water  
 179 management district or other regulatory agencies. Except as  
 180 provided in subsection (5), a water management district that  
 181 enters into such easement owes no duty of care to keep that  
 182 access area safe for entry or use by others or to give warning  
 183 to persons entering or going on that access area of any  
 184 hazardous conditions, structures, or activities thereon. A water  
 185 management district that secures such an easement does not, by  
 186 securing the easement, extend any assurance that such access  
 187 area is safe for any purpose or incur any duty of care toward a  
 188 person who goes on the access area and is not responsible for  
 189 any injury to persons or property caused by an act of omission  
 190 of a person who uses the access area.

191 (5)~~(4)~~ This section does not relieve any water management  
 192 district or agricultural landowner of any liability that would  
 193 otherwise exist for gross negligence or a deliberate, willful,  
 194 or malicious injury to a person or property. This section does

195 not create or increase the liability of any water management  
 196 district or person beyond that which is authorized by s. 768.28.

197 ~~(6)(5)~~ The term "outdoor recreational purposes," as used  
 198 in this section, includes activities such as, but not limited  
 199 to, horseback riding, hunting, fishing, bicycling, swimming,  
 200 boating, camping, picnicking, hiking, pleasure driving, nature  
 201 study, water skiing, motorcycling, and visiting historical,  
 202 archaeological, scenic, or scientific sites.

203 Section 4. Section 500.70, Florida Statutes, is created to  
 204 read:

205 500.70 Food safety compliance relating to tomatoes.--A  
 206 tomato farmer, packer, repacker, or handler that implements  
 207 applicable good agricultural practices and best management  
 208 practices according to rules adopted by the department is  
 209 considered to have acted in good faith, with reasonable care,  
 210 and in compliance with state food safety microbial standards or  
 211 guidelines unless a violation of or noncompliance with such  
 212 measures can be shown through inspections.

213 Section 5. Subsection (10) of section 570.07, Florida  
 214 Statutes, is amended to read:

215 570.07 Department of Agriculture and Consumer Services;  
 216 functions, powers, and duties.--The department shall have and  
 217 exercise the following functions, powers, and duties:

218 (10) To act as adviser to producers and distributors, when  
 219 requested, and to assist them in the economical and efficient  
 220 distribution of their agricultural products and to encourage  
 221 cooperative effort among producers to gain economical and  
 222 efficient production of agricultural products. The department



223 may adopt by rule, pursuant to ss. 120.536(1) and 120.54,  
 224 comprehensive best management practices for agricultural  
 225 production and food safety.

226 Section 6. Subsection (5) is added to section 581.091,  
 227 Florida Statutes, to read:

228 581.091 Noxious weeds and infected plants or regulated  
 229 articles; sale or distribution; receipt; information to  
 230 department; withholding information.--

231 (5) (a) Notwithstanding any other provision of state law or  
 232 rule, a person may obtain a special permit from the department  
 233 to plant *Casuarina cunninghamiana* as a windbreak for a  
 234 commercial citrus grove provided the plants are produced in an  
 235 authorized registered nursery and certified by the department as  
 236 being vegetatively propagated from male plants. A "commercial  
 237 citrus grove" means a contiguous planting of 100 or more citrus  
 238 trees where citrus fruit is produced for sale.

239 (b) For a 5-year period, special permits authorizing a  
 240 person to plant *Casuarina cunninghamiana* shall be issued only as  
 241 part of a pilot program for fresh fruit groves in areas of  
 242 Indian River, St. Lucie, and Martin Counties where citrus canker  
 243 is determined by the department to be widespread. The pilot  
 244 program shall be reevaluated annually and a comprehensive review  
 245 shall be conducted in 2013. The purpose of the annual and 5-year  
 246 reviews is to determine if the use of *Casuarina cunninghamiana*  
 247 as an agricultural pest and disease windbreak poses any adverse  
 248 environmental consequences. At the end of the 5-year pilot  
 249 program, if the Noxious Weed and Invasive Plant Review  
 250 Committee, created by the department, and the Department of

251 Environmental Protection, in consultation with a representative  
252 of the citrus industry who has a *Casuarina cunninghamiana*  
253 windbreak, determine that the potential is low for adverse  
254 environmental impacts from planting *Casuarina cunninghamiana* as  
255 windbreaks, the department may, by rule, allow the use of  
256 *Casuarina cunninghamiana* windbreaks for commercial citrus groves  
257 in other areas of the state. If it is determined at the end of  
258 the 5-year pilot program that additional time is needed to  
259 further evaluate *Casuarina cunninghamiana*, the department will  
260 remain the lead agency.

