

By Senator Montford

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1 A bill to be entitled
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; amending ss. 121.0515, 125.27,
 4 253.036, 258.501, 259.035, 259.036, 259.037, 259.101,
 5 259.105, 259.10521, 260.0142, 261.03, 261.04, 261.06,
 6 261.12, 317.0010, 317.0016, 373.591, 379.226,
 7 403.7071, 479.16, 570.548, 570.549, 570.903, 581.1843,
 8 589.01, 589.011, 589.012, 589.04, 589.06, 589.07,
 9 589.071, 589.08, 589.081, 589.09, 589.10, 589.101,
 10 589.11, 589.12, 589.13, 589.14, 589.18, 589.19,
 11 589.20, 589.21, 589.26, 589.27, 589.275, 589.277,
 12 589.28, 589.29, 589.30, 589.31, 589.32, 589.33,
 13 589.34, 590.015, 590.02, 590.42, 591.17, 591.18,
 14 591.19, 591.20, 591.24, 591.25, 633.115, 633.821, and
 15 790.15, F.S.; renaming the Division of Forestry within
 16 the department as the "Florida Forest Service";
 17 replacing the term "Division of Forestry" with the
 18 term "Florida Forest Service" and replacing the term
 19 "division" with the term "agency"; making conforming
 20 changes; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Subsection (2) of section 121.0515, Florida
 25 Statutes, is amended to read:

26 121.0515 Special risk membership.—

27 (2) CRITERIA.—A member, to be designated as a special risk
 28 member, must meet any of the following criteria:

29 (a) The member must be employed as a law enforcement

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30 officer and be certified, or required to be certified, in
31 compliance with s. 943.1395; however, sheriffs and elected
32 police chiefs shall be excluded from meeting the certification
33 requirements of this paragraph. In addition, the member's duties
34 and responsibilities must include the pursuit, apprehension, and
35 arrest of law violators or suspected law violators; or the
36 member must be an active member of a bomb disposal unit whose
37 primary responsibility is the location, handling, and disposal
38 of explosive devices; or the member must be the supervisor or
39 command officer of a member or members who have such
40 responsibilities; provided, however, administrative support
41 personnel, including, but not limited to, those whose primary
42 duties and responsibilities are in accounting, purchasing,
43 legal, and personnel, shall not be included.†

44 (b) The member must be employed as a firefighter and be
45 certified, or required to be certified, in compliance with s.
46 633.35 and be employed solely within the fire department of a
47 local government employer or an agency of state government with
48 firefighting responsibilities. In addition, the member's duties
49 and responsibilities must include on-the-scene fighting of
50 fires, fire prevention, or firefighter training; direct
51 supervision of firefighting units, fire prevention, or
52 firefighter training; or aerial firefighting surveillance
53 performed by fixed-wing aircraft pilots employed by the Florida
54 Forest Service Division ~~of Forestry~~ of the Department of
55 Agriculture and Consumer Services; or the member must be the
56 supervisor or command officer of a member or members who have
57 such responsibilities; provided, however, administrative support
58 personnel, including, but not limited to, those whose primary

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59 duties and responsibilities are in accounting, purchasing,
60 legal, and personnel, shall not be included and further provided
61 that all periods of creditable service in fire prevention or
62 firefighter training, or as the supervisor or command officer of
63 a member or members who have such responsibilities, and for
64 which the employer paid the special risk contribution rate,
65 shall be included.†

66 (c) The member must be employed as a correctional officer
67 and be certified, or required to be certified, in compliance
68 with s. 943.1395. In addition, the member's primary duties and
69 responsibilities must be the custody, and physical restraint
70 when necessary, of prisoners or inmates within a prison, jail,
71 or other criminal detention facility, or while on work detail
72 outside the facility, or while being transported; or the member
73 must be the supervisor or command officer of a member or members
74 who have such responsibilities; provided, however,
75 administrative support personnel, including, but not limited to,
76 those whose primary duties and responsibilities are in
77 accounting, purchasing, legal, and personnel, shall not be
78 included; however, wardens and assistant wardens, as defined by
79 rule, shall participate in the Special Risk Class.†

80 (d) The member must be employed by a licensed Advance Life
81 Support (ALS) or Basic Life Support (BLS) employer as an
82 emergency medical technician or a paramedic and be certified in
83 compliance with s. 401.27. In addition, the member's primary
84 duties and responsibilities must include on-the-scene emergency
85 medical care or direct supervision of emergency medical
86 technicians or paramedics, or the member must be the supervisor
87 or command officer of one or more members who have such

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88 responsibility. However, administrative support personnel,
89 including, but not limited to, those whose primary
90 responsibilities are in accounting, purchasing, legal, and
91 personnel, shall not be included.‡

92 (e) The member must be employed as a community-based
93 correctional probation officer and be certified, or required to
94 be certified, in compliance with s. 943.1395. In addition, the
95 member's primary duties and responsibilities must be the
96 supervised custody, surveillance, control, investigation, and
97 counseling of assigned inmates, probationers, parolees, or
98 community controllees within the community; or the member must
99 be the supervisor of a member or members who have such
100 responsibilities. Administrative support personnel, including,
101 but not limited to, those whose primary duties and
102 responsibilities are in accounting, purchasing, legal services,
103 and personnel management, shall not be included; however,
104 probation and parole circuit and deputy circuit administrators
105 shall participate in the Special Risk Class.‡

106 (f) The member must be employed in one of the following
107 classes and must spend at least 75 percent of his or her time
108 performing duties which involve contact with patients or inmates
109 in a correctional or forensic facility or institution:

- 110 1. Dietitian (class codes 5203 and 5204);
- 111 2. Public health nutrition consultant (class code 5224);
- 112 3. Psychological specialist (class codes 5230 and 5231);
- 113 4. Psychologist (class code 5234);
- 114 5. Senior psychologist (class codes 5237 and 5238);
- 115 6. Regional mental health consultant (class code 5240);
- 116 7. Psychological Services Director-DCF (class code 5242);

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- 117 8. Pharmacist (class codes 5245 and 5246);
- 118 9. Senior pharmacist (class codes 5248 and 5249);
- 119 10. Dentist (class code 5266);
- 120 11. Senior dentist (class code 5269);
- 121 12. Registered nurse (class codes 5290 and 5291);
- 122 13. Senior registered nurse (class codes 5292 and 5293);
- 123 14. Registered nurse specialist (class codes 5294 and
- 124 5295);
- 125 15. Clinical associate (class codes 5298 and 5299);
- 126 16. Advanced registered nurse practitioner (class codes
- 127 5297 and 5300);
- 128 17. Advanced registered nurse practitioner specialist
- 129 (class codes 5304 and 5305);
- 130 18. Registered nurse supervisor (class codes 5306 and
- 131 5307);
- 132 19. Senior registered nurse supervisor (class codes 5308
- 133 and 5309);
- 134 20. Registered nursing consultant (class codes 5312 and
- 135 5313);
- 136 21. Quality management program supervisor (class code
- 137 5314);
- 138 22. Executive nursing director (class codes 5320 and 5321);
- 139 23. Speech and hearing therapist (class code 5406); or
- 140 24. Pharmacy manager (class code 5251).~~†~~
- 141 (g) The member must be employed as a youth custody officer
- 142 and be certified, or required to be certified, in compliance
- 143 with s. 943.1395. In addition, the member's primary duties and
- 144 responsibilities must be the supervised custody, surveillance,
- 145 control, investigation, apprehension, arrest, and counseling of

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146 assigned juveniles within the community.†

147 (h) Effective October 1, 2005, through June 30, 2008, the
148 member must be employed by a law enforcement agency or medical
149 examiner's office in a forensic discipline recognized by the
150 International Association for Identification and must qualify
151 for active membership in the International Association for
152 Identification. The member's primary duties and responsibilities
153 must include the collection, examination, preservation,
154 documentation, preparation, or analysis of physical evidence or
155 testimony, or both, or the member must be the direct supervisor,
156 quality management supervisor, or command officer of one or more
157 individuals with such responsibility. Administrative support
158 personnel, including, but not limited to, those whose primary
159 responsibilities are clerical or in accounting, purchasing,
160 legal, and personnel, shall not be included.†

161 (i) Effective July 1, 2008, The member must be employed by
162 the Department of Law Enforcement in the crime laboratory or by
163 the Division of State Fire Marshal in the forensic laboratory in
164 one of the following classes:

- 165 1. Forensic technologist (class code 8459);
- 166 2. Crime laboratory technician (class code 8461);
- 167 3. Crime laboratory analyst (class code 8463);
- 168 4. Senior crime laboratory analyst (class code 8464);
- 169 5. Crime laboratory analyst supervisor (class code 8466);
- 170 6. Forensic chief (class code 9602); or
- 171 7. Forensic services quality manager (class code 9603).†

172 (j) Effective July 1, 2008, the member must be employed by
173 a local government law enforcement agency or medical examiner's
174 office and must spend at least 65 percent of his or her time

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175 performing duties that involve the collection, examination,
176 preservation, documentation, preparation, or analysis of human
177 tissues or fluids or physical evidence having potential
178 biological, chemical, or radiological hazard or contamination,
179 or use chemicals, processes, or materials that may have
180 carcinogenic or health-damaging properties in the analysis of
181 such evidence, or the member must be the direct supervisor of
182 one or more individuals having such responsibility. If a special
183 risk member changes to another position within the same agency,
184 he or she must submit a complete application as provided in
185 paragraph (3) (a) ~~.7 or~~

186 (k) The member must have already qualified for and be
187 actively participating in special risk membership under
188 paragraph (a), paragraph (b), or paragraph (c), must have
189 suffered a qualifying injury as defined in this paragraph, must
190 not be receiving disability retirement benefits as provided in
191 s. 121.091(4), and must satisfy the requirements of this
192 paragraph.

