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LEGISLATIVE ACTION

Senate

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House

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Floor: 3/AD/3R

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05/01/2009 12:02 PM

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Senator Dean moved the following:

Senate Amendment (with title amendment)

Between lines 271 and 272

insert:

Section 4. Subsection (7) of section 570.0725, Florida Statutes, is amended to read:

570.0725 Food recovery; legislative intent; department functions.—

(7) For public information purposes, the department may ~~shall~~ develop and provide a public information ~~brochure~~ detailing the need for food banks and similar ~~of~~ food recovery programs, the benefit of such ~~food recovery~~ programs, the manner



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13 in which ~~such~~ organizations may become involved in such food
14 ~~recovery~~ programs, and the protection afforded to such programs
15 under s. 768.136, ~~and the food recovery entities or food banks~~
16 ~~that exist in the state. This brochure must be updated annually.~~
17 A food bank or similar food recovery organization seeking to be
18 included on a list of such organizations must notify the
19 department and provide the information required by rule of the
20 department. Such organizations are responsible for updating the
21 information and providing the updated information to the
22 department. The department may adopt rules to implement this
23 section.

24 Section 5. Paragraph (e) of subsection (6) of section
25 570.53, Florida Statutes, is amended to read:

26 570.53 Division of Marketing and Development; powers and
27 duties.—The powers and duties of the Division of Marketing and
28 Development include, but are not limited to:

29 (6)

30 (e) Extending in every practicable way the distribution and
31 sale of Florida agricultural products throughout the markets of
32 the world as required of the department by s. ss. 570.07(7),
33 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

34 Section 6. Subsection (2) of section 570.54, Florida
35 Statutes, is amended to read:

36 570.54 Director; duties.—

37 (2) It shall be the duty of the director of this division
38 to supervise, direct, and coordinate the activities authorized
39 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
40 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
41 chapters 504, 571, 573, and 574 and to exercise other powers and



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42 authority as authorized by the department.

43 Section 7. Subsection (4) of section 570.55, Florida
44 Statutes, is amended to read:

45 570.55 Identification of sellers or handlers of tropical or
46 subtropical fruit and vegetables; containers specified;
47 penalties.—

48 (4) IDENTIFICATION OF HANDLER.—At the time of each
49 transaction involving the handling or sale of 55 pounds or more
50 of tropical or subtropical fruit or vegetables in the primary
51 channel of trade, the buyer or receiver of the tropical or
52 subtropical fruit or vegetables shall demand a bill of sale,
53 invoice, sales memorandum, or other document listing the date of
54 the transaction, the quantity of the tropical or subtropical
55 fruit or vegetables involved in the transaction, and the
56 identification of the seller or handler as it appears on the
57 driver's license of the seller or handler, including the
58 driver's license number. If the seller or handler does not
59 possess a driver's license, the buyer or receiver shall use any
60 other acceptable means of identification, which may include, but
61 is not limited to, i.e., voter's registration card and number,
62 draft card, ~~social security card~~, or other identification.
63 However, no less than two identification documents shall be
64 used. The identification of the seller or handler shall be
65 recorded on the bill of sale, sales memorandum, invoice, or
66 voucher, which shall be retained by the buyer or receiver for a
67 period of not less than 1 year from the date of the transaction.

68 Section 8. Subsection (3) of section 570.902, Florida
69 Statutes, is amended to read:

70 570.902 Definitions; ss. 570.902 and 570.903.—For the



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71 purpose of ss. 570.902 and 570.903:

72 ~~(3) "Museum" means the Florida Agricultural Museum which is~~
73 ~~designated as the museum for agriculture and rural history of~~
74 ~~the State of Florida.~~

75 Section 9. Section 570.903, Florida Statutes, is amended to
76 read:

77 570.903 Direct-support organization.-

78 (1) When the Legislature authorizes the establishment of a
79 direct-support organization to provide assistance for the
80 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
81 ~~Florida State Collection of Arthropods,~~ the Friends of the
82 Florida State Forests Program of the Division of Forestry, and
83 the Forestry Arson Alert Program, and other programs of the
84 department, the following provisions shall govern the creation,
85 use, powers, and duties of the direct-support organization.

86 (a) The department shall enter into a memorandum or letter
87 of agreement with the direct-support organization, which shall
88 specify the approval of the department, the powers and duties of
89 the direct-support organization, and rules with which the
90 direct-support organization shall comply.

91 (b) The department may permit, without charge, appropriate
92 use of property, facilities, and personnel of the department by
93 a direct-support organization, subject to the provisions of ss.
94 570.902 and 570.903. The use shall be directly in keeping with
95 the approved purposes of the direct-support organization and
96 shall not be made at times or places that would unreasonably
97 interfere with opportunities for the general public to use
98 department facilities for established purposes.

99 (c) The department shall prescribe by contract or by rule



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100 conditions with which a direct-support organization shall comply
101 in order to use property, facilities, or personnel of the
102 department ~~or museum~~. Such rules shall provide for budget and
103 audit review and oversight by the department.

104 (d) The department shall not permit the use of property,
105 facilities, or personnel of the ~~museum~~, department, or
106 designated program by a direct-support organization which does
107 not provide equal employment opportunities to all persons
108 regardless of race, color, religion, sex, age, or national
109 origin.

110 (2) (a) The direct-support organization shall be empowered
111 to conduct programs and activities; raise funds; request and
112 receive grants, gifts, and bequests of money; acquire, receive,
113 hold, invest, and administer, in its own name, securities,
114 funds, objects of value, or other property, real or personal;
115 and make expenditures to or for the direct or indirect benefit
116 of the ~~museum or~~ designated program.

117 (b) Notwithstanding the provisions of s. 287.057, the
118 direct-support organization may enter into contracts or
119 agreements with or without competitive bidding for the
120 ~~restoration of objects, historical buildings, and other~~
121 ~~historical materials or for the purchase of objects, historical~~
122 ~~buildings, and other historical materials which are to be added~~
123 ~~to the collections of the museum, or~~ benefit of the designated
124 program. However, before the direct-support organization may
125 enter into a contract or agreement without competitive bidding,
126 the direct-support organization shall file a certification of
127 conditions and circumstances with the internal auditor of the
128 department justifying each contract or agreement.



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129 (c) Notwithstanding the provisions of s. 287.025(1)(e), the
130 direct-support organization may enter into contracts to insure
131 property of the ~~museum or designated programs and may insure~~
132 ~~objects or collections on loan from others in satisfying~~
133 ~~security terms of the lender.~~

134 (3) The direct-support organization shall provide for an
135 annual financial audit in accordance with s. 215.981.

136 (4) Neither a designated program ~~or a museum~~, nor a
137 nonprofit corporation trustee or employee may:

138 (a) Receive a commission, fee, or financial benefit in
139 connection with the sale or exchange of property ~~historical~~
140 ~~objects or properties~~ to the direct-support organization, ~~the~~
141 ~~museum~~, or the designated program; or

142 (b) Be a business associate of any individual, firm, or
143 organization involved in the sale or exchange of property to the
144 direct-support organization, ~~the museum~~, or the designated
145 program.

146 (5) All moneys received by the direct-support organization
147 shall be deposited into an account of the direct-support
148 organization and shall be used by the organization in a manner
149 consistent with the goals of ~~the museum~~ or designated program.

150 (6) The identity of a donor or prospective donor who
151 desires to remain anonymous and all information identifying such
152 donor or prospective donor are confidential and exempt from the
153 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
154 Constitution.

155 (7) The Commissioner of Agriculture, or the commissioner's
156 designee, may serve on the board of trustees and the executive
157 committee of any direct-support organization established to



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158 benefit the museum or any designated program.