261 (c) Each application for a special permit shall be  
262 accompanied by a fee in an amount determined by the department,  
263 by rule, not to exceed \$500. A special permit shall be required  
264 for each noncontiguous commercial citrus grove and shall be  
265 renewed every 5 years. The property owner is responsible for  
266 maintaining and producing for inspection the original nursery  
267 invoice with certification documentation. If ownership of the  
268 property is transferred, the seller must notify the department  
269 and provide the buyer with a copy of the special permit and  
270 copies of all invoices and certification documentation prior to  
271 the closing of the sale.

272 (d) Each application shall include a baseline survey of  
273 all lands within 500 feet of the proposed *Casuarina*  
274 *cunninghamiana* windbreak showing the location and identification  
275 to species of all existing *Casuarina spp.*

276 (e) Nurseries authorized to produce *Casuarina*  
277 *cunninghamiana* must obtain a special permit from the department  
278 certifying that the plants have been vegetatively propagated

279 from sexually mature male source trees currently grown in the  
 280 state. The importation of *Casuarina cunninghamiana* from any area  
 281 outside the state to be used as a propagation source tree is  
 282 prohibited. Each male source tree must be registered by the  
 283 department as being a horticulturally true to type male plant  
 284 and be labeled with a source tree registration number. Each  
 285 nursery application for a special permit shall be accompanied by  
 286 a fee in an amount determined by the department, by rule, not to  
 287 exceed \$200. Special permits shall be renewed annually. The  
 288 department shall, by rule, set the amount of an annual fee, not  
 289 to exceed \$50, for each *Casuarina cunninghamiana* registered as a  
 290 source tree. Nurseries may only sell *Casuarina cunninghamiana* to  
 291 a person with a special permit as specified in paragraphs (a)  
 292 and (b). The source tree registration numbers of the parent  
 293 plants must be documented on each invoice or other certification  
 294 documentation provided to the buyer.

295 (f) All *Casuarina cunninghamiana* must be destroyed by the  
 296 property owner within 6 months after:

297 1. The property owner takes permanent action to no longer  
 298 use the site for commercial citrus production;

299 2. The site has not been used for commercial citrus  
 300 production for a period of 5 years; or

301 3. The department determines that the *Casuarina*  
 302 *cunninghamiana* on the site has become invasive. This  
 303 determination shall be based on, but not limited to, the  
 304 recommendation of the Noxious Weed and Invasive Plant Review  
 305 Committee and the Department of Environmental Protection and in  
 306 consultation with a representative of the citrus industry who

307 has a *Casuarina cunninghamiana* windbreak.

308  
309 If the owner or person in charge refuses or neglects to comply,  
310 the director or her or his authorized representative may, under  
311 authority of the department, proceed to destroy the plants. The  
312 expense of the destruction shall be assessed, collected, and  
313 enforced against the owner by the department. If the owner does  
314 not pay the assessed cost, the department may record a lien  
315 against the property.

316 (g) The use of *Casuarina cunninghamiana* for windbreaks  
317 shall not preclude the department from issuing permits for the  
318 research or release of biological control agents to control  
319 *Casuarina spp.* in accordance with s. 581.083.

320 (h) The use of *Casuarina cunninghamiana* for windbreaks  
321 shall not restrict or interfere with any other agency or local  
322 government effort to manage or control noxious weeds or invasive  
323 plants, including *Casuarina cunninghamiana*, nor shall any other  
324 agency or local government remove any *Casuarina cunninghamiana*  
325 planted as a windbreak under special permit issued by the  
326 department.

327 (i) The department shall develop and implement a  
328 monitoring protocol to determine invasiveness of *Casuarina*  
329 *cunninghamiana*. The monitoring protocol shall at a minimum,  
330 require:

331 1. Inspection of the planting site by department  
332 inspectors within 30 days following initial planting or any  
333 subsequent planting of *Casuarina cunninghamiana* to ensure the  
334 criteria of the special permit have been met.