193 1. The ability to qualify for the class of membership
194 defined in s. 121.021(15) (f) shall occur when two licensed
195 medical physicians, one of whom is a primary treating physician
196 of the member, certify the existence of the physical injury and
197 medical condition that constitute a qualifying injury as defined
198 in this paragraph and that the member has reached maximum
199 medical improvement after August 1, 2008. The certifications
200 from the licensed medical physicians must include, at a minimum,
201 that the injury to the special risk member has resulted in a
202 physical loss, or loss of use, of at least two of the following:
203 left arm, right arm, left leg, or right leg; and:

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204 a. That this physical loss or loss of use is total and
205 permanent, except in the event that the loss of use is due to a
206 physical injury to the member's brain, in which event the loss
207 of use is permanent with at least 75-percent loss of motor
208 function with respect to each arm or leg affected.

209 b. That this physical loss or loss of use renders the
210 member physically unable to perform the essential job functions
211 of his or her special risk position.

212 c. That, notwithstanding this physical loss or loss of use,
213 the individual is able to perform the essential job functions
214 required by the member's new position, as provided in
215 subparagraph 3.

216 d. That use of artificial limbs is either not possible or
217 does not alter the member's ability to perform the essential job
218 functions of the member's position.

219 e. That the physical loss or loss of use is a direct result
220 of a physical injury and not a result of any mental,
221 psychological, or emotional injury.

222 2. For the purposes of this paragraph, "qualifying injury"
223 means an injury sustained in the line of duty, as certified by
224 the member's employing agency, by a special risk member that
225 does not result in total and permanent disability as defined in
226 s. 121.091(4)(b). An injury is a qualifying injury when the
227 injury is a physical injury to the member's physical body
228 resulting in a physical loss, or loss of use, of at least two of
229 the following: left arm, right arm, left leg, or right leg.
230 Notwithstanding anything in this section to the contrary, an
231 injury that would otherwise qualify as a qualifying injury shall
232 not be considered a qualifying injury if and when the member

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233 ceases employment with the employer for whom he or she was
234 providing special risk services on the date the injury occurred.

235 3. The new position, as described in sub-subparagraph 1.c.,
236 that is required for qualification as a special risk member
237 under this paragraph is not required to be a position with
238 essential job functions that entitle an individual to special
239 risk membership. Whether a new position as described in sub-
240 subparagraph 1.c. exists and is available to the special risk
241 member is a decision to be made solely by the employer in
242 accordance with its hiring practices and applicable law.

243 4. This paragraph does not grant or create additional
244 rights for any individual to continued employment or to be hired
245 or rehired by his or her employer that are not already provided
246 within the Florida Statutes, the State Constitution, the
247 Americans with Disabilities Act, if applicable, or any other
248 applicable state or federal law.

249 Section 2. Paragraph (a) of subsection (1) and subsection
250 (2) of section 125.27, Florida Statutes, are amended to read:

251 125.27 Countywide forest fire protection; authority of the
252 Florida Forest Service ~~Division of Forestry~~; state funding;
253 county fire control assessments; disposition; equipment
254 donations.-

255 (1) The Florida Forest Service ~~Division of Forestry~~ of the
256 Department of Agriculture and Consumer Services and the board of
257 county commissioners of each county in this state shall enter
258 into agreements for the establishment and maintenance of
259 countywide fire protection of all forest and wild lands within
260 said county, with the total cost of such fire protection being
261 funded by state and federal funds. Each county shall, under the

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262 terms of such agreements, be assessed each fiscal year, as its
263 share of the cost of providing such fire protection, a sum in
264 dollars equal to the total forest and wild land acreage of the
265 county, as determined by the Florida Forest Service ~~Division of~~
266 ~~Forestry~~, multiplied by 7 cents. The forest and wild lands
267 acreage included in such agreements shall be reviewed each year
268 by the contracting parties and the number of forest and wild
269 land acres and the annual fire control assessment adjusted so as
270 to reflect the current forest acreage of the county. In the
271 event the agency ~~division~~ and the county commissioners do not
272 agree, the Board of Trustees of the Internal Improvement Trust
273 Fund shall make such acreage determination. All fire control
274 assessments received by the Florida Forest Service ~~Division of~~
275 ~~Forestry~~ from the several counties under agreements made
276 pursuant to this section shall be deposited as follows:

277 (a) An amount equal to the total forest land and wild land
278 acreage of the counties, multiplied by 4 cents, shall be
279 distributed to the Incidental Trust Fund of the Florida Forest
280 Service ~~Division of Forestry~~; and

281 (2) The Florida Forest Service ~~Division of Forestry~~ may
282 include provisions in the agreements authorized in this section,
283 or execute separate or supplemental agreements with the several
284 counties, county agencies, or municipalities, to provide
285 communication services and other services directly related to
286 fire protection within the county, other than forest fire
287 control, on a cost reimbursable basis only, provided the
288 rendering of such services does not hinder or impede in any way
289 the agency's ~~division's~~ ability to accomplish its primary
290 function with respect to forest fire control.

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291 Section 3. Section 253.036, Florida Statutes, is amended to
292 read:

293 253.036 Forest management.—All land management plans
294 described in s. 253.034(5) which are prepared for parcels larger
295 than 1,000 acres shall contain an analysis of the multiple-use
296 potential of the parcel, which analysis shall include the
297 potential of the parcel to generate revenues to enhance the
298 management of the parcel. The lead agency shall prepare the
299 analysis, which shall contain a component or section prepared by
300 a qualified professional forester which assesses the feasibility
301 of managing timber resources on the parcel for resource
302 conservation and revenue generation purposes through a
303 stewardship ethic that embraces sustainable forest management
304 practices if the lead management agency determines that the
305 timber resource management is not in conflict with the primary
306 management objectives of the parcel. For purposes of this
307 section, practicing sustainable forest management means meeting
308 the needs of the present without compromising the ability of
309 future generations to meet their own needs by practicing a land
310 stewardship ethic which integrates the reforestation, managing,
311 growing, nurturing, and harvesting of trees for useful products
312 with the conservation of soil, air and water quality, wildlife
313 and fish habitat, and aesthetics. The Legislature intends that
314 each lead management agency, whenever practicable and cost
315 effective, use the services of the Florida Forest Service
316 ~~Division of Forestry~~ of the Florida Department of Agriculture
317 and Consumer Services or other qualified private sector
318 professional forester in completing such feasibility assessments
319 and implementing timber resource management. The Legislature

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320 further intends that the lead management agency develop a
321 memorandum of agreement with the Florida Forest Service ~~Division~~
322 ~~of Forestry~~ to provide for full reimbursement for any services
323 provided for the feasibility assessments or timber resource
324 management. All additional revenues generated through multiple-
325 use management or compatible secondary use management shall be
326 returned to the lead agency responsible for such management and
327 shall be used to pay for management activities on all
328 conservation, preservation, and recreation lands under the
329 agency's jurisdiction. In addition, such revenue shall be
330 segregated in an agency trust fund and shall remain available to
331 the agency in subsequent fiscal years to support land management
332 appropriations.

333 Section 4. Paragraph (a) of subsection (7) of section
334 258.501, Florida Statutes, is amended to read:

335 258.501 Myakka River; wild and scenic segment.—

336 (7) MANAGEMENT COORDINATING COUNCIL.—

337 (a) Upon designation, the department shall create a
338 permanent council to provide interagency and intergovernmental
339 coordination in the management of the river. The coordinating
340 council shall be composed of one representative appointed from
341 each of the following: the department, the Department of
342 Transportation, the Fish and Wildlife Conservation Commission,
343 the Department of Community Affairs, the Florida Forest Service
344 ~~Division of Forestry~~ of the Department of Agriculture and
345 Consumer Services, the Division of Historical Resources of the
346 Department of State, the Tampa Bay Regional Planning Council,
347 the Southwest Florida Water Management District, the Southwest
348 Florida Regional Planning Council, Manatee County, Sarasota

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349 County, Charlotte County, the City of Sarasota, the City of
350 North Port, agricultural interests, environmental organizations,
351 and any others deemed advisable by the department.

352 Section 5. Paragraph (b) of subsection (1) of section
353 259.035, Florida Statutes, is amended to read:

354 259.035 Acquisition and Restoration Council.—

355 (1) There is created the Acquisition and Restoration
356 Council.

357 (b) The five remaining appointees shall be composed of the
358 Secretary of Environmental Protection, the director of the
359 Florida Forest Service ~~Division of Forestry~~ of the Department of
360 Agriculture and Consumer Services, the executive director of the
361 Fish and Wildlife Conservation Commission, the director of the
362 Division of Historical Resources of the Department of State, and
363 the secretary of the Department of Community Affairs, or their
364 respective designees.

365 Section 6. Paragraph (a) of subsection (1) of section
366 259.036, Florida Statutes, is amended to read:

367 259.036 Management review teams.—

368 (1) To determine whether conservation, preservation, and
369 recreation lands titled in the name of the Board of Trustees of
370 the Internal Improvement Trust Fund are being managed for the
371 purposes for which they were acquired and in accordance with a
372 land management plan adopted pursuant to s. 259.032, the board
373 of trustees, acting through the Department of Environmental
374 Protection, shall cause periodic management reviews to be
375 conducted as follows:

376 (a) The department shall establish a regional land
377 management review team composed of the following members:

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378 1. One individual who is from the county or local community
379 in which the parcel or project is located and who is selected by
380 the county commission in the county which is most impacted by
381 the acquisition.

382 2. One individual from the Division of Recreation and Parks
383 of the department.

384 3. One individual from the Florida Forest Service Division
385 ~~of Forestry~~ of the Department of Agriculture and Consumer
386 Services.

387 4. One individual from the Fish and Wildlife Conservation
388 Commission.

389 5. One individual from the department's district office in
390 which the parcel is located.