159 ~~(8) The department shall establish by rule archival~~
160 ~~procedures relating to museum artifacts and records. The rules~~
161 ~~shall provide procedures which protect the museum's artifacts~~
162 ~~and records equivalent to those procedures which have been~~
163 ~~established by the Department of State under chapters 257 and~~
164 ~~267.~~

165 Section 10. Subsection (4) of section 573.118, Florida
166 Statutes, is amended to read:

167 573.118 Assessment; funds; audit; loans.—

168 (4) In the event of levying and collecting of assessments,
169 for each fiscal year in which assessment funds are received by
170 the department, the department shall maintain records of
171 collections and expenditures for each marketing order separately
172 within the state's accounting system. If requested by an
173 advisory council, department staff shall cause to be made a
174 thorough ~~annual~~ audit of the ~~books and accounts by a certified~~
175 ~~public accountant~~, such audit to be completed within 60 days
176 after the request is received ~~end of the fiscal year~~. The
177 advisory council ~~department and all producers and handlers~~
178 ~~covered by the marketing order~~ shall be provided a copy of the
179 properly advised of the details of the annual official audit of
180 the accounts ~~as shown by the certified public accountant~~ within
181 30 days after completion of the audit.

182 Section 11. Subsections (18) through (30) of section
183 581.011, Florida Statutes, are renumbered as subsections (17)
184 through (29), respectively, and present subsections (17) and
185 (20) of that section are amended to read:

186 581.011 Definitions.—As used in this chapter:



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187 ~~(17) "Museum" means the Florida State Collection of~~
188 ~~Arthropods.~~

189 (19)~~(20)~~ "Nursery" means any grounds or premises on or in
190 which nursery stock is grown, propagated, or held for sale or
191 distribution, including ~~except where~~ aquatic plant species ~~are~~
192 tended for harvest in the natural environment.

193 Section 12. Paragraph (d) of subsection (14) of section
194 581.031, Florida Statutes, is amended to read:

195 581.031 Department; powers and duties.—The department has
196 the following powers and duties:

197 (14)

198 (d) To prescribe a fee for these services, if provided the
199 fee does not exceed the cost of the services rendered. Annual
200 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per
201 tree. If the fee has not been paid within 30 days of billing, a
202 penalty of \$10 or 20 percent of the unpaid balance, whichever is
203 greater, shall be assessed.

204 Section 13. Subsection (6) of section 581.131, Florida
205 Statutes, is amended to read:

206 581.131 Certificate of registration.—

207 (6) Neither the certificate of registration fee nor the
208 annual renewal fee shall exceed \$600 ~~\$460~~. The department may
209 exempt from the payment of a certificate fee those governmental
210 agency nurseries whose nursery stock is used exclusively for
211 planting on their own property.

212 Section 14. Paragraph (a) of subsection (3) of section
213 581.211, Florida Statutes, is amended to read:

214 581.211 Penalties for violations.—

215 (3) (a)1. In addition to any other provision of law, the



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216 department may, after notice and hearing, impose an
217 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
218 violation of this chapter, upon any person, nurseryman, stock
219 dealer, agent or plant broker. The fine, when paid, shall be
220 deposited in the Plant Industry Trust Fund. In addition, the
221 department may place the violator on probation for up to 1 year,
222 with conditions.

223 2. The imposition of a fine or probation pursuant to this
224 subsection may be in addition to or in lieu of the suspension or
225 revocation of a certificate of registration or certificate of
226 inspection.

227 Section 15. Section 583.13, Florida Statutes, is amended to
228 read:

229 583.13 Labeling and advertising requirements for dressed
230 poultry; unlawful acts.—

231 (1) It is unlawful for any dealer or broker to sell, offer
232 for sale, or hold for the purpose of sale in the state any
233 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
234 is packed in a container clearly bearing a label, not less than
235 3 inches by 5 inches, on which shall be plainly and legibly
236 printed, in letters of not less than one-fourth inch ~~1/4~~ in
237 height, ~~the grade and the part name or whole-bird statement of~~
238 ~~such poultry. The grade may be expressed in the term "premium,"~~
239 ~~"good," or "standard," or as the grade of another state or~~
240 ~~federal agency the standards of quality of which, by law, are~~
241 ~~equal to the standards of quality provided by this law and rules~~
242 ~~promulgated hereunder.~~

243 (2) It is unlawful to sell unpackaged dressed or ready-to-
244 cook poultry at retail unless such poultry is labeled by a



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245 placard immediately adjacent to the poultry or unless each bird
246 is individually labeled to show ~~the grade and~~ the part name or
247 whole-bird statement. The placard shall be no smaller than 7
248 inches by 7 inches in size, and the required labeling
249 information shall be legibly and plainly printed on the placard
250 in letters not smaller than 1 inch in height.

251 (3) It is unlawful to sell packaged dressed or ready-to-
252 cook poultry at retail unless such poultry is labeled to show
253 ~~the grade,~~ the part name or whole-bird statement, the net weight
254 of the poultry, and the name and address of the dealer. The size
255 of the type on the label must be one-eighth inch or larger. A
256 placard immediately adjacent to such poultry may be used to
257 indicate ~~the grade and~~ the part name or whole-bird statement,
258 but not the net weight of the poultry or the name and address of
259 the dealer.

260 (4) It is unlawful to use dressed or ready-to-cook poultry
261 in bulk in the preparation of food served to the public, or to
262 hold such poultry for the purpose of such use, unless the
263 poultry when received was packed in a container clearly bearing
264 a label, not less than 3 inches by 5 inches, on which was
265 plainly and legibly printed, in letters not less than one-fourth
266 inch in height, ~~the grade and~~ the part name or whole-bird
267 statement of such poultry. ~~The grade may be expressed in the~~
268 ~~term "premium," "good," or "standard," or as the grade of~~
269 ~~another state or federal agency the standards of quality of~~
270 ~~which, by law, are equal to the standards of quality provided by~~
271 ~~this law and rules promulgated hereunder.~~

272 (5) It is unlawful to offer dressed or ready-to-cook
273 poultry for sale in any advertisement in a newspaper or



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274 circular, on radio or television, or in any other form of
275 advertising without plainly designating in such advertisement
276 ~~the grade and the part name or whole-bird statement of such~~
277 poultry.

278 Section 16. Subsections (4) and (5) of section 590.125,
279 Florida Statutes, are renumbered as subsections (5) and (6),
280 respectively, subsection (1), paragraph (b) of subsection (3),
281 and paragraph (c) of present subsection (4) are amended, and new
282 subsections (4) and (7) are added to that section, to read:

283 590.125 Open burning authorized by the division.—

284 (1) DEFINITIONS.—As used in this section, the term:

285 (a) "Certified pile burner" means an individual who
286 successfully completes the division's pile burning certification
287 program and possesses a valid pile burner certification number.

288 (b) "Certified prescribed burn manager" means an individual
289 who successfully completes the certified prescribed burning
290 ~~certification~~ program of the division and possesses a valid
291 certification number.

292 (c) ~~(d)~~ "Extinguished" means:

293 1. ~~that no spreading flame~~ For wild land burning or
294 certified prescribed burning, ~~that no spreading flames exist.~~

295 2. ~~and no visible flame, smoke, or emissions~~ For vegetative
296 land-clearing debris burning ~~or pile burning,~~ that no visible
297 flames exist.

298 3. For vegetative land-clearing debris burning or pile
299 burning in an area designated as smoke sensitive by the
300 division, ~~that no visible flames, smoke, or emissions exist.~~

301 (d) "Land-clearing operation" means the uprooting or
302 clearing of vegetation in connection with the construction of



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303 buildings and rights-of-way, land development, and mineral
304 operations. The term does not include the clearing of yard
305 trash.

306 (e) "Pile burning" means the burning of silvicultural,
307 agricultural, or land-clearing and tree-cutting debris
308 originating onsite, which is stacked together in a round or
309 linear fashion, including, but not limited to, a windrow.