335 2. Annual site inspections of planting sites and all lands  
336 within 500 feet of the planted windbreak by department  
337 inspectors who have been trained to identify *Casuarina spp.* and  
338 to make determinations of whether *Casuarina cunninghamiana* has  
339 spread beyond the permitted windbreak location.

340 3. Any new seedlings found within 500 feet of the planted  
341 windbreak to be removed, identified to the species level, and  
342 evaluated to determine if hybridization has occurred.

343 4. The department to submit an annual report and a final  
344 5-year evaluation identifying any adverse effects resulting from  
345 the planting of *Casuarina cunninghamiana* for windbreaks and  
346 documenting all inspections and the results of those inspections  
347 to the Noxious Weed and Invasive Plant Review Committee, the  
348 Department of Environmental Protection, and a designated  
349 representative of the citrus industry who has a *Casuarina*  
350 *cunninghamiana* windbreak.

351 (j) If the department determines that female flowers or  
352 cones have been produced on any *Casuarina cunninghamiana* that  
353 have been planted under a special permit issued by the  
354 department, the property owner shall be responsible for  
355 destroying the trees. The department shall notify the property  
356 owner of the timeframe and method of destruction.

357 (k) If at any time the department determines that  
358 hybridization has occurred during the pilot program between  
359 *Casuarina cunninghamiana* planted as a windbreak and other  
360 *Casuarina spp.*, the department shall expeditiously initiate  
361 research to determine the invasiveness of the hybrid. The  
362 information obtained from this research shall be evaluated by

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363 the Noxious Weed and Invasive Plant Review Committee, the  
364 Department of Environmental Protection, and a designated  
365 representative of the citrus industry who has a *Casuarina*  
366 *cunninghamiana* windbreak. If the department determines that the  
367 hybrids have a high potential to become invasive, based on, but  
368 not limited to, the recommendation of the Noxious Weed and  
369 Invasive Plant Review Committee, the Department of Environmental  
370 Protection, and a designated representative of the citrus  
371 industry who has a *Casuarina cunninghamiana* windbreak, this  
372 pilot program shall be permanently suspended.

373 (1) Each application for a special permit must be  
374 accompanied by a fee as described in paragraph (c) and an  
375 agreement that the property owner will abide by all permit  
376 conditions including the removal of *Casuarina cunninghamiana* if  
377 invasive populations or other adverse environmental factors are  
378 determined to be present by the department as a result of the  
379 use of *Casuarina cunninghamiana* as windbreaks. The application  
380 must include, on a form provided by the department, the name of  
381 the applicant and the applicant's address or the address of the  
382 applicant's principal place of business; a statement of the  
383 estimated cost of removing and destroying the *Casuarina*  
384 *cunninghamiana* that is the subject of the special permit; and  
385 the basis for calculating or determining that estimate. If the  
386 applicant is a corporation, partnership, or other business  
387 entity, the applicant must also provide in the application the  
388 name and address of each officer, partner, or managing agent.  
389 The applicant shall notify the department within 30 business  
390 days of any change of address or change in the principal place

391 of business. The department shall mail all notices to the  
392 applicant's last known address.

393 1. Upon obtaining a permit, the permit holder must annually  
394 maintain the *Casuarina cunninghamiana* authorized by a special  
395 permit as required in the permit. If the permit holder ceases to  
396 maintain the *Casuarina cunninghamiana* as required by the special  
397 permit, if the permit expires, or if the permit holder ceases to  
398 abide by the conditions of the special permit, the permit holder  
399 shall remove and destroy the *Casuarina cunninghamiana* in a  
400 timely manner as specified in the permit.

401 2. If the department:

402 a. Determines that the permit holder is no longer  
403 maintaining the *Casuarina cunninghamiana* subject to the special  
404 permit and has not removed and destroyed the *Casuarina*  
405 *cunninghamiana* authorized by the special permit;

406 b. Determines that the continued use of *Casuarina*  
407 *cunninghamiana* as windbreaks presents an imminent danger to  
408 public health, safety, or welfare; or

409 c. Determines that the permit holder has exceeded the  
410 conditions of the authorized special permit;

411  
412 The department may issue an immediate final order, which shall  
413 be immediately appealable or enjoicable as provided by chapter  
414 120, directing the permit holder to immediately remove and  
415 destroy the *Casuarina cunninghamiana* authorized to be planted  
416 under the special permit. A copy of the immediate final order  
417 shall be mailed to the permit holder.