391 6. A private land manager mutually agreeable to the state
392 agency representatives.

393 7. A member of the local soil and water conservation
394 district board of supervisors.

395 8. A member of a conservation organization.

396 Section 7. Subsection (1) of section 259.037, Florida
397 Statutes, is amended to read:

398 259.037 Land Management Uniform Accounting Council.—

399 (1) The Land Management Uniform Accounting Council is
400 created within the Department of Environmental Protection and
401 shall consist of the director of the Division of State Lands,
402 the director of the Division of Recreation and Parks, the
403 director of the Office of Coastal and Aquatic Managed Areas, and
404 the director of the Office of Greenways and Trails of the
405 Department of Environmental Protection; the director of the
406 Florida Forest Service Division ~~of Forestry~~ of the Department of

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407 Agriculture and Consumer Services; the executive director of the
408 Fish and Wildlife Conservation Commission; and the director of
409 the Division of Historical Resources of the Department of State,
410 or their respective designees. Each state agency represented on
411 the council shall have one vote. The chair of the council shall
412 rotate annually in the foregoing order of state agencies. The
413 agency of the representative serving as chair of the council
414 shall provide staff support for the council. The Division of
415 State Lands shall serve as the recipient of and repository for
416 the council's documents. The council shall meet at the request
417 of the chair.

418 Section 8. Paragraph (e) of subsection (3) and subsection
419 (5) of section 259.101, Florida Statutes, are amended to read:

420 259.101 Florida Preservation 2000 Act.—

421 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs
422 of issuance, the costs of funding reserve accounts, and other
423 costs with respect to the bonds, the proceeds of bonds issued
424 pursuant to this act shall be deposited into the Florida
425 Preservation 2000 Trust Fund created by s. 375.045. In fiscal
426 year 2000-2001, for each Florida Preservation 2000 program
427 described in paragraphs (a)-(g), that portion of each program's
428 total remaining cash balance which, as of June 30, 2000, is in
429 excess of that program's total remaining appropriation balances
430 shall be redistributed by the department and deposited into the
431 Save Our Everglades Trust Fund for land acquisition. For
432 purposes of calculating the total remaining cash balances for
433 this redistribution, the Florida Preservation 2000 Series 2000
434 bond proceeds, including interest thereon, and the fiscal year
435 1999-2000 General Appropriations Act amounts shall be deducted

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436 from the remaining cash and appropriation balances,
437 respectively. The remaining proceeds shall be distributed by the
438 Department of Environmental Protection in the following manner:

439 (e) Two and nine-tenths percent to the Florida Forest
440 Service ~~Division of Forestry~~ of the Department of Agriculture
441 and Consumer Services to fund the acquisition of state forest
442 inholdings and additions pursuant to s. 589.07.

443

444 Local governments may use federal grants or loans, private
445 donations, or environmental mitigation funds, including
446 environmental mitigation funds required pursuant to s. 338.250,
447 for any part or all of any local match required for the purposes
448 described in this subsection. Bond proceeds allocated pursuant
449 to paragraph (c) may be used to purchase lands on the priority
450 lists developed pursuant to s. 259.035. Title to lands purchased
451 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
452 vested in the Board of Trustees of the Internal Improvement
453 Trust Fund. Title to lands purchased pursuant to paragraph (c)
454 may be vested in the Board of Trustees of the Internal
455 Improvement Trust Fund. The board of trustees shall hold title
456 to land protection agreements and conservation easements that
457 were or will be acquired pursuant to s. 380.0677, and the
458 Southwest Florida Water Management District and the St. Johns
459 River Water Management District shall monitor such agreements
460 and easements within their respective districts until the state
461 assumes this responsibility.

462 (5) Any funds received by the Florida Forest Service
463 ~~Division of Forestry~~ from the Preservation 2000 Trust Fund
464 pursuant to paragraph (3) (e) shall be used only to pay the cost

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465 of the acquisition of lands in furtherance of outdoor recreation
466 and natural resources conservation in this state. The
467 administration and use of any funds received by the Florida
468 Forest Service ~~Division of Forestry~~ from the Preservation 2000
469 Trust Fund will be subject to such terms and conditions imposed
470 thereon by the agency of the state responsible for the issuance
471 of the revenue bonds, the proceeds of which are deposited in the
472 Preservation 2000 Trust Fund, including restrictions imposed to
473 ensure that the interest on any such revenue bonds issued by the
474 state as tax-exempt revenue bonds will not be included in the
475 gross income of the holders of such bonds for federal income tax
476 purposes. All deeds or leases with respect to any real property
477 acquired with funds received by the Florida Forest Service
478 ~~Division of Forestry~~ from the Preservation 2000 Trust Fund shall
479 contain such covenants and restrictions as are sufficient to
480 ensure that the use of such real property at all times complies
481 with s. 375.051 and s. 9, Art. XII of the 1968 Constitution of
482 Florida; and shall contain reverter clauses providing for the
483 reversion of title to such property to the Board of Trustees of
484 the Internal Improvement Trust Fund or, in the case of a lease
485 of such property, providing for termination of the lease upon a
486 failure to use the property conveyed thereby for such purposes.

487 Section 9. Paragraph (f) of subsection (3) of section
488 259.105, Florida Statutes, is amended to read:

489 259.105 The Florida Forever Act.—

490 (3) Less the costs of issuing and the costs of funding
491 reserve accounts and other costs associated with bonds, the
492 proceeds of cash payments or bonds issued pursuant to this
493 section shall be deposited into the Florida Forever Trust Fund

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494 created by s. 259.1051. The proceeds shall be distributed by the
495 Department of Environmental Protection in the following manner:

496 (f) One and five-tenths percent to the Florida Forest
497 Service ~~Division of Forestry~~ of the Department of Agriculture
498 and Consumer Services to fund the acquisition of state forest
499 inholdings and additions pursuant to s. 589.07, the
500 implementation of reforestation plans or sustainable forestry
501 management practices, and for capital project expenditures as
502 described in this section. At a minimum, 1 percent, and no more
503 than 10 percent, of the funds allocated for the acquisition of
504 inholdings and additions pursuant to this paragraph shall be
505 spent on capital project expenditures identified during the time
506 of acquisition which meet land management planning activities
507 necessary for public access.

508 Section 10. Paragraphs (c) and (d) of subsection (1),
509 subsection (2), and paragraph (b) of subsection (3) of section
510 259.10521, Florida Statutes, are amended to read:

511 259.10521 Citizen support organization; use of property.—

512 (1) DEFINITIONS.—For the purpose of this section, the
513 “citizen support organization” means an organization that is:

514 (c) Determined by the Fish and Wildlife Conservation
515 Commission and the Florida Forest Service ~~Division of Forestry~~
516 within the Department of Agriculture and Consumer Services to be
517 consistent with the goals of the state in acquiring the ranch
518 and in the best interests of the state; and

519 (d) Approved in writing by the Fish and Wildlife
520 Conservation Commission and the Florida Forest Service ~~Division~~
521 ~~of Forestry~~ to operate for the direct or indirect benefit of the
522 ranch and in the best interest of the state. Such approval shall

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523 be given in a letter of agreement from the Fish and Wildlife
524 Conservation Commission and the Division of Forestry. Only one
525 citizen support organization may be created to operate for the
526 direct or indirect benefit of the Babcock Crescent B Ranch.

527 (2) USE OF PROPERTY.—

528 (a) The Fish and Wildlife Conservation Commission and the
529 Florida Forest Service ~~Division of Forestry~~ may permit, without
530 charge, appropriate use of fixed property and facilities of the
531 Babcock Crescent B Ranch by a citizen support organization,
532 subject to the provisions of this section. Such use must be
533 directly in keeping with the approved purposes of the citizen
534 support organization and may not be made at times or places that
535 would unreasonably interfere with recreational opportunities for
536 the general public.

537 (b) The Fish and Wildlife Conservation Commission and the
538 Florida Forest Service ~~Division of Forestry~~ may prescribe by
539 rule any condition with which the citizen support organization
540 shall comply in order to use fixed property or facilities of the
541 ranch.

542 (c) The Fish and Wildlife Conservation Commission and the
543 Florida Forest Service ~~Division of Forestry~~ shall not permit the
544 use of any fixed property or facilities of the ranch by a
545 citizen support organization that does not provide equal
546 membership and employment opportunities to all persons
547 regardless of race, color, religion, sex, age, or national
548 origin.

549 (3) PARTNERSHIPS.—

550 (b) The Legislature may annually appropriate funds from the
551 Land Acquisition Trust Fund for use only as state matching

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552 funds, in conjunction with private donations in aggregates of at
553 least \$60,000, matched by \$40,000 of state funds, for a total
554 minimum project amount of \$100,000 for capital improvement
555 facility development at the ranch at either individually
556 designated locations or for priority projects within the overall
557 ranch system. The citizen support organization may acquire
558 private donations pursuant to this section, and matching state
559 funds for approved projects may be provided in accordance with
560 this subsection. The Fish and Wildlife Conservation Commission
561 and the Florida Forest Service ~~Division of Forestry~~ are
562 authorized to properly recognize and honor a private donor by
563 placing a plaque or other appropriate designation noting the
564 contribution on project facilities or by naming project
565 facilities after the person or organization that provided
566 matching funds. The Fish and Wildlife Conservation Commission
567 and the Florida Forest Service ~~Division of Forestry~~ are
568 authorized to adopt necessary administrative rules to carry out
569 the purposes of this subsection.

570 Section 11. Paragraph (d) of subsection (1) of section
571 260.0142, Florida Statutes, is amended to read:

572 260.0142 Florida Greenways and Trails Council; composition;
573 powers and duties.—

574 (1) There is created within the department the Florida
575 Greenways and Trails Council which shall advise the department
576 in the execution of the department's powers and duties under
577 this chapter. The council shall be composed of 21 members,
578 consisting of:

579 (d) The 10 remaining members shall include:

580 1. The Secretary of Environmental Protection or a designee.