310 (f) ~~(a)~~ "Prescribed burning" means the controlled
311 application of fire in accordance with a written prescription
312 for vegetative fuels under specified environmental conditions
313 while following appropriate precautionary measures that ensure
314 that the fire is confined to a predetermined area to accomplish
315 the planned fire or land-management objectives.

316 (g) ~~(e)~~ "Prescription" means a written plan establishing the
317 criteria necessary for starting, controlling, and extinguishing
318 a prescribed burn.

319 (h) "Yard trash" means vegetative matter resulting from
320 landscaping and yard maintenance operations and other such
321 routine property cleanup activities. The term includes materials
322 such as leaves, shrub trimmings, grass clippings, brush, and
323 palm fronds.

324 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
325 PURPOSE.—

326 (b) Certified prescribed burning pertains only to broadcast
327 burning for purposes of silviculture, wildlife management,
328 ecological maintenance and restoration, and range and pasture
329 management. It must be conducted in accordance with this
330 subsection and:

331 1. May be accomplished only when a certified prescribed



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332 burn manager is present on site with a copy of the prescription
333 from ignition of the burn to its completion.

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

336 3. Requires that the specific consent of the landowner or
337 his or her designee be obtained before requesting an
338 authorization.

339 4. Requires that an authorization to burn be obtained from
340 the division before igniting the burn.

341 5. Requires that there be adequate firebreaks at the burn
342 site and sufficient personnel and firefighting equipment for the
343 control of the fire.

344 6. Is considered to be in the public interest and does not
345 constitute a public or private nuisance when conducted under
346 applicable state air pollution statutes and rules.

347 7. Is considered to be a property right of the property
348 owner if vegetative fuels are burned as required in this
349 subsection.

350 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
351 PURPOSE.—

352 (a) Pile burning is a tool that benefits current and future
353 generations in Florida by disposing of naturally occurring
354 vegetative debris through burning rather than disposing of the
355 debris in landfills.

356 (b) Certified pile burning pertains to the disposal of
357 piled, naturally occurring debris from an agricultural,
358 silvicultural, or temporary land-clearing operation. A land-
359 clearing operation is temporary if it operates for 6 months or
360 less. Certified pile burning must be conducted in accordance



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361 with this subsection, and:

362 1. A certified pile burner must ensure, before ignition,
363 that the piles are properly placed and that the content of the
364 piles is conducive to efficient burning.

365 2. A certified pile burner must ensure that the piles are
366 properly extinguished no later than 1 hour after sunset. If the
367 burn is conducted in an area designated by the division as smoke
368 sensitive, a certified pile burner must ensure that the piles
369 are properly extinguished at least 1 hour before sunset.

370 3. A written pile burn plan must be prepared before
371 receiving authorization from the division to burn.

372 4. The specific consent of the landowner or his or her
373 agent must be obtained before requesting authorization to burn.

374 5. An authorization to burn must be obtained from the
375 division or its designated agent before igniting the burn.

376 6. There must be adequate firebreaks and sufficient
377 personnel and firefighting equipment at the burn site to control
378 the fire.

379 (c) If a burn is conducted in accordance with this
380 subsection, the property owner and his or her agent are not
381 liable under s. 590.13 for damage or injury caused by the fire
382 or resulting smoke, and are not in violation of subsection (2),
383 unless gross negligence is proven.

384 (d) A certified pile burner who violates this section
385 commits a misdemeanor of the second degree, punishable as
386 provided in s. 775.082 or s. 775.083.

387 (e) The division shall adopt rules regulating certified
388 pile burning. The rules shall include procedures and criteria
389 for certifying and decertifying certified pile burn managers



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390 based on past experience, training, and record of compliance
391 with this section.

392 (5)~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE
393 DIVISION.—The division may conduct fuel reduction initiatives,
394 including, but not limited to, burning and mechanical and
395 chemical treatment, on any area of wild land within the state
396 which is reasonably determined to be in danger of wildfire in
397 accordance with the following procedures:

398 (c) ~~Prepare, and send the county tax collector shall~~
399 ~~include with the annual tax statement,~~ a notice to be sent to
400 all landowners in each area township designated by the division
401 as a wildfire hazard area. The notice must describe particularly
402 the area to be treated and the tentative date or dates of the
403 treatment and must list the reasons for and the expected
404 benefits from the wildfire hazard reduction.

405 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
406 AUTHORIZATION PROGRAMS.—

407 (a) A county or municipality may exercise the division's
408 authority, if delegated by the division under this subsection,
409 to issue authorizations for the burning of yard trash or debris
410 from land-clearing operations. A county's or municipality's
411 existing or proposed open burning authorization program must:

412 1. Be approved by the division. The division shall not
413 approve a program if it fails to meet the requirements of
414 subsections (2) and (4) and any rules adopted under those
415 subsections.

416 2. Provide by ordinance or local law the requirements for
417 obtaining and performing a burn authorization that comply with
418 subsections (2) and (4) and any rules adopted under those



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419 subsections.

420 3. Provide for the enforcement of the program's
421 requirements.

422 4. Provide financial, personnel, and other resources needed
423 to carry out the program.

424 (b) If the division determines that a county's or
425 municipality's open burning authorization program does not
426 comply with subsections (2) and (4) and any rules adopted under
427 those subsections, the division shall require the county or
428 municipality to take necessary corrective actions within a
429 reasonable period, not to exceed 90 days.

430 1. If the county or municipality fails to take the
431 necessary corrective actions within the required period, the
432 division shall resume administration of the open burning
433 authorization program in the county or municipality and the
434 county or municipality shall cease administration of its
435 program.

436 2. Each county and municipality administering an open
437 burning authorization program must cooperate with and assist the
438 division in carrying out the division's powers, duties, and
439 functions.

440 3. A person who violates the requirements of a county's or
441 municipality's open burning authorization program, as provided
442 by ordinance or local law enacted pursuant to this section,
443 commits a violation of this chapter, punishable as provided in
444 s. 590.14.

445 Section 17. Subsection (4) of section 590.14, Florida
446 Statutes, is renumbered as subsection (7), subsections (1) and
447 (3) are amended, and new subsections (4), (5), and (6) are added



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448 to that section, to read:

449 590.14 Notice of violation; penalties.—

450 (1) If a division employee determines that a person has
451 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
452 the division to administer provisions of law conferring duties
453 upon the division, the division employee ~~he or she~~ may issue a
454 notice of violation indicating the statute violated. This notice
455 will be filed with the division and a copy forwarded to the
456 appropriate law enforcement entity for further action if
457 necessary.

458 (3) The department may also impose an administrative fine,
459 not to exceed \$1,000 per violation of any section of chapter 589
460 or this chapter or violation of any rule adopted by the division
461 to administer provisions of law conferring duties upon the
462 division. The fine shall be based upon the degree of damage, the
463 prior violation record of the person, and whether the person
464 knowingly provided false information to obtain an authorization.
465 The fines shall be deposited in the Incidental Trust Fund of the
466 division.

467 (4) A person may not:

468 (a) Fail to comply with any rule or order adopted by the
469 division to administer provisions of law conferring duties upon
470 the division; or

471 (b) Knowingly make any false statement or representation in
472 any application, record, plan, or other document required by
473 this chapter or any rules adopted under this chapter.

474 (5) A person who violates paragraph (4) (a) or paragraph
475 (4) (b) commits a misdemeanor of the second degree, punishable as
476 provided in s. 775.082 or s. 775.083.



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477 (6) It is the intent of the Legislature that a penalty
478 imposed by a court under subsection (5) be of a severity that
479 ensures immediate and continued compliance with this section.

480 Section 18. Paragraph (a) of subsection (1) of section
481 599.004, Florida Statutes, is amended to read:

482 599.004 Florida Farm Winery Program; registration; logo;
483 fees.-

484 (1) The Florida Farm Winery Program is established within
485 the Department of Agriculture and Consumer Services. Under this
486 program, a winery may qualify as a tourist attraction only if it
487 is registered with and certified by the department as a Florida
488 Farm Winery. A winery may not claim to be certified unless it
489 has received written approval from the department.