418       3. If, upon issuance by the department of an immediate  
419 final order to the permitholder, the permitholder fails to  
420 remove and destroy the *Casuarina cunninghamiana* subject to the  
421 special permit within 60 days after issuance of the order, or  
422 such shorter period as is designated in the order as public  
423 health, safety, or welfare requires, the department may remove  
424 and destroy the *Casuarina cunninghamiana* that are the subject of  
425 the special permit. If the permitholder makes a written request  
426 to the department for an extension of time to remove and destroy  
427 the *Casuarina cunninghamiana* that demonstrates specific facts  
428 showing why the *Casuarina cunninghamiana* could not reasonably be  
429 removed and destroyed in the applicable timeframe, the  
430 department may extend the time for removing and destroying  
431 *Casuarina cunninghamiana* subject to a special permit. The  
432 reasonable costs and expenses incurred by the department for  
433 removing and destroying *Casuarina cunninghamiana* subject to a  
434 special permit shall be paid out of the Citrus Inspection Trust  
435 Fund and shall be reimbursed by the party to which the immediate  
436 final order is issued. If the party to which the immediate final  
437 order has been issued fails to reimburse the state within 60  
438 days, the department may record a lien on the property. The lien  
439 shall be enforced by the department.

440       4. In order to carry out the purposes of this paragraph,  
441 the department or its agents may require a permitholder to  
442 provide verified statements of the planted acreage subject to  
443 the special permit and may review the permitholder's business or  
444 planting records at her or his place of business during normal  
445 business hours in order to determine the acreage planted. The



446 failure of a permit holder to furnish such statement or to make  
 447 such records available is cause for suspension of the special  
 448 permit. If the department finds such failure to be willful, the  
 449 special permit may be revoked.

450 Section 7. Section 583.13, Florida Statutes, is amended to  
 451 read:

452 583.13 Labeling and advertising requirements for dressed  
 453 poultry; unlawful acts.--

454 (1) It is unlawful for any dealer or broker to sell, offer  
 455 for sale, or hold for the purpose of sale in the state any  
 456 dressed or ready-to-cook poultry in bulk unless such poultry is  
 457 packed in a container clearly bearing a label, not less than 3  
 458 inches by 5 inches, on which shall be plainly and legibly  
 459 printed, in letters not less than one-fourth inch ~~1/4~~ in height,  
 460 ~~the grade and the part name or whole-bird statement of such~~  
 461 ~~poultry. The grade may be expressed in the term "premium,"~~  
 462 ~~"good," or "standard," or as the grade of another state or~~  
 463 ~~federal agency the standards of quality of which, by law, are~~  
 464 ~~equal to the standards of quality provided by this law and rules~~  
 465 ~~promulgated hereunder.~~

466 (2) It is unlawful to sell unpackaged dressed or ready-to-  
 467 cook poultry at retail unless such poultry is labeled by a  
 468 placard immediately adjacent to the poultry or unless each bird  
 469 is individually labeled to show the ~~grade and the~~ part name or  
 470 whole-bird statement. The placard shall be no smaller than 7  
 471 inches by 7 inches in size, and the required labeling  
 472 information shall be legibly and plainly printed on the placard  
 473 in letters not smaller than 1 inch in height.

474 (3) It is unlawful to sell packaged dressed or ready-to-  
475 cook poultry at retail unless such poultry is labeled to show  
476 ~~the grade,~~ the part name or whole-bird statement, the net weight  
477 of the poultry, and the name and address of the dealer. The size  
478 of the type on the label must be one-eighth inch or larger. A  
479 placard immediately adjacent to such poultry may be used to  
480 indicate ~~the grade and~~ the part name or whole-bird statement,  
481 but not the net weight of the poultry or the name and address of  
482 the dealer.

483 (4) It is unlawful to use dressed or ready-to-cook poultry  
484 in bulk in the preparation of food served to the public, or to  
485 hold such poultry for the purpose of such use, unless the  
486 poultry when received was packed in a container clearly bearing  
487 a label, not less than 3 inches by 5 inches, on which was  
488 plainly and legibly printed, in letters not less than one-fourth  
489 inch in height, ~~the grade and~~ the part name or whole-bird  
490 statement of such poultry. ~~The grade may be expressed in the~~  
491 ~~term "premium," "good," or "standard," or as the grade of~~  
492 ~~another state or federal agency the standards of quality of~~  
493 ~~which, by law, are equal to the standards of quality provided by~~  
494 ~~this law and rules promulgated hereunder.~~

495 (5) It is unlawful to offer dressed or ready-to-cook  
496 poultry for sale in any advertisement in a newspaper or  
497 circular, on radio or television, or in any other form of  
498 advertising without plainly designating in such advertisement  
499 ~~the grade and~~ the part name or whole-bird statement of such  
500 poultry.