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- 581 2. The executive director of the Fish and Wildlife
582 Conservation Commission or a designee.
- 583 3. The Secretary of Community Affairs or a designee.
- 584 4. The Secretary of Transportation or a designee.
- 585 5. The director of the Florida Forest Service ~~Division of~~
586 ~~Forestry~~ of the Department of Agriculture and Consumer Services
587 or a designee.
- 588 6. The director of the Division of Historical Resources of
589 the Department of State or a designee.
- 590 7. A representative of the water management districts.
591 Membership on the council shall rotate among the five districts.
592 The districts shall determine the order of rotation.
- 593 8. A representative of a federal land management agency.
594 The Secretary of Environmental Protection shall identify the
595 appropriate federal agency and request designation of a
596 representative from the agency to serve on the council.
- 597 9. A representative of the regional planning councils to be
598 appointed by the Secretary of Environmental Protection in
599 consultation with the Secretary of Community Affairs. Membership
600 on the council shall rotate among the seven regional planning
601 councils. The regional planning councils shall determine the
602 order of rotation.
- 603 10. A representative of local governments to be appointed
604 by the Secretary of Environmental Protection in consultation
605 with the Secretary of Community Affairs. Membership shall
606 alternate between a county representative and a municipal
607 representative.
- 608 Section 12. Subsections (4) and (11) of section 261.03,
609 Florida Statutes, are amended to read:

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610 261.03 Definitions.—As used in this chapter, the term:

611 (4) "Agency" ~~"Division"~~ means the Florida Forest Service
612 ~~Division of Forestry~~ of the Department of Agriculture and
613 Consumer Services.

614 (11) "Trust fund" means the Incidental Trust Fund of the
615 Florida Forest Service ~~Division of Forestry~~ of the Department of
616 Agriculture and Consumer Services.

617 Section 13. Subsection (1) of section 261.04, Florida
618 Statutes, is amended to read:

619 261.04 Off-Highway Vehicle Recreation Advisory Committee;
620 members; appointment.—

621 (1) Effective July 1, 2003, the Off-Highway Vehicle
622 Recreation Advisory Committee is created within the Florida
623 Forest Service ~~Division of Forestry~~ and consists of nine
624 members, all of whom are appointed by the Commissioner of
625 Agriculture. The appointees shall include one representative of
626 the Department of Agriculture and Consumer Services, one
627 representative of the Department of Highway Safety and Motor
628 Vehicles, one representative of the Department of Environmental
629 Protection's Office of Greenways and Trails, one representative
630 of the Fish and Wildlife Conservation Commission, one citizen
631 with scientific expertise in disciplines relating to ecology,
632 wildlife biology, or other environmental sciences, one
633 representative of a licensed off-highway vehicle dealer, and
634 three representatives of off-highway vehicle recreation groups.
635 In making these appointments, the commissioner shall consider
636 the places of residence of the members to ensure statewide
637 representation.

638 Section 14. Section 261.06, Florida Statutes, is amended to

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639 read:

640 261.06 Functions, duties, and responsibilities of the
641 department.—The following are functions, duties, and
642 responsibilities of the department through the agency ~~division~~:

643 (1) Coordination of the planning, development,
644 conservation, and rehabilitation of state lands in and for the
645 system.

646 (2) Coordination of the management, maintenance,
647 administration, and operation of state lands in the system and
648 the provision of law enforcement and appropriate public safety
649 activities.

650 (3) Management of the trust fund and approval of the
651 advisory committee's budget recommendations.

652 (4) Implementation of the program, including the ultimate
653 approval of grant applications submitted by governmental
654 agencies or entities or nongovernmental entities.

655 (5) Coordination to help ensure compliance with
656 environmental laws and regulations of the program and lands in
657 the system.

658 (6) Implementation of the policies established by the
659 advisory committee.

660 (7) Provision of staff assistance to the advisory
661 committee.

662 (8) Preparation of plans for lands in, or proposed to be
663 included in, the system.

664 (9) Conducting surveys and the preparation of studies as
665 are necessary or desirable for implementing the program.

666 (10) Recruitment and utilization of volunteers to further
667 the program.

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668 (11) Rulemaking authority to implement the provisions of
669 ss. 261.01-261.10.

670 Section 15. Section 261.12, Florida Statutes, is amended to
671 read:

672 261.12 Designated off-highway vehicle funds within the
673 Incidental Trust Fund of the Florida Forest Service ~~Division of~~
674 ~~Forestry~~ of the Department of Agriculture and Consumer
675 Services.—

676 (1) The designated off-highway vehicle funds of the trust
677 fund shall consist of deposits from the following sources:

678 (a) Fees paid to the Department of Highway Safety and Motor
679 Vehicles for the titling of off-highway vehicles.

680 (b) Revenues and income from any other sources required by
681 law or as appropriated by the Legislature to be deposited into
682 the trust fund as designated off-highway vehicle funds.

683 (c) Donations from private sources that are designated as
684 off-highway vehicle funds.

685 (d) Interest earned on designated off-highway vehicle funds
686 on deposit in the trust fund.

687 (2) Designated off-highway vehicle funds in the trust fund
688 shall be available for recommended allocation by the Off-Highway
689 Vehicle Recreation Advisory Committee and the Department of
690 Agriculture and Consumer Services and upon annual appropriation
691 by the Legislature, exclusively for the following:

692 (a) Implementation of the Off-Highway Vehicle Recreation
693 Program by the Department of Agriculture and Consumer Services,
694 which includes personnel and other related expenses;
695 administrative and operating expenses; expenses related to
696 safety, training, rider education programs, management,

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697 maintenance, and rehabilitation of lands in the Off-Highway
698 Vehicle Recreation Program's system of lands and trails; and, if
699 funds are available, acquisition of lands to be included in the
700 system and the management, maintenance, and rehabilitation of
701 such lands.

702 (b) Approved grants to governmental agencies or entities or
703 nongovernmental entities that wish to provide or improve off-
704 highway vehicle recreation areas or trails for public use on
705 public lands, provide environmental protection and restoration
706 to affected natural areas in the system, provide enforcement of
707 applicable regulations related to the system and off-highway
708 vehicle activities, or provide education in the operation of
709 off-highway vehicles.

710 (c) Matching funds to be used to match grant funds
711 available from other sources.

712 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,
713 any balance of designated off-highway vehicle funds in the trust
714 fund at the end of any fiscal year shall remain therein and
715 shall be available for the purposes set out in this section and
716 as otherwise provided by law.

717 Section 16. Section 317.0010, Florida Statutes, is amended
718 to read:

719 317.0010 Disposition of fees.—The department shall deposit
720 all funds received under this chapter, less administrative costs
721 of \$2 per title transaction, into the Incidental Trust Fund of
722 the Florida Forest Service ~~Division of Forestry~~ of the
723 Department of Agriculture and Consumer Services.

724 Section 17. Section 317.0016, Florida Statutes, is amended
725 to read:

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726 317.0016 Expedited service; applications; fees.—The
727 department shall provide, through its agents and for use by the
728 public, expedited service on title transfers, title issuances,
729 duplicate titles, recordation of liens, and certificates of
730 repossession. A fee of \$7 shall be charged for this service,
731 which is in addition to the fees imposed by ss. 317.0007 and
732 317.0008, and \$3.50 of this fee shall be retained by the
733 processing agency. All remaining fees shall be deposited in the
734 Incidental Trust Fund of the Florida Forest Service ~~Division of~~
735 ~~Forestry~~ of the Department of Agriculture and Consumer Services.
736 Application for expedited service may be made by mail or in
737 person. The department shall issue each title applied for
738 pursuant to this section within 5 working days after receipt of
739 the application except for an application for a duplicate title
740 certificate covered by s. 317.0008(3), in which case the title
741 must be issued within 5 working days after compliance with the
742 department's verification requirements.

743 Section 18. Paragraph (h) of subsection (1) of section
744 373.591, Florida Statutes, is amended to read:

745 373.591 Management review teams.—

746 (1) To determine whether conservation, preservation, and
747 recreation lands titled in the names of the water management
748 districts are being managed for the purposes for which they were
749 acquired and in accordance with land management objectives, the
750 water management districts shall establish land management
751 review teams to conduct periodic management reviews. The land
752 management review teams shall be composed of the following
753 members:

754 (h) One individual from the Department of Agriculture and

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755 Consumer Services' Florida Forest Service ~~Division of Forestry~~.

756 Section 19. Subsection (10) of section 379.226, Florida
757 Statutes, is amended to read:

758 379.226 Florida Territorial Waters Act; alien-owned
759 commercial fishing vessels; prohibited acts; enforcement.—

760 (10) Harbormasters and law enforcement agencies are
761 authorized to request assistance from the Civil Air Patrol in
762 the surveillance of suspect vessels. Aircraft of the Florida
763 Forest Service ~~Division of Forestry~~ of the Department of
764 Agriculture and Consumer Services or other state or county
765 agencies which are conveniently located and not otherwise
766 occupied may be similarly utilized.

767 Section 20. Subsection (6) of section 403.7071, Florida
768 Statutes, is amended to read:

769 403.7071 Management of storm-generated debris.—Solid waste
770 generated as a result of a storm event that is the subject of an
771 emergency order issued by the department may be managed as
772 follows:

773 (6) Local governments or their agents may conduct the
774 burning of storm-generated yard trash, other storm-generated
775 vegetative debris, or untreated wood from construction and
776 demolition debris in air-curtain incinerators without prior
777 notice to the department. Within 10 days after commencing such
778 burning, the local government shall notify the department in
779 writing describing the general nature of the materials burned;
780 the location and method of burning; and the name, address, and
781 telephone number of the representative of the local government
782 to contact concerning the work. The operator of the air-curtain
783 incinerator is subject to any requirement of the Florida Forest

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784 ~~Service Division of Forestry~~ or of any other agency concerning
785 authorization to conduct open burning. Any person conducting
786 open burning of vegetative debris is also subject to such
787 requirements.

788 Section 21. Subsection (5) of section 479.16, Florida
789 Statutes, is amended to read:

790 479.16 Signs for which permits are not required.—The
791 following signs are exempt from the requirement that a permit
792 for a sign be obtained under the provisions of this chapter but
793 are required to comply with the provisions of s. 479.11(4)-(8):

794 (5) Danger or precautionary signs relating to the premises
795 on which they are located; forest fire warning signs erected
796 under the authority of the Florida Forest Service Division of
797 ~~Forestry~~ of the Department of Agriculture and Consumer Services;
798 and signs, notices, or symbols erected by the United States
799 Government under the direction of the United States Forestry
800 Service.

801 Section 22. Section 570.548, Florida Statutes, is amended
802 to read:

803 570.548 Florida Forest Service Division of Forestry; powers
804 and duties.—The duties of the Florida Forest Service Division of
805 ~~Forestry~~ include, but are not limited to, administering and
806 enforcing those powers and responsibilities of the agency
807 ~~division~~ prescribed in chapters 589, 590, and 591 and the rules
808 adopted pursuant thereto and in other forest fire, forest
809 protection, and forest management laws of this state.

810 Section 23. Section 570.549, Florida Statutes, is amended
811 to read:

812 570.549 Director; duties.—

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813 (1) The director of the Florida Forest Service ~~Division of~~
814 ~~Forestry~~ shall be appointed by the commissioner and shall serve
815 at the commissioner's pleasure.

816 (2) It shall be the duty of the director of this agency
817 ~~division~~ to direct and supervise the overall operation of the
818 agency ~~division~~ and to exercise such other powers and duties as
819 authorized by the department.

820 Section 24. Subsection (1) of section 570.903, Florida
821 Statutes, is amended to read:

822 570.903 Direct-support organization.—

823 (1) When the Legislature authorizes the establishment of a
824 direct-support organization to provide assistance for the
825 museums, the Florida Agriculture in the Classroom Program, the
826 Florida State Collection of Arthropods, the Friends of the
827 Florida State Forests Program of the Florida Forest Service
828 ~~Division of Forestry~~, and the Forestry Arson Alert Program, and
829 other programs of the department, the following provisions shall
830 govern the creation, use, powers, and duties of the direct-
831 support organization.

832 (a) The department shall enter into a memorandum or letter
833 of agreement with the direct-support organization, which shall
834 specify the approval of the department, the powers and duties of
835 the direct-support organization, and rules with which the
836 direct-support organization shall comply.

837 (b) The department may permit, without charge, appropriate
838 use of property, facilities, and personnel of the department by
839 a direct-support organization, subject to the provisions of ss.
840 570.902 and 570.903. The use shall be directly in keeping with
841 the approved purposes of the direct-support organization and

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842 shall not be made at times or places that would unreasonably
843 interfere with opportunities for the general public to use
844 department facilities for established purposes.

845 (c) The department shall prescribe by contract or by rule
846 conditions with which a direct-support organization shall comply
847 in order to use property, facilities, or personnel of the
848 department or museum. Such rules shall provide for budget and
849 audit review and oversight by the department.

850 (d) The department shall not permit the use of property,
851 facilities, or personnel of the museum, department, or
852 designated program by a direct-support organization which does
853 not provide equal employment opportunities to all persons
854 regardless of race, color, religion, sex, age, or national
855 origin.

856 Section 25. Subsection (7) of section 581.1843, Florida
857 Statutes, is amended to read:

858 581.1843 Citrus nursery stock propagation and production
859 and the establishment of regulated areas around citrus
860 nurseries.—

861 (7) The department shall relocate foundation source trees
862 maintained by the Division of Plant Industry from various
863 locations, including those in Dundee and Winter Haven, to
864 protective structures at the Florida Forest Service ~~Division of~~
865 ~~Forestry~~ nursery in Chiefland or to other protective sites
866 located a minimum of 10 miles from any commercial citrus grove.

867 Section 26. Section 589.01, Florida Statutes, is amended to
868 read:

869 589.01 Florida Forestry Council.—The Florida Forestry
870 Council, hereinafter called the "council," is hereby created in

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871 the Florida Forest Service ~~Division of Forestry~~ of the
872 Department of Agriculture and Consumer Services. The council
873 shall be composed of five members appointed by the Department of
874 Agriculture and Consumer Services for terms of 4 years.

875 (1) There shall be one member of the council from each of
876 the following areas of forestry:

877 (a) The pulp and paper manufacturing industry.

878 (b) A forest products industry other than that described in
879 paragraph (a).

880 (c) A timber or timber products dealer.

881 (d) An individual forest landowner.

882 (e) An active member of a statewide conservation
883 organization having as one of its principal objectives the
884 conservation and development of the forest resource.

885 (2) Not fewer than two or more than three nominations shall
886 be made for each membership on the council, and any statewide
887 organization representing an area of forestry represented on the
888 council may make nominations.

889 (3) The council shall meet at the call of its chair, at the
890 request of a majority of its membership or of the Department of
891 Agriculture and Consumer Services, or at such times as may be
892 prescribed by its rules.

893 (4) A majority of the members of the council shall
894 constitute a quorum for all purposes, and an act by a majority
895 of such quorum at any meeting shall constitute an official act
896 of the council.

897 (5) The powers and duties of the council shall be as
898 follows:

899 (a) To consider and study the entire field of forestry;

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900 (b) To advise, counsel, and consult with the Department of
901 Agriculture and Consumer Services and the director of the
902 Florida Forest Service ~~Division of Forestry~~ upon request in
903 connection with the promulgation, administration, and
904 enforcement of all laws and rules relating to forestry;

905 (c) To consider all matters submitted to it by the
906 Department of Agriculture and Consumer Services or the director
907 of the Florida Forest Service ~~Division of Forestry~~;

908 (d) To offer suggestions and recommendations to the
909 Department of Agriculture and Consumer Services and the director
910 of the Florida Forest Service ~~Division of Forestry~~ on its own
911 initiative in regard to changes in the laws and rules relating
912 to forestry as may be deemed advisable to secure the effective
913 administration and enforcement of such laws and rules relating
914 to the work of the division; and

915 (e) To keep a complete record of all its proceedings,
916 showing the names of the members present at each meeting and any
917 action taken by the council, and to file and maintain such
918 records in the Florida Forest Service ~~Division of Forestry~~ as a
919 public record.

920 Section 27. Section 589.011, Florida Statutes, is amended
921 to read:

922 589.011 Use of state forest lands; fees; rules.—

923 (1) The Florida Forest Service ~~Division of Forestry~~ of the
924 Department of Agriculture and Consumer Services may grant
925 privileges, permits, leases, and concessions for the use of
926 state forest lands, timber, and forest products for purposes not
927 inconsistent with the provisions of this chapter.

928 (2) The Florida Forest Service ~~Division of Forestry~~ is

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929 authorized to grant easements for rights-of-way, over, across,
930 and upon state forest lands for the construction and maintenance
931 of poles and lines for the transmission and distribution of
932 electrical power, pipelines for the distribution and
933 transportation of oils and gases, and for telephone and
934 telegraphic purposes and for public roads, under such conditions
935 and limitations as the agency ~~division~~ may impose.

936 (3) The Florida Forest Service ~~Division of Forestry~~ shall
937 have the power to set and charge reasonable fees or rent for the
938 use or operation of facilities on state forests or any lands
939 leased by or otherwise assigned to the agency ~~division~~ for
940 management purposes. Moneys collected from such fees and rent
941 shall be deposited into the Incidental Trust Fund of the agency
942 ~~division~~.

943 (4) The Florida Forest Service ~~Division of Forestry~~ may
944 adopt and enforce rules necessary for the protection,
945 utilization, occupancy, and development of state forest lands or
946 any lands leased by or otherwise assigned to the agency ~~division~~
947 for management purposes. Any person violating or otherwise
948 failing to comply with any provision of this subsection or rule
949 adopted under this subsection commits a noncriminal violation as
950 defined in s. 775.08(3), punishable only by fine, not to exceed
951 \$500 per violation. Jurisdiction shall be with the appropriate
952 county court.

953 (5) The Florida Forest Service ~~Division of Forestry~~ may
954 prohibit on state forest lands, or any lands leased by or
955 otherwise assigned to the agency ~~division~~ for management
956 purposes, activities that interfere with management objectives,
957 create a nuisance, or pose a threat to public safety. Such

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958 prohibited activities must be posted with signs not more than
959 500 feet apart along, and at each corner of, the boundaries of
960 the land. The signs must be placed along the boundary line of
961 posted land in a manner and in such position as to be clearly
962 noticeable from outside the boundary line. A person who violates
963 the provisions of this subsection commits a misdemeanor of the
964 second degree, punishable as provided in s. 775.082 or s.
965 775.083.

966 (6) The Florida Forest Service ~~Division of Forestry~~ may
967 enter into contracts or agreements, with or without competitive
968 bidding or procurement, to make available, on a fair,
969 reasonable, and nondiscriminatory basis, property and other
970 structures under agency ~~division~~ control for the placement of
971 new facilities by any wireless provider of mobile service as
972 defined in 47 U.S.C. s. 153(27) or 47 U.S.C. s. 332(d) or any
973 telecommunications company as defined in s. 364.02 when it is
974 determined to be practical and feasible to make such property or
975 other structures available. The agency ~~division~~ may, without
976 adopting a rule, charge a just, reasonable, and
977 nondiscriminatory fee for the placement of the facilities,
978 payable annually, based on the fair market value of space used
979 by comparable communications facilities in the state. The agency
980 ~~division~~ and a wireless provider or telecommunications company
981 may negotiate the reduction or elimination of a fee in
982 consideration of services provided to the agency ~~division~~ by the
983 wireless provider or telecommunications company. All such fees
984 collected by the agency ~~division~~ shall be deposited in the
985 Incidental Trust Fund.

986 Section 28. Section 589.012, Florida Statutes, is amended

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987 to read:

988 589.012 Friends of Florida State Forests Program.—The
989 Friends of Florida State Forests Program is established within
990 the Department of Agriculture and Consumer Services. Its purpose
991 is to provide support and assistance for existing and future
992 programs of the Florida Forest Service ~~Division of Forestry~~.
993 These programs must be consistent with the agency's ~~division's~~
994 mission statement which is incorporated by reference. The
995 purpose of the program is to:

996 (1) Conduct programs and activities related to
997 environmental education, fire prevention, recreation, and forest
998 management.

999 (2) Identify and pursue methods to provide resources and
1000 materials for these programs.

1001 (3) Establish a statewide method to integrate these
1002 resources and materials.

1003 Section 29. Subsections (1), (3), and (4) of section
1004 589.04, Florida Statutes, are amended to read:

1005 589.04 Duties of agency ~~division~~.—

1006 (1) The Florida Forest Service ~~Division of Forestry~~ shall
1007 cooperate with federal, state, and local governmental agencies,
1008 nonprofit organizations, and other persons to:

1009 (a) Promote and encourage forest fire protection, forest
1010 environmental education, forest land stewardship, good forest
1011 management, tree planting and care, forest recreation, and the
1012 proper management of public lands.

1013 (b) Apply for, solicit, and receive grants, funds,
1014 services, equipment, and supplies from those agencies,
1015 organizations, firms, and individuals.

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1016 (3) The Florida Forest Service ~~Division of Forestry~~ shall
1017 provide direction for the multiple-use management of forest
1018 lands owned by the state; serve as the lead management agency
1019 for state-owned land primarily suited for forest resource
1020 management; and provide to other state agencies having land
1021 management responsibilities technical guidance and management
1022 plan development for managing the forest resources on state-
1023 owned lands managed for other objectives. Multiple-purpose use
1024 shall include, but is not limited to, water-resource protection,
1025 forest-ecosystems protection, natural-resource-based low-impact
1026 recreation, and sustainable timber management for forest
1027 products.

1028 (4) The Florida Forest Service ~~Division of Forestry~~ shall
1029 begin immediately an aggressive program to reforest and
1030 afforest, with appropriate tree species, lands over which the
1031 agency ~~division~~ has forest resource management responsibility.

1032 Section 30. Section 589.06, Florida Statutes, is amended to
1033 read:

1034 589.06 Warrants for payment of accounts.—Upon the
1035 presentation to the Chief Financial Officer of any accounts duly
1036 approved by the Florida Forest Service ~~Division of Forestry~~,
1037 accompanied by such itemized vouchers or accounts as shall be
1038 required by her or him, the Chief Financial Officer shall audit
1039 the same and draw a warrant for the amount for which the account
1040 is audited, payable out of funds to the credit of the agency
1041 ~~division~~.

1042 Section 31. Section 589.07, Florida Statutes, is amended to
1043 read:

1044 589.07 Agency ~~Division~~ may acquire lands for forest

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1045 purposes.—The Florida Forest Service ~~Division of Forestry~~, on
1046 behalf of the state and subject to the restrictions mentioned in
1047 s. 589.08, may acquire lands, suitable for state forest
1048 purposes, by gift, donation, contribution, purchase, or
1049 otherwise and may enter into agreements with the Federal
1050 Government, or other agency, for acquiring by gift, purchase, or
1051 otherwise, such lands as are, in the judgment of the agency
1052 ~~division~~, suitable and desirable for state forests. The
1053 acquisition procedures for state lands provided in s. 259.041 do
1054 not apply to acquisition of land by the Florida Forest Service
1055 ~~Division of Forestry~~.

1056 Section 32. Section 589.071, Florida Statutes, is amended
1057 to read:

1058 589.071 Traffic control within state forest or division-
1059 assigned lands.—The Florida Forest Service ~~Division of Forestry~~
1060 on behalf of the state may adopt rules to control ingress,
1061 egress, and all other movement of motor vehicles, bicycles,
1062 horses, and pedestrians, as well as all other types of traffic,
1063 within a state forest or any lands leased by or otherwise
1064 assigned to the agency ~~division~~ for management purposes, outside
1065 of the designated right-of-way of state or county-maintained
1066 roads, and may designate special areas off the roadways for the
1067 operation of recreational type vehicles which need not be
1068 licensed or operated by licensed drivers. Any person violating
1069 or otherwise failing to comply with any of the provisions of
1070 this section or rules adopted pursuant hereto commits ~~is guilty~~
1071 ~~of~~ a noncriminal violation as defined in s. 775.08(3),
1072 punishable only by fine not to exceed \$500. Jurisdiction shall
1073 be with the appropriate county court.

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1074 Section 33. Section 589.08, Florida Statutes, is amended to
1075 read:

1076 589.08 Land acquisition restrictions.-

1077 (1) The Florida Forest Service ~~Division of Forestry~~ shall
1078 enter into no agreement for the acquisition, lease, or purchase
1079 of any land or for any other purpose whatsoever which shall
1080 pledge the credit of, or obligate in any manner whatsoever, the
1081 state to pay any sum of money or other thing of value for such
1082 purpose, and the said agency ~~division~~ shall not in any manner or
1083 for any purpose pledge the credit of or obligate the state to
1084 pay any sum of money.

1085 (2) The agency ~~division~~ may receive, hold the custody of,
1086 and exercise the control of any lands, and set aside into a
1087 separate, distinct and inviolable fund, any proceeds derived
1088 from the sales of the products of such lands, the use thereof in
1089 any manner, or the sale of such lands save the 25 percent of the
1090 proceeds to be paid into the State School Fund as provided by
1091 law. The agency ~~division~~ may use and apply such funds for the
1092 acquisition, use, custody, management, development, or
1093 improvement of any lands vested in or subject to the control of
1094 the agency ~~division~~. After full payment has been made for the
1095 purchase of a state forest to the Federal Government or other
1096 grantor, 15 percent of the gross receipts from a state forest
1097 shall be paid to the fiscally constrained county or counties, as
1098 described in s. 218.67(1), in which it is located in proportion
1099 to the acreage located in each county for use by the county or
1100 counties for school purposes.

1101 Section 34. Section 589.081, Florida Statutes, is amended
1102 to read:

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1103 589.081 Withlacoochee State Forest and Goethe State Forest;
1104 payment of portion of gross receipts.—The Florida Forest Service
1105 ~~Division of Forestry~~ shall pay 15 percent of the gross receipts
1106 from Withlacoochee State Forest and the Goethe State Forest to
1107 each fiscally constrained county, as described in s. 218.67(1),
1108 in which a portion of the respective forest is located in
1109 proportion to the forest acreage located in such county. The
1110 funds must be equally divided between the board of county
1111 commissioners and the school board of each fiscally constrained
1112 county.

1113 Section 35. Section 589.09, Florida Statutes, is amended to
1114 read:

1115 589.09 Use of lands acquired.—All lands acquired by the
1116 Florida Forest Service ~~Division of Forestry~~ on behalf of the
1117 state shall be in the custody of and subject to the
1118 jurisdiction, management, and control of the said agency
1119 ~~division~~, and, for such purposes and the utilization and
1120 development of such land, the said agency ~~division~~ may use the
1121 proceeds of the sale of any products therefrom, the proceeds of
1122 the sale of any such lands, save the 25 percent of such proceeds
1123 which shall be paid into the State School Fund as required by s.
1124 1010.71(1), and such other funds as may be appropriated for use
1125 by the agency ~~division~~, and in the opinion of such agency
1126 ~~division~~, available for such uses and purposes.

1127 Section 36. Section 589.10, Florida Statutes, is amended to
1128 read:

1129 589.10 Disposition of lands.—The Florida Forest Service
1130 ~~Division of Forestry~~, with the concurrence of the Board of
1131 Trustees of the Internal Improvement Trust Fund and the

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1132 Governor, may sell, exchange, lease, or otherwise dispose of any
1133 lands under its jurisdiction by the provisions of this chapter
1134 when in its judgment it is advantageous to the state to do so in
1135 the interest of the highest orderly development, improvement,
1136 and management of the state forests and state parks. All such
1137 sales, exchanges, leases, or dispositions of such lands, shall
1138 be at least upon a 30-day public notice, to be given in the
1139 manner deemed reasonable by the agency ~~division~~.

1140 Section 37. Section 589.101, Florida Statutes, is amended
1141 to read:

1142 589.101 Blackwater River State Forest; lease of board's
1143 interest in gas, oil, and other minerals.—Notwithstanding the
1144 provisions of ss. 253.51-253.61, the Florida Forest Service
1145 ~~Division of Forestry~~ is hereby expressly granted the authority
1146 to lease its 25-percent interest in oil, gas, and other minerals
1147 within the boundaries of the Blackwater River State Forest;
1148 provided, however, that grants shall be made only to the lessee
1149 or lessees holding the 75 percent ~~75-percent~~ interest in said
1150 minerals retained by the United States in its conveyance to this
1151 state. The concurrence of the Board of Trustees of the Internal
1152 Improvement Trust Fund required by s. 589.10 shall not be
1153 necessary under the provisions of this section.

1154 Section 38. Section 589.11, Florida Statutes, is amended to
1155 read:

1156 589.11 Duties of agency ~~division~~ as to Clarke-McNary Law.—

1157 (1) The Florida Forest Service ~~Division of Forestry~~ is
1158 designated and authorized as the agent of the state to cooperate
1159 with the United States Secretary of Agriculture under the
1160 provisions of "ss. 4 and 5, Chapter 348, 43 Statutes 654, Acts

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1161 of Congress, June 7, 1924, known as the Clarke-McNary Law," to
1162 assist owners of farms in establishing, improving, and renewing
1163 woodlots, shelterbelts, windbreaks, and other valuable forest
1164 growth; in growing and renewing useful timber crops; and to
1165 cooperate with the wood-using industries or other agencies,
1166 governmental or otherwise, interested in proper land use, forest
1167 management, and conservative forest utilization.

1168 (2) As a means of providing seedling trees for the purposes
1169 of this section, the agency ~~division~~ is authorized to operate a
1170 seedling tree nursery program and to set reasonable prices for
1171 the sale to the public of seedling trees. Receipts from the sale
1172 of seedling trees shall be deposited into the Incidental Trust
1173 Fund of the agency ~~division~~.

1174 Section 39. Section 589.12, Florida Statutes, is amended to
1175 read:

1176 589.12 Rules ~~and regulations~~.—The Florida Forest Service
1177 ~~Division of Forestry~~ may adopt make rules ~~and regulations~~ and do
1178 such acts ~~and things~~ as shall be reasonable and necessary to
1179 accomplish the purposes of ss. 589.07-589.11.

1180 Section 40. Section 589.13, Florida Statutes, is amended to
1181 read:

1182 589.13 Lien of agency ~~division~~ and other parties, for
1183 forestry work, etc.—Liens prior in dignity to all others
1184 accruing thereafter shall exist in favor of the following
1185 persons, boards, firms, or corporations upon the following
1186 described real estate, under the circumstances hereinafter
1187 mentioned:

1188 (1) The Florida Forest Service ~~Division of Forestry~~, the
1189 United States Government, or other governmental authority, upon

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1190 all lands covered in any cooperative or other agreement entered
1191 into between the landowner and the agency ~~division~~ (which term
1192 shall embrace and include agreements with the Florida Forest
1193 Service ~~Division of Forestry~~);

1194 (2) The United States Government or other governmental
1195 authority, for the prevention and control of woods fires and
1196 other forestry work to the extent of the amounts expended by
1197 such agency ~~division~~, service, or other governmental authority
1198 for and on behalf of the landowner and not paid by the landowner
1199 under the terms of said agreement.

1200 Section 41. Section 589.14, Florida Statutes, is amended to
1201 read:

1202 589.14 Enforcement of lien; notice.—The Florida Forest
1203 Service ~~Division of Forestry~~, United States Government, or other
1204 governmental authority shall be entitled to subject said real
1205 estate in equity for the value of such expenditures made by it
1206 in pursuance of any such agreement, and may, at any time after
1207 the expenditure thereof and after default in payment thereof by
1208 the landowner in accordance with the terms of such agreement,
1209 file in the office of the clerk of the circuit court of the
1210 county in which the property is located, and have recorded in
1211 the record of liens kept by such clerk, a notice of the
1212 expenditures made in pursuance of such agreement and of default
1213 of the landowner in the payment of same in accordance with the
1214 terms thereof (the form of notice being provided in s. 589.15),
1215 and from the date of the filing of such notice the rights of
1216 purchasers or creditors of such landowner shall be subject and
1217 subordinate to the claim set out in the notice.

1218 Section 42. Section 589.18, Florida Statutes, is amended to

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1219 read:

1220 589.18 Agency Division to make certain investigations.—The
1221 Florida Forest Service Division of Forestry shall conduct
1222 investigations and make surveys to determine the areas of land
1223 in the state which are available and suitable for reforestation
1224 projects and state forests, and may recommend to the Board of
1225 Trustees of the Internal Improvement Trust Fund, any state
1226 agency, or any agency created by state law which is authorized
1227 to accept lands in the name of the state, concerning their
1228 acquisition. The agency division shall be considered as a state
1229 agency under this law.

1230 Section 43. Section 589.19, Florida Statutes, is amended to
1231 read:

1232 589.19 Creation of certain state forests; naming of certain
1233 state forests.—

1234 (1) When the Board of Trustees of the Internal Improvement
1235 Trust Fund, any state agency, or any agency created by state
1236 law, authorized to accept reforestation lands in the name of the
1237 state, approves the recommendations of the Florida Forest
1238 Service Division of Forestry in reference to the acquisition of
1239 land and acquire such land, the said board, state agency, or
1240 agency created by state law, may formally designate and dedicate
1241 any area as a reforestation project, or state forest, and where
1242 so designated and dedicated such area shall be under the
1243 administration of the agency division which shall be authorized
1244 to manage and administer said area according to the purpose for
1245 which it was designated and dedicated.

1246 (2) The first state forest acquired by the Board of
1247 Trustees of the Internal Improvement Trust Fund in Baker County

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1248 is to be named the John M. Bethea State Forest. This is to honor
1249 Mr. John M. Bethea who was Florida's fourth state forester and
1250 whose distinguished career in state government spanned 46 years
1251 and who is a native of Baker County.

1252 (3) The state forest managed by the Florida Forest Service
1253 ~~Division of Forestry~~ in Seminole County is to be named the
1254 Charles H. Bronson State Forest to honor Charles H. Bronson, the
1255 tenth Commissioner of Agriculture, for his distinguished
1256 contribution to this state's agriculture and natural resources.

1257 Section 44. Section 589.20, Florida Statutes, is amended to
1258 read:

1259 589.20 Cooperation by agency division.—The Florida Forest
1260 Service ~~Division of Forestry~~ may cooperate with other state
1261 agencies, who are custodians of lands which are suitable for
1262 forestry purposes, in the designation and dedication of such
1263 lands for forestry purposes when in the opinion of the state
1264 agencies concerned such lands are suitable for these purposes
1265 and can be so administered. Upon the designation and dedication
1266 of said lands for these purposes by the agencies concerned, said
1267 lands shall be administered by the agency division.

1268 Section 45. Section 589.21, Florida Statutes, is amended to
1269 read:

1270 589.21 Management to be for public interest.—All state
1271 forests and reforestation projects mentioned in this chapter
1272 shall be managed and administered by the Florida Forest Service
1273 ~~Division of Forestry~~ in the interests of the public. If the
1274 public interests are not already safeguarded and clearly defined
1275 by law or by regulations adopted by the state agencies
1276 authorized by law to administer such lands, or in the papers

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1277 formally transferring said projects to the agency ~~division~~ for
1278 administration, then, and in that event, the agency ~~division~~ may
1279 define the purpose of said project. Such definition of purposes
1280 shall be construed to have the authority of law.

1281 Section 46. Section 589.26, Florida Statutes, is amended to
1282 read:

1283 589.26 Dedication of state park lands for public use.—The
1284 Florida Forest Service Division of Forestry is authorized and
1285 empowered, from time to time, to dedicate and reserve for the
1286 use of the public all or any part of the lands heretofore or
1287 hereafter acquired by the said Florida Forest Service Division
1288 ~~of Forestry~~ for park purposes; provided, however, that said
1289 dedication and reservation shall be subject to such rules ~~and~~
1290 ~~regulations~~, as to reasonable use by the public, as may be
1291 adopted by the Division of Recreation and Parks of the
1292 Department of Environmental Protection.

1293 Section 47. Section 589.27, Florida Statutes, is amended to
1294 read:

1295 589.27 Power of eminent domain; procedure.—Whenever the
1296 Florida Forest Service Division of Forestry shall find it
1297 necessary to acquire private property for state forests or
1298 rights-of-way for state forest roads, or for exercising any of
1299 the powers and duties authorized and prescribed by law to be
1300 exercised and performed by the Florida Forest Service Division
1301 ~~of Forestry~~, the Florida Forest Service Division of Forestry is
1302 hereby empowered and authorized to exercise the right of eminent
1303 domain and to proceed to condemn said property in the same
1304 manner as provided by law for the condemnation of private
1305 property by counties.

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1306 Section 48. Section 589.275, Florida Statutes, is amended
1307 to read:

1308 589.275 Planting of indigenous trees on state lands.—It is
1309 the intent of the Legislature to partially restore the character
1310 of the original domain of Florida by planting native trees on
1311 state lands, and to this end all state lands shall have a
1312 portion of such lands designated for indigenous trees, to be
1313 established and maintained by the using agency with the
1314 assistance of the Florida Forest Service ~~Division of Forestry~~ of
1315 the Department of Agriculture and Consumer Services. If the
1316 agency ~~division~~, or primary managing agency, determines that any
1317 state lands are unsuitable for this purpose, such lands shall be
1318 exempt from this requirement.

1319 Section 49. Subsections (1), (3), and (5) of section
1320 589.277, Florida Statutes, are amended to read:

1321 589.277 Tree planting programs.—

1322 (1) The Florida Forest Service ~~Division of Forestry~~ of the
1323 ~~Florida~~ Department of Agriculture and Consumer Services shall
1324 administer federal, state, and privately sponsored tree planting
1325 programs designed to assist private rural landowners and urban
1326 communities.

1327 (3) The Florida Forest Service ~~Division of Forestry~~ is
1328 authorized and directed to develop and implement guidelines and
1329 procedures under which the financial resources of the fund
1330 allocated for tree planting programs may be utilized for urban
1331 and rural reforestation.

1332 (5) The Florida Forest Service ~~Division of Forestry~~ shall
1333 assist the Department of Education in developing programs that
1334 teach the importance of trees in the urban, rural, and global

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1335 environment.

1336 Section 50. Section 589.28, Florida Statutes, is amended to
1337 read:

1338 589.28 County commissions or municipalities authorized to
1339 cooperate with Florida Forest Service ~~Division of Forestry~~.—
1340 County commissions or municipalities are authorized to cooperate
1341 with the Florida Forest Service ~~Division of Forestry~~ of the
1342 Department of Agriculture and Consumer Services in providing
1343 assistance in forestry and forest-related knowledge and skills
1344 to stimulate the production of timber wealth through the proper
1345 use of forest land and to protect and improve the beauty of
1346 urban and suburban areas by helping to create in them an
1347 attractive and healthy environment through the proper use of
1348 trees and related plant associations. County commissions or
1349 municipalities are hereby authorized to appropriate funds and
1350 enter into cooperative agreements with the Florida Forest
1351 Service ~~Division of Forestry~~ under the terms and conditions set
1352 forth in ss. 589.28-589.34.

1353 Section 51. Section 589.29, Florida Statutes, is amended to
1354 read:

1355 589.29 Quality of assistance.—Any advice and assistance
1356 provided under ss. 589.28-589.34 shall be the responsibility of
1357 the State Forester and the Florida Forest Service ~~Division of~~
1358 ~~Forestry~~ and shall be conducted under the supervision of a
1359 professional forester in an efficient and competent manner by
1360 personnel who have the required education, training and
1361 experience to accomplish the objectives of these sections.

1362 Section 52. Section 589.30, Florida Statutes, is amended to
1363 read:

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1364 589.30 Duty of district forester.—It shall be the duty of
1365 the district forester to direct all work in accordance with the
1366 law and rules ~~regulations~~ of the Florida Forest Service Division
1367 ~~of Forestry~~; gather and disseminate information in the
1368 management of commercial timber, including establishment,
1369 protection and utilization; and assist in the development and
1370 use of forest lands for outdoor recreation, watershed
1371 protection, and wildlife habitat. The district forester or his
1372 or her representative shall provide encouragement and technical
1373 assistance to individuals and urban and county officials in the
1374 planning, establishment, and management of trees and plant
1375 associations to enhance the beauty of the urban and suburban
1376 environment and meet outdoor recreational needs.

1377 Section 53. Section 589.31, Florida Statutes, is amended to
1378 read:

1379 589.31 Cooperative agreement.—Before any assistance is
1380 provided under this law, the county or municipality and the
1381 Florida Forest Service Division ~~of Forestry~~, through their duly
1382 constituted representatives, shall enter into a mutually
1383 satisfactory cooperative agreement covering the specific duties,
1384 and set up a budget for any fiscal period beginning July 1 and
1385 ending June 30, and the county's or municipality's share of the
1386 budget provided shall be turned over to the Florida Forest
1387 Service Division ~~of Forestry~~, one-half on or before July 1, and
1388 the remainder on or before January 1, and placed in the
1389 Incidental Trust Fund of the Florida Forest Service Division ~~of~~
1390 ~~Forestry~~.

1391 Section 54. Section 589.32, Florida Statutes, is amended to
1392 read:

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1393 589.32 Cost of providing county forestry assistance.—The
1394 cost of county forestry assistance provided under the provisions
1395 of ss. 589.28-589.34 shall be jointly determined and paid by the
1396 Florida Forest Service ~~Division of Forestry~~ and the county
1397 commission or municipality and shall be not less than 40 percent
1398 of the cost of the equivalent of 1 person-year of assistance.
1399 However, the county or municipality share shall not exceed the
1400 sum of \$3,000 per annum for each person-year of assistance
1401 provided.

1402 Section 55. Section 589.33, Florida Statutes, is amended to
1403 read:

1404 589.33 Expenditure of budgeted funds.—Any money budgeted
1405 for a fiscal period shall be expended by the Florida Forest
1406 Service ~~Division of Forestry~~ during the period for which it was
1407 budgeted and amounts not expended or specifically obligated by
1408 contract or other legal procedure during that period shall be
1409 available for the next fiscal period or shall be returned to the
1410 Florida Forest Service ~~Division of Forestry~~ and the county or
1411 municipality in the same proportions as appropriated. However,
1412 when 40 percent of the cost of 1 person-year of assistance
1413 equals or exceeds \$3,000, then in that event all budget balance
1414 will revert to the Florida Forest Service ~~Division of Forestry~~.

1415 Section 56. Section 589.34, Florida Statutes, is amended to
1416 read:

1417 589.34 Revocation of agreement.—Any agreement or revision
1418 thereof entered into by the Florida Forest Service ~~Division of~~
1419 ~~Forestry~~ and a county or municipality under the provisions of
1420 this law shall continue from year to year, unless written notice
1421 is given to the other party 30 days prior to July 1 of any year

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1422 of the intention to discontinue the work and cancel the
1423 agreement.

1424 Section 57. Subsection (1) of section 590.015, Florida
1425 Statutes, is amended to read:

1426 590.015 Definitions.—As used in this chapter, the term:

1427 (1) "Agency" ~~"Division"~~ means the Florida Forest Service
1428 ~~Division of Forestry~~ of the Department of Agriculture and
1429 Consumer Services.

1430 Section 58. Subsections (1), (2), (3), (5), (6), and (7) of
1431 section 590.02, Florida Statutes, are amended to read:

1432 590.02 Agency ~~Division~~ powers, authority, and duties;
1433 liability; building structures; Florida Center for Wildfire and
1434 Forest Resources Management Training.—

1435 (1) The agency ~~division~~ has the following powers,
1436 authority, and duties:

1437 (a) To enforce the provisions of this chapter;

1438 (b) To prevent, detect, suppress, and extinguish wildfires
1439 wherever they may occur on public or private land in this state
1440 and to do all things necessary in the exercise of such powers,
1441 authority, and duties;

1442 (c) To provide firefighting crews, who shall be under the
1443 control and direction of the agency ~~division~~ and its designated
1444 agents;

1445 (d) To appoint center managers, forest area supervisors,
1446 forestry program administrators, a forest protection bureau
1447 chief, a forest protection assistant bureau chief, a field
1448 operations bureau chief, deputy chiefs of field operations,
1449 district managers, senior forest rangers, investigators, forest
1450 rangers, firefighter rotorcraft pilots, and other employees who

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1451 may, at the agency's ~~division's~~ discretion, be certified as
1452 forestry firefighters pursuant to s. 633.35(4). Other provisions
1453 of law notwithstanding, center managers, district managers,
1454 forest protection assistant bureau chief, and deputy chiefs of
1455 field operations shall have Selected Exempt Service status in
1456 the state personnel designation;

1457 (e) To develop a training curriculum for forestry
1458 firefighters which must contain the basic volunteer structural
1459 fire training course approved by the Florida State Fire College
1460 of the Division of State Fire Marshal and a minimum of 250 hours
1461 of wildfire training;

1462 (f) To make rules to accomplish the purposes of this
1463 chapter;

1464 (g) To provide fire management services and emergency
1465 response assistance and to set and charge reasonable fees for
1466 performance of those services. Moneys collected from such fees
1467 shall be deposited into the Incidental Trust Fund of the agency
1468 ~~division~~; and

1469 (h) To require all state, regional, and local government
1470 agencies operating aircraft in the vicinity of an ongoing
1471 wildfire to operate in compliance with the applicable state
1472 Wildfire Aviation Plan.

1473 (2) Agency ~~Division~~ employees, and the firefighting crews
1474 under their control and direction, may enter upon any lands for
1475 the purpose of preventing and suppressing wildfires and
1476 investigating smoke complaints or open burning not in compliance
1477 with authorization and to enforce the provisions of this
1478 chapter.

1479 (3) Employees of the agency ~~division~~ and of federal, state,

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1480 and local agencies, and all other persons and entities that are
1481 under contract or agreement with the agency ~~division~~ to assist
1482 in firefighting operations as well as those entities, called
1483 upon by the agency ~~division~~ to assist in firefighting may, in
1484 the performance of their duties, set counterfires, remove fences
1485 and other obstacles, dig trenches, cut firelines, use water from
1486 public and private sources, and carry on all other customary
1487 activities in the fighting of wildfires without incurring
1488 liability to any person or entity.

1489 (5) The agency ~~division~~ shall organize its operational
1490 units to most effectively prevent, detect, and suppress
1491 wildfires, and to that end, may employ the necessary personnel
1492 to manage its activities in each unit. The agency ~~division~~ may
1493 construct lookout towers, roads, bridges, firelines, and other
1494 facilities and may purchase or fabricate tools, supplies, and
1495 equipment for firefighting. The agency ~~division~~ may reimburse
1496 the public and private entities that it engages to assist in the
1497 suppression of wildfires for their personnel and equipment,
1498 including aircraft.

1499 (6) The agency ~~division~~ shall undertake privatization
1500 alternatives for fire prevention activities including
1501 constructing fire lines and conducting prescribed burns and,
1502 where appropriate, entering into agreements or contracts with
1503 the private sector to perform such activities.

1504 (7) The agency ~~division~~ may organize, staff, equip, and
1505 operate the Florida Center for Wildfire and Forest Resources
1506 Management Training. The center shall serve as a site where fire
1507 and forest resource managers can obtain current knowledge,
1508 techniques, skills, and theory as they relate to their

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1509 respective disciplines.

1510 (a) The center may establish cooperative efforts involving
1511 federal, state, and local entities; hire appropriate personnel;
1512 and engage others by contract or agreement with or without
1513 compensation to assist in carrying out the training and
1514 operations of the center.

1515 (b) The center shall provide wildfire suppression training
1516 opportunities for rural fire departments, volunteer fire
1517 departments, and other local fire response units.

1518 (c) The center will focus on curriculum related to, but not
1519 limited to, fuel reduction, an incident management system,
1520 prescribed burning certification, multiple-use land management,
1521 water quality, forest health, environmental education, and
1522 wildfire suppression training for structural firefighters.

1523 (d) The center may assess appropriate fees for food,
1524 lodging, travel, course materials, and supplies in order to meet
1525 its operational costs and may grant free meals, room, and
1526 scholarships to persons and other entities in exchange