490 (a) To qualify as a certified Florida Farm Winery, a winery
491 shall meet the following standards:

492 1. Produce or sell less than 250,000 gallons of wine
493 annually.

494 2. Maintain a minimum of 10 acres of owned or managed land
495 vineyards in Florida which produces commodities used in the
496 production of wine.

497 3. Be open to the public for tours, tastings, and sales at
498 least 30 hours each week.

499 4. Make annual application to the department for
500 recognition as a Florida Farm Winery, on forms provided by the
501 department.

502 5. Pay an annual application and registration fee of \$100.

503 Section 19. Subsection (11) is added to section 604.15,
504 Florida Statutes, to read:

505 604.15 Dealers in agricultural products; definitions.-For



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506 the purpose of ss. 604.15-604.34, the following words and terms,
507 when used, shall be construed to mean:

508 (11) "Responsible position" means a position within the
509 business of a dealer in agricultural products that has the
510 authority to negotiate or make the purchase of agricultural
511 products on behalf of the dealer's business or has principal
512 active management authority over the business decisions,
513 actions, and activities of the dealer's business in this state.

514 Section 20. Section 604.19, Florida Statutes, is amended to
515 read:

516 604.19 License; fee; bond; certificate of deposit;
517 penalty.—Unless the department refuses the application on one or
518 more of the grounds provided in this section, it shall issue to
519 an applicant, upon the payment of required fees and the
520 execution and delivery of a bond or certificate of deposit as
521 provided in this section, a state license entitling the
522 applicant to conduct business as a dealer in agricultural
523 products for a 1-year period to coincide with the effective
524 period of the bond or certificate of deposit furnished by the
525 applicant. During the 1-year period covered by a license, if the
526 supporting surety bond or certificate of deposit is canceled for
527 any reason, the license shall automatically expire on the date
528 the surety bond or certificate of deposit terminates, unless an
529 acceptable replacement is in effect before the date of
530 termination so that continual coverage occurs for the remaining
531 period of the license. A surety company shall give the
532 department a 30-day written notice of cancellation by certified
533 mail in order to cancel a bond. Cancellation of a bond or
534 certificate of deposit does ~~shall~~ not relieve a surety company



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535 or financial institution of liability for purchases or sales
536 occurring while the bond or certificate of deposit was in
537 effect. The license fee, which must be paid for the principal
538 place of business for a dealer in agricultural products, shall
539 be based upon the amount of the dealer's surety bond or
540 certificate of deposit furnished by each dealer under the
541 provisions of s. 604.20 and may not exceed \$500. For each
542 additional place in which the applicant desires to conduct
543 business and which the applicant names in the application, the
544 additional license fee must be paid but may not exceed \$100
545 annually. If a ~~Should any~~ dealer in agricultural products ~~fails,~~
546 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
547 qualify for the renewal of a license on or before ~~its the date~~
548 ~~of expiration date thereof,~~ a penalty not to exceed \$100 shall
549 apply to and be added to the ~~original~~ license fee ~~for the~~
550 ~~principal place of business and to the license fee for each~~
551 ~~additional place of business named in the application~~ and shall
552 be paid by the applicant before the renewal license may be
553 issued. The department by rule shall prescribe fee amounts
554 sufficient to fund ss. 604.15-604.34.

555 Section 21. Subsections (1) and (4) of section 604.20,
556 Florida Statutes, are amended to read:

557 604.20 Bond or certificate of deposit prerequisite; amount;
558 form.—

559 (1) Before any license is issued, the applicant therefor
560 shall make and deliver to the department a surety bond or
561 certificate of deposit in the amount of at least \$5,000 or in
562 such greater amount as the department may determine. No bond or
563 certificate of deposit may be in an amount less than \$5,000. The



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564 penal sum of the bond or certificate of deposit to be furnished
565 to the department by an applicant for license as a dealer in
566 agricultural products shall be in an amount equal to twice the
567 average of the monthly dollar amounts ~~amount~~ of agricultural
568 products handled for a Florida producer or a producer's agent or
569 representative, by purchase or otherwise, ~~during the month of~~
570 ~~maximum transaction in such products~~ during the preceding 12-
571 month period. Only those months in which the applicant handled,
572 by purchase or otherwise, amounts equal to or greater than
573 \$1,000 shall be used to calculate the penal sum of the required
574 bond or certificate of deposit. An applicant for license who has
575 not handled agricultural products for a Florida producer or a
576 producer's agent or representative, by purchase or otherwise,
577 during the preceding 12-month period shall furnish a bond or
578 certificate of deposit in an amount equal to twice the estimated
579 average of the monthly dollar amounts ~~amount~~ of such
580 agricultural products to be handled, by purchase or otherwise,
581 ~~during the month of maximum transaction~~ during the next
582 immediate 12 months. Only those months in which the applicant
583 anticipates handling, by purchase or otherwise, amounts equal to
584 or greater than \$1,000 shall be used to calculate the penal sum
585 of the required bond or certificate of deposit. Such bond or
586 certificate of deposit shall be provided or assigned in the
587 exact name in which the dealer will conduct business subject to
588 the provisions of ss. 604.15-604.34. Such bond must be executed
589 by a surety company authorized to transact business in the
590 state. For the purposes of ss. 604.19-604.21, the term
591 "certificate of deposit" means a certificate of deposit at any
592 recognized financial institution doing business in the United



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593 States. No certificate of deposit may be accepted in connection
594 with an application for a dealer's license unless the issuing
595 institution is properly insured by either the Federal Deposit
596 Insurance Corporation or the Federal Savings and Loan Insurance
597 Corporation. Such bond or any certificate of deposit assignment
598 or agreement shall be upon a form prescribed or approved by the
599 department and shall be conditioned to secure the faithful
600 accounting for and payment, in the manner prescribed by s.
601 604.21(9), to producers or their agents or representatives of
602 the proceeds of all agricultural products handled or purchased
603 by such dealer, ~~and~~ to secure payment to dealers who sell
604 agricultural products to such dealer, and to pay any claims or
605 costs ordered under s. 604.21 as the result of a complaint. Such
606 bond or certificate of deposit assignment or agreement shall
607 include terms binding the instrument to the Commissioner of
608 Agriculture. A certificate of deposit shall be presented with an
609 assignment of applicant's rights in the certificate in favor of
610 the Commissioner of Agriculture on a form prescribed by the
611 department and with a letter from the issuing institution
612 acknowledging that the assignment has been properly recorded on
613 the books of the issuing institution and will be honored by the
614 issuing institution. Such assignment shall be irrevocable while
615 the dealer's license is in effect and for an additional period
616 of 6 months after the termination or expiration of the dealer's
617 license, provided no complaint is pending against the licensee.
618 If a complaint is pending, the assignment shall remain in effect
619 until all actions on the complaint have been finalized. The
620 certificate of deposit may be released by the assignee of the
621 financial institution to the licensee or the licensee's



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622 successors, assignee, or heirs if no claims are pending against
623 the licensee before the department at the conclusion of 6 months
624 after the last effective date of the license. No certificate of
625 deposit shall be accepted that contains any provision that would
626 give the issuing institution any prior rights or claim on the
627 proceeds or principal of such certificate of deposit. The
628 department shall determine by rule the maximum amount of bond or
629 certificate of deposit required of a dealer and whether an
630 annual bond or certificate of deposit will be required.

631 (4) The department may issue a conditional license to an
632 applicant who is unable to provide a single bond or certificate
633 of deposit in the full amount required by the calculation in
634 subsection (1). The conditional license shall remain in effect
635 for a 1-year period to coincide with the effective period of the
636 bond or certificate of deposit furnished by the applicant. The
637 applicant must provide at least the minimum \$5,000 bond or
638 certificate of deposit as provided in subsection (1) together
639 with documentation from each of three separate bonding companies
640 denying the applicants request for a surety bond in the full
641 amount required in subsection (1) and one of the following:

642 (a) A notarized affidavit limiting the handling of
643 agricultural products, by purchase or otherwise, during their
644 largest month to a minimum of one-half the amount of the bond or
645 certificate of deposit provided by the applicant;

646 (b) A notarized affidavit stating that any subject
647 agricultural products, handled by purchase or otherwise,
648 exceeding one-half of the amount of the bond or certificate of
649 deposit will be handled under the exemption provisions set forth
650 in s. 604.16(2); or



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651 (c) A second bond or certificate of deposit in such an
652 amount that, when the penal sum of the second bond or
653 certificate of deposit is added to the penal sum of the first
654 bond or certificate of deposit, the combined penal sum will
655 equal twice the dollar amount of agricultural products handled
656 for a Florida producer or a producer's agent or representative,
657 by purchase or otherwise, during the month of maximum
658 transaction in such products during the preceding 12-month
659 period.

660

661 The department or its agents may require from any licensee who
662 is issued a conditional license verified statements of the
663 volume of the licensee's business or may review the licensee's
664 records at the licensee's place of business during normal
665 business hours to determine the licensee's adherence to the
666 conditions of the license. The failure of a licensee to furnish
667 such statement or to make such records available shall be cause
668 for suspension of the licensee's conditional license. If the
669 department finds such failure to be willful, the conditional
670 license may be revoked.

671 Section 22. Section 604.25, Florida Statutes, is amended to
672 read:

673 604.25 Denial of, refusal to renew ~~grant,~~ or suspension or
674 revocation of, license.-

675 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
676 ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~
677 ~~granted~~ if the applicant or licensee has:

678 (1) ~~(a)~~ Suffered a monetary judgment entered against the
679 applicant or licensee ~~upon~~ which is ~~execution has been returned~~



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680 unsatisfied;

681 (2)~~(b)~~ Made false charges for handling or services
682 rendered;

683 (3)~~(e)~~ Failed to account promptly and properly or to make
684 settlements with any producer;

685 (4)~~(d)~~ Made any false statement or statements as to
686 condition, quality, or quantity of goods received or held for
687 sale when the true condition, quality, or quantity could have
688 been ascertained by reasonable inspection;

689 (5)~~(e)~~ Made any false or misleading statement or statements
690 as to market conditions or service rendered;

691 (6)~~(f)~~ Been guilty of a fraud in the attempt to procure, or
692 the procurement of, a license;

693 (7)~~(g)~~ Directly or indirectly sold agricultural products
694 received on consignment or on a net return basis for her or his
695 own account, without prior authority from the producer
696 consigning the same, or without notifying such producer;

697 (8)~~(h)~~ Failed to prevent a person from holding a position
698 as the applicant's or licensee's owner, officer, director,
699 general or managing partner, or employee ~~Employed~~ in a
700 responsible position ~~a person~~, or holding any other similarly
701 situated position, if the person holds or has held a similar
702 position with any entity that ~~an officer of a corporation, who~~
703 has failed to fully comply with an order of the department, has
704 not satisfied a civil judgment held by the department, has
705 pending any administrative or civil enforcement action by the
706 department, or has pending any criminal charges pursuant to s.
707 604.30 at any time within 1 year after issuance;

708 (9)~~(i)~~ Violated any statute or rule relating to the



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709 purchase or sale of any agricultural product, whether or not
710 such transaction is subject to the provisions of this chapter;
711 ~~or~~

712 ~~(10)-(j)~~ Failed to submit to the department an application,
713 appropriate license fees, and an acceptable surety bond or
714 certificate of deposit; or-

715 ~~(11)-(2)~~ Failed ~~If a licensee fails or refused~~ refuses to
716 comply ~~in full~~ with an order of the department or failed to
717 satisfy a civil judgment owed to the department, ~~her or his~~
718 ~~license may be suspended or revoked, in which case she or he~~
719 ~~shall not be eligible for license for a period of 1 year or~~
720 ~~until she or he has fully complied with the order of the~~
721 ~~department.~~

722 ~~(3) No person, or officer of a corporation, whose license~~
723 ~~has been suspended or revoked for failure to comply with an~~
724 ~~order of the department may hold a responsible position with a~~
725 ~~licensee for a period of 1 year or until the order of the~~
726 ~~department has been fully complied with.~~

727 Section 23. Subsections (18) and (19) of section 616.242,
728 Florida Statutes, are renumbered as subsections (19) and (20),
729 respectively, and a new subsection (18) is added to that section
730 to read:

731 616.242 Safety standards for amusement rides.-

732 (18) STOP-OPERATION ORDERS.-If an owner or amusement ride
733 fails to comply with this chapter or any rule adopted under this
734 chapter, the department may issue a stop-operation order.

735 Section 24. Subsection (4) of section 686.201, Florida
736 Statutes, is amended to read:

737 686.201 Sales representative contracts involving



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738 commissions; requirements; termination of agreement; civil
739 remedies.—

740 (4) This section does not apply to persons licensed
741 pursuant to chapter 475 who are performing services within the
742 scope of their license or to contracts to which a seller of
743 travel as defined in s. 559.927 is a party.

744 Section 25. Paragraph (c) of subsection (5) of section
745 790.06, Florida Statutes, is amended to read:

746 790.06 License to carry concealed weapon or firearm.—

747 (5) The applicant shall submit to the Department of
748 Agriculture and Consumer Services:

749 (c) A full set of fingerprints of the applicant
750 administered by a law enforcement agency or the Division of
751 Licensing of the Department of Agriculture and Consumer
752 Services.

753 Section 26. Sections 570.071 and 570.901, Florida Statutes,
754 are repealed.

755 Section 27. Subsection (1) of section 205.064, Florida
756 Statutes, is amended to read:

757 205.064 Farm, aquacultural, grove, horticultural,
758 floricultural, tropical piscicultural, and tropical fish farm
759 products; certain exemptions.—

760 (1) A local business tax receipt is not required of any
761 ~~natural~~ person for the privilege of engaging in the selling of
762 farm, aquacultural, grove, horticultural, floricultural,
763 tropical piscicultural, or tropical fish farm products, or
764 products manufactured therefrom, except intoxicating liquors,
765 wine, or beer, when such products were grown or produced by such
766 ~~natural~~ person in the state.



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767 Section 28. Subsection (20) of section 322.01, Florida
768 Statutes, is amended to read:

769 322.01 Definitions.—As used in this chapter:

770 (20) "Farm tractor" means a motor vehicle that is:

771 (a) Operated principally on a farm, grove, or orchard in
772 agricultural or horticultural pursuits and that is operated on
773 the roads of this state only incidentally to transportation
774 between the owner's or operator's headquarters and the farm,
775 grove, or orchard or between one farm, grove, or orchard and
776 another; or

777 (b) Designed and used primarily as a farm implement for
778 drawing plows, mowing machines, and other implements of
779 husbandry.

780 Section 29. Paragraph (n) of subsection (1) of section
781 500.03, Florida Statutes, is amended to read:

782 500.03 Definitions; construction; applicability.—

783 (1) For the purpose of this chapter, the term:

784 (n) "Food establishment" means any factory, food outlet, or
785 any other facility manufacturing, processing, packing, holding,
786 or preparing food, or selling food at wholesale or retail. The
787 term does not include any business or activity that is regulated
788 under chapter 509 or chapter 601. The term includes tomato
789 packinghouses and repackers but does not include any other
790 establishments that pack fruits and vegetables in their raw or
791 natural states, including those fruits or vegetables that are
792 washed, colored, or otherwise treated in their unpeeled, natural
793 form before they are marketed.

794 Section 30. Section 500.70, Florida Statutes, is created to
795 read:



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796 500.70 Tomato food safety standards; inspections;
797 penalties; tomato good agricultural practices; tomato best
798 management practices.-

799 (1) As used in this section, the term:

800 (a) "Field packing" means the packing of tomatoes on a
801 tomato farm or in a tomato greenhouse into containers for sale
802 for human consumption without transporting the tomatoes to a
803 packinghouse.

804 (b) "Packing" or "repacking" means the packing of tomatoes
805 into containers for sale for human consumption. The term
806 includes the sorting or separating of tomatoes into grades and
807 sizes. The term also includes field packing.

808 (c) "Producing" means the planting, growing, or cultivating
809 of tomatoes on a tomato farm or in a tomato greenhouse for sale
810 for human consumption.

811 (2) The department may adopt rules establishing food safety
812 standards to safeguard the public health and promote the public
813 welfare by protecting the consuming public from injury caused by
814 the adulteration or the microbiological, chemical, or
815 radiological contamination of tomatoes. The rules must be based
816 on federal requirements, available scientific research,
817 generally accepted industry practices, and recommendations of
818 food safety professionals. The rules shall apply to the
819 producing, harvesting, packing, and repacking of tomatoes for
820 sale for human consumption by a tomato farm, tomato greenhouse,
821 or tomato packinghouse or repacker in this state. The rules may
822 include, but are not limited to, standards for:

823 (a) Registration with the department of a person who
824 produces, harvests, packs, or repacks tomatoes in this state who



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825 does not hold a food permit issued under s. 500.12.
826 (b) Proximity of domestic animals and livestock to the
827 production areas for tomatoes.
828 (c) Food safety related use of water for irrigation during
829 production and washing of tomatoes after harvest.
830 (d) Use of fertilizers.
831 (e) Cleaning and sanitation of containers, materials,
832 equipment, vehicles, and facilities, including storage and
833 ripening areas.
834 (f) Health, hygiene, and sanitation of employees who handle
835 tomatoes.
836 (g) Training and continuing education of a person who
837 produces, harvests, packs, or repacks tomatoes in this state,
838 and the person's employees who handle tomatoes.
839 (h) Labeling and recordkeeping, including standards for
840 identifying and tracing tomatoes for sale for human consumption.
841 (3) (a) The department may inspect tomato farms, tomato
842 greenhouses, tomato packinghouses, repacking locations, or any
843 vehicle being used to transport or hold tomatoes to ensure
844 compliance with the applicable provisions of this chapter, and
845 the rules adopted under this chapter.
846 (b) The department may impose an administrative fine not to
847 exceed \$5,000 per violation, or issue a written notice or
848 warning under s. 500.179, against a person who violates any
849 applicable provision of this section, or any rule adopted under
850 this section.
851 (4) (a) The department may adopt rules establishing tomato
852 good agricultural practices and tomato best management practices
853 for the state's tomato industry based on applicable federal



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854 requirements, available scientific research, generally accepted
855 industry practices, and recommendations of food safety
856 professionals.

857 (b) A person who documents compliance with the department's
858 rules, tomato good agricultural practices, and tomato best
859 management practices is presumed to introduce tomatoes into the
860 stream of commerce that are safe for human consumption, unless
861 the department identifies noncompliance through inspections.

862 (5) Subsections (2) and (4) do not apply to tomatoes sold
863 by the grower on the premises at which the tomatoes are grown or
864 at a local farmers' market, if the quantity of tomatoes sold
865 does not exceed two 25-pound boxes per customer.

866 (6) The department may adopt rules pursuant to ss.
867 120.536(1) and 120.54 to administer this section.

868 Section 31. Subsection (10) of section 570.07, Florida
869 Statutes, is amended to read:

870 570.07 Department of Agriculture and Consumer Services;
871 functions, powers, and duties.—The department shall have and
872 exercise the following functions, powers, and duties:

873 (10) To act as adviser to producers and distributors, when
874 requested, ~~and~~ to assist them in the economical and efficient
875 distribution of their agricultural products, ~~and~~ to encourage
876 cooperative effort among producers to gain economical and
877 efficient production of agricultural products, and to adopt
878 rules establishing comprehensive best management practices for
879 agricultural production and food safety.

880 Section 32. Paragraph (e) of subsection (2) of section
881 570.48, Florida Statutes, is amended to read:

882 570.48 Division of Fruit and Vegetables; powers and duties;



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883 records.—The duties of the Division of Fruit and Vegetables
884 include, but are not limited to:

885 (2)

886 (e) Performing tomato food safety inspections under s.
887 500.70 on tomato farms, in tomato greenhouses, and in tomato
888 packinghouses and repackers.

889 Section 33. Subsection (1) of section 604.15, Florida
890 Statutes, is amended to read:

891 604.15 Dealers in agricultural products; definitions.—For
892 the purpose of ss. 604.15-604.34, the following words and terms,
893 when used, shall be construed to mean:

894 (1) "Agricultural products" means the natural products of
895 the farm, nursery, grove, orchard, vineyard, garden, and apiary
896 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
897 livestock; milk and milk products; poultry and poultry products;
898 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
899 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
900 Persian, Tahiti, Bearss, or Florida Key limes); and any other
901 nonexempt agricultural products produced in the state, except
902 tobacco, sugarcane, tropical foliage, timber and timber
903 byproducts, forest products as defined in s. 591.17, and citrus
904 other than limes.

905 Section 34. Subsection (7) is added to section 624.4095,
906 Florida Statutes, to read:

907 624.4095 Premiums written; restrictions.—

908 (7) For purposes of this section and s. 624.407, with
909 regard to capital and surplus required, gross written premiums
910 for federal multi-peril crop insurance that is ceded to the
911 Federal Crop Insurance Corporation and authorized reinsurers



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912 shall not be included when calculating the insurer's gross
913 writing ratio. The liabilities for ceded reinsurance premiums
914 payable for federal multi-peril crop insurance ceded to the
915 Federal Crop Insurance Corporation and authorized reinsurers
916 shall be netted against the asset for amounts recoverable from
917 reinsurers. Each insurer that writes other insurance products
918 together with federal multi-peril crop insurance shall disclose
919 in the notes to the annual and quarterly financial statement, or
920 file a supplement to the financial statement that discloses, a
921 breakout of the gross written premiums for federal multi-peril
922 crop insurance.

923 Section 35. Section 823.145, Florida Statutes, is amended
924 to read:

925 823.145 Disposal by open burning of certain materials ~~mulch~~
926 ~~plastic~~ used in agricultural operations.—Polyethylene
927 agricultural ~~mulch~~ plastic; damaged, nonsalvageable, untreated
928 wood pallets; and packing material that cannot be feasibly
929 recycled, which are used in connection with agricultural
930 operations related to the growing, harvesting, or maintenance of
931 crops, may be disposed of by open burning provided that no
932 public nuisance or any condition adversely affecting the
933 environment or the public health is created thereby and that
934 state or federal national ambient air quality standards are not
935 violated.

936 Section 36. Subsection (4) of section 163.3162, Florida
937 Statutes, is amended to read:

938 163.3162 Agricultural Lands and Practices Act.—

939 (4) DUPLICATION OF REGULATION.—Except as otherwise provided
940 in this section and s. 487.051(2), and notwithstanding any other



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941 law, including any provision of chapter 125 or this chapter, a
942 county may not exercise any of its powers to adopt or enforce
943 any ordinance, resolution, regulation, rule, or policy to
944 prohibit, restrict, regulate, or otherwise limit an activity of
945 a bona fide farm operation on land classified as agricultural
946 land pursuant to s. 193.461, if such activity is regulated
947 through implemented best management practices, interim measures,
948 or regulations adopted as rules under chapter 120 ~~developed~~ by
949 the Department of Environmental Protection, the Department of
950 Agriculture and Consumer Services, or a water management
951 district ~~and adopted under chapter 120~~ as part of a statewide or
952 regional program; or if such activity is expressly regulated by
953 the United States Department of Agriculture, the United States
954 Army Corps of Engineers, or the United States Environmental
955 Protection Agency. A county may not charge an assessment or fee
956 for stormwater management on a bona fide farm operation on land
957 classified as agricultural land pursuant to s. 193.461, if the
958 farm operation has a National Pollutant Discharge Elimination
959 System permit, environmental resource permit, or works-of-the-
960 district permit or implements best management practices adopted
961 as rules under chapter 120 by the Department of Environmental
962 Protection, the Department of Agriculture and Consumer Services,
963 or a water management district as part of a statewide or
964 regional program. However, this subsection does not prohibit a
965 county from charging an assessment or fee for stormwater
966 management on a bona fide farm operation that does not have a
967 National Pollutant Discharge Elimination System permit,
968 environmental resource permit, or works-of-the-district permit,
969 or has not implemented water quality and quantity best-



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970 management practices as described in this subsection. For those
971 counties that, before March 1, 2009, adopted a stormwater
972 utility ordinance, resolution, or municipal services benefit
973 unit or, before March 1, 2009, adopted a resolution stating its
974 intent to use the uniform method of collection pursuant to s.
975 197.3632 for such stormwater ordinances, the county may continue
976 to charge an assessment or fee for stormwater management on a
977 bona fide farm operation on land classified as agricultural
978 pursuant to s. 193.461 if the ordinance provides credits against
979 the assessment or fee on a bona fide farm operation for the
980 implementation of best-management practices adopted as rules
981 under chapter 120 by the Department of Environmental Protection,
982 the Department of Agriculture and Consumer Services, or a water
983 management district as part of a statewide or regional program,
984 or stormwater quality and quantity measures required as part of
985 a National Pollutant Discharge Elimination System permit,
986 environmental resource permit, or works-of-the-district permit
987 or implementation of best-management practices or alternative
988 measures which the landowner demonstrates to the county to be of
989 equivalent or greater stormwater benefit than those provided by
990 implementation of best-management practices adopted as rules
991 under chapter 120 by the Department of Environmental Protection,
992 the Department of Agriculture and Consumer Services, or a water
993 management district as part of a statewide or regional program,
994 or stormwater quality and quantity measures required as part of
995 a National Pollutant Discharge Elimination System permit,
996 environmental resource permit, or works-of-the-district permit.

997 (a) When an activity of a farm operation takes place within
998 a wellfield protection area as defined in any wellfield



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999 protection ordinance adopted by a county, and the implemented
1000 best management practice, regulation, or interim measure does
1001 not specifically address wellfield protection, a county may
1002 regulate that activity pursuant to such ordinance. This
1003 subsection does not limit the powers and duties provided for in
1004 s. 373.4592 or limit the powers and duties of any county to
1005 address an emergency as provided for in chapter 252.

1006 (b) This subsection may not be construed to permit an
1007 existing farm operation to change to a more excessive farm
1008 operation with regard to traffic, noise, odor, dust, or fumes
1009 where the existing farm operation is adjacent to an established
1010 homestead or business on March 15, 1982.

1011 (c) This subsection does not limit the powers of a
1012 predominantly urbanized county with a population greater than
1013 1,500,000 and more than 25 municipalities, not operating under a
1014 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.
1015 VIII of the Constitution of 1885, as preserved by s. 6(e), Art.
1016 VIII of the Constitution of 1968, which has a delegated
1017 pollution control program under s. 403.182 and includes drainage
1018 basins that are part of the Everglades Stormwater Program, to
1019 enact ordinances, regulations, or other measures to comply with
1020 the provisions of s. 373.4592, or which are necessary to
1021 carrying out a county's duties pursuant to the terms and
1022 conditions of any environmental program delegated to the county
1023 by agreement with a state agency.

1024 (d) For purposes of this subsection, a county ordinance
1025 that regulates the transportation or land application of
1026 domestic wastewater residuals or other forms of sewage sludge
1027 shall not be deemed to be duplication of regulation.



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1028 (e) This subsection does not limit a county's powers to:

1029 1. Enforce wetlands, springs protection, or stormwater
1030 ordinances, regulations, or rules adopted before January 15,
1031 2009.

1032 2. Enforce wetlands, springs protection, or stormwater
1033 ordinances, regulations, or rules pertaining to the Wekiva River
1034 Protection Area.

1035 3. Enforce ordinances, regulations, or rules as directed by
1036 law or implemented consistent with the requirements of a program
1037 operated under a delegation agreement from a state agency or
1038 water management district.

1039
1040 As used in this paragraph, the term "wetlands" has the same
1041 meaning as defined in s. 373.019.

1042 (f) The provisions of this subsection that limit a county's
1043 authority to adopt or enforce any ordinance, regulation, rule,
1044 or policy, or to charge any assessment or fee for stormwater
1045 management, apply only to a bona fide farm operation as
1046 described in this subsection.

1047 Section 37. Section 163.3163, Florida Statutes, is created
1048 to read:

1049 163.3163 Applications for development permits; disclosure
1050 and acknowledgement of neighboring agricultural land.-

1051 (1) This section may be cited as the "Agricultural Land
1052 Acknowledgement Act."

1053 (2) The Legislature finds that nonagricultural land which
1054 neighbors agricultural land may adversely affect agricultural
1055 production and farm operations on the agricultural land and may
1056 lead to the agricultural land's conversion to urban, suburban,



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1057 or other nonagricultural uses. The Legislature intends to
1058 preserve and encourage agricultural land use and to reduce the
1059 occurrence of conflicts between agricultural and nonagricultural
1060 land uses. The purpose of this section is to ensure that
1061 generally accepted agricultural practices will not be subject to
1062 interference by residential use of land contiguous to
1063 agricultural land.

1064 (3) As used in this section, the term:

1065 (a) "Agricultural land" means land classified as
1066 agricultural land pursuant to s. 193.461.

1067 (b) "Contiguous" means touching, bordering, or adjoining
1068 along a boundary. For purposes of this section, properties that
1069 would be contiguous if not separated by a roadway, railroad, or
1070 other public easement are considered contiguous.

1071 (c) "Farm operation" has the same meaning as defined in s.
1072 823.14.

1073 (4) (a) Before a political subdivision issues a local land
1074 use permit, building permit, or certificate of occupancy for
1075 nonagricultural land contiguous to agricultural land, the
1076 political subdivision shall require that, as a condition of
1077 issuing the permit or certificate, the applicant for the permit
1078 or certificate sign and submit to the political subdivision, in
1079 a format that is recordable in the official records of the
1080 county in which the political subdivision is located, a written
1081 acknowledgement of contiguous agricultural land in the following
1082 form:

1083
1084 ACKNOWLEDGEMENT OF CONTIGUOUS AGRICULTURAL LAND
1085



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1086 I, ...(name of applicant)..., understand that my property
1087 located at ...(address of nonagricultural land)..., as further
1088 described in the attached legal description, is contiguous to
1089 agricultural land located at ...(address of agricultural
1090 land)..., as further described in the attached legal
1091 description.

1092 I acknowledge and understand that the farm operation on the
1093 contiguous agricultural land identified herein will be conducted
1094 according to generally accepted agricultural practices as
1095 provided in the Florida Right to Farm Act, s. 823.14, Florida
1096 Statutes.

1097 Signature: ...(signature of applicant)...

1098 Date: ...(date)...

1099
1100 (b) An acknowledgement submitted to a political subdivision
1101 under paragraph (a) shall be recorded in the official records of
1102 the county in which the political subdivision is located.

1103 Section 38. Section 604.50, Florida Statutes, is amended to
1104 read:

1105 604.50 Nonresidential farm buildings and farm fences.—
1106 Notwithstanding any other law to the contrary, any
1107 nonresidential farm building or farm fence is exempt from the
1108 Florida Building Code and any county or municipal ~~building~~ code
1109 or fee, except for code provisions implementing local, state, or
1110 federal floodplain management regulations. For purposes of this
1111 section, the term "nonresidential farm building" means any
1112 building or support structure that is used for agricultural
1113 purposes, is located on a farm that is not used as a residential
1114 dwelling, and is located on land that is an integral part of a



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1115 farm operation or is classified as agricultural land under s.
1116 193.461. The term "farm" is as defined in s. 823.14.

1117
1118 ===== T I T L E A M E N D M E N T =====

1119 And the title is amended as follows:

1120 Between lines 23 and 24

1121 insert:

1122 amending s. 570.0725, F.S.; revising provisions for public
1123 information about food banks and similar food recovery programs;
1124 authorizing the department to adopt rules; amending ss. 570.53
1125 and 570.54, F.S.; conforming cross-references; amending s.
1126 570.55, F.S.; revising requirements for identifying sellers or
1127 handlers of tropical or subtropical fruit or vegetables;
1128 amending s. 570.902, F.S.; conforming terminology to the repeal
1129 by the act of provisions establishing the Florida Agricultural
1130 Museum; amending s. 570.903, F.S.; revising provisions for
1131 direct-support organizations for certain agricultural programs
1132 to conform to the repeal by the act of provisions establishing
1133 the Florida Agricultural Museum; deleting provisions for a
1134 direct-support organization for the Florida State Collection of
1135 Arthropods; amending s. 573.118, F.S.; requiring the department
1136 to maintain records of marketing orders; requiring an audit at
1137 the request of an advisory council; requiring that the advisory
1138 council receive a copy of the audit within a specified time;
1139 amending s. 581.011, F.S.; deleting terminology relating to the
1140 Florida State Collection of Arthropods; revising the term
1141 "nursery" for purposes of plant industry regulations; amending
1142 s. 581.031, F.S.; increasing citrus source tree registration
1143 fees; amending s. 581.131, F.S.; increasing registration fees



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1144 for a nurseryman, stock dealer, agent, or plant broker
1145 certificate; amending s. 581.211, F.S.; increasing the maximum
1146 fine for violations of plant industry regulations; amending s.
1147 583.13, F.S.; deleting a prohibition on the sale of poultry
1148 without displaying the poultry grade; amending s. 590.125, F.S.;
1149 revising terminology for open burning authorizations; specifying
1150 purposes of certified prescribed burning; requiring the
1151 authorization of the Division of Forestry for certified pile
1152 burning; providing pile burning requirements; limiting the
1153 liability of property owners or agents engaged in pile burning;
1154 providing for the certification of pile burners; providing
1155 penalties for violations by certified pile burners; requiring
1156 rules; revising notice requirements for wildfire hazard
1157 reduction treatments; providing for approval of local government
1158 open burning authorization programs; providing program
1159 requirements; authorizing the division to close local government
1160 programs under certain circumstances; providing penalties for
1161 violations of local government open burning requirements;
1162 amending s. 590.14, F.S.; authorizing fines for violations of
1163 any division rule; providing penalties for certain violations;
1164 providing legislative intent; amending s. 599.004, F.S.;
1165 revising standards that a winery must meet to qualify as a
1166 certified Florida Farm Winery; amending s. 604.15, F.S.;
1167 defining the term "responsible position" for purposes of
1168 provisions regulating dealers in agricultural products; amending
1169 s. 604.19, F.S.; revising requirements for late fees on
1170 agricultural products dealer applications; amending s. 604.20,
1171 F.S.; revising the minimum amount of the surety bond or
1172 certificate of deposit required for agricultural products dealer



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1173 licenses; providing conditions for the payment of bond or
1174 certificate of deposit proceeds; requiring additional
1175 documentation for issuance of a conditional license; amending s.
1176 604.25, F.S.; revising conditions under which the department may
1177 deny, refuse to renew, suspend, or revoke agricultural products
1178 dealer licenses; deleting a provision prohibiting certain
1179 persons from holding a responsible position with a licensee;
1180 amending s. 616.242, F.S.; amending s. 686.201, F.S.; exempting
1181 contracts involving a seller of travel from the requirements of
1182 that section; authorizing the issuance of stop-operation orders
1183 for amusement rides under certain circumstances; amending s.
1184 790.06, F.S.; authorizing a concealed firearm license applicant
1185 to submit fingerprints administered by the Division of
1186 Licensing; repealing ss. 570.071 and 570.901, F.S., relating to
1187 the Florida Agricultural Exposition and the Florida Agricultural
1188 Museum; amending s. 205.064, F.S.; authorizing a person selling
1189 certain agricultural products who is not a natural person to
1190 qualify for an exemption from obtaining a local business tax
1191 receipt; amending s. 322.01, F.S.; revising the term "farm
1192 tractor" for purposes of drivers' licenses; amending s. 500.03,
1193 F.S.; revising the term "food establishment" to include tomato
1194 repackers for purposes of the Florida Food Safety Act; creating
1195 s. 500.70, F.S.; defining the terms "field packing," "packing"
1196 or "repacking," and "producing"; requiring the Department of
1197 Agriculture and Consumer Services to adopt minimum food safety
1198 standards for the producing, harvesting, packing, and repacking
1199 of tomatoes; authorizing the department to inspect tomato farms,
1200 greenhouses, and packinghouses or repackers for compliance with
1201 the standards and certain provisions of the Florida Food Safety



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1202 Act; providing penalties; authorizing the department to
1203 establish good agricultural practices and best management
1204 practices for the state's tomato industry; providing a
1205 presumption that tomatoes introduced into commerce are safe for
1206 human consumption under certain circumstances; providing
1207 exemptions; authorizing the department to adopt rules; amending
1208 s. 570.07, F.S.; authorizing the department to adopt best
1209 management practices for agricultural production and food
1210 safety; amending s. 570.48, F.S.; revising duties of the
1211 Division of Fruit and Vegetables for tomato food safety
1212 inspections; amending s. 604.15, F.S.; revising the term
1213 "agricultural products" to make tropical foliage exempt from
1214 regulation under provisions relating to dealers in agricultural
1215 products; amending s. 624.4095, F.S.; requiring that gross
1216 written premiums for certain crop insurance not be included when
1217 calculating the insurer's gross ratio; requiring that
1218 liabilities for ceded reinsurance premiums be netted against the
1219 asset for amounts recoverable from reinsurers; requiring that
1220 insurers who write other insurance products to disclose a
1221 breakout of the gross written premiums for crop insurance;
1222 amending s. 823.145, F.S.; expanding the materials used in
1223 agricultural operations that may be disposed of by open burning;
1224 providing certain limitations on open burning; amending s.
1225 163.3162, F.S.; prohibiting a county from enforcing certain
1226 limits on the activity of a bona fide farm operation on
1227 agricultural land under certain circumstances; prohibiting a
1228 county from charging agricultural lands for stormwater
1229 management assessments and fees under certain circumstances;
1230 allowing an assessment to be collected if credits against the



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1231 assessment are provided for implementation of best-management
1232 practices; providing exemptions from certain restrictions on a
1233 county's powers over the activity on agricultural land;
1234 providing a definition; providing for application; creating s.
1235 163.3163, F.S.; creating the "Agricultural Land Acknowledgement
1236 Act"; providing legislative findings and intent; providing
1237 definitions; requiring an applicant for certain development
1238 permits to sign and submit an acknowledgement of contiguous
1239 agricultural land as a condition of the political subdivision
1240 issuing the permits; specifying information to be included in
1241 the acknowledgement; requiring that the acknowledgement be
1242 recorded in the official county records; amending s. 604.50,
1243 F.S.; exempting farm fences from the Florida Building Code;
1244 exempting nonresidential farm buildings and farm fences from
1245 county and municipal codes and fees; specifying that the
1246 exemptions do not apply to code provisions implementing certain
1247 floodplain regulations;