501 Section 8. Subsection (1) of section 604.15, Florida  
 502 Statutes, is amended to read:

503 604.15 Dealers in agricultural products; definitions.--For  
 504 the purpose of ss. 604.15-604.34, the following words and terms,  
 505 when used, shall be construed to mean:

506 (1) "Agricultural products" means the natural products of  
 507 the farm, nursery, grove, orchard, vineyard, garden, and apiary  
 508 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;  
 509 livestock; milk and milk products; poultry and poultry products;  
 510 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*  
 511 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety  
 512 Persian, Tahiti, Bearss, or Florida Key limes); and any other  
 513 nonexempt agricultural products produced in the state, except  
 514 tobacco, sugarcane, tropical foliage, timber and timber  
 515 byproducts, forest products as defined in s. 591.17, and citrus  
 516 other than limes.

517 Section 9. Section 604.50, Florida Statutes, is amended to  
 518 read:

519 604.50 Nonresidential farm buildings.--Notwithstanding any  
 520 other law to the contrary, any nonresidential farm building is  
 521 exempt from the Florida Building Code and any county or  
 522 municipal building code, building code permit, or impact fee.  
 523 For purposes of this section, the term "nonresidential farm  
 524 building" means any building or support structure that is used  
 525 for agricultural purposes, is located on a farm that is not used  
 526 as a residential dwelling, and is located on land that is an  
 527 integral part of a farm operation or is classified as

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528 agricultural land under s. 193.461. The term "farm" is as  
 529 defined in s. 823.14.

530 Section 10. Section 823.145, Florida Statutes, is amended  
 531 to read:

532 823.145 Disposal by open burning of certain materials  
 533 ~~mulch plastic~~ used in agricultural operations.--Polyethylene  
 534 agricultural mulch plastic; damaged, nonsalvageable, untreated  
 535 wood pallets; and packing material that cannot be feasibly  
 536 recycled, which are used in connection with agricultural  
 537 operations related to the growing, harvesting, or maintenance of  
 538 crops, may be disposed of by open burning provided that no  
 539 public nuisance or any condition adversely affecting the  
 540 environment or the public health is created thereby and that  
 541 state or federal national ambient air quality standards are not  
 542 violated.

543 Section 11. Subsection (11) is added to section 849.094,  
 544 Florida Statutes, to read:

545 849.094 Game promotion in connection with sale of consumer  
 546 products or services.--

547 (11) An operator who elects to conduct a computer-based  
 548 electronic sweepstakes game promotion in connection with the  
 549 sale of a consumer product or service, regardless of the total  
 550 announced value of the prizes offered, shall receive written  
 551 approval from the Department of Agriculture and Consumer  
 552 Services to conduct the game promotion when the operator:

553 (a) Files an electronic sweepstakes game promotion  
 554 application with the Department of Agriculture and Consumer  
 555 Services consistent with subsection (3) containing a complete

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556 list of available sweepstakes prizes and the odds of winning  
557 each prize and pays a \$100 fee per computer terminal provided by  
558 the operator to use in connection with the electronic  
559 sweepstakes game promotion;

560 (b) Establishes a trust account or posts a surety bond in  
561 the amount of \$1,000,000 per promotion unless specifically  
562 exempted by the Department of Agriculture and Consumer Services  
563 pursuant to paragraph (4) (b); and

564 (c) Obtains an independent lab certification, by a  
565 Department of Agriculture and Consumer Services or Department of  
566 Business and Professional Regulation approved gaming device  
567 testing laboratory, confirming that the computer-based  
568 electronic sweepstakes game promotion is using a finite software  
569 game system to determine sweepstakes winners and all advertised  
570 prizes are obtainable, unless the operator is also exempt  
571 pursuant to paragraph (4) (b).

572 Section 12. This act shall take effect July 1, 2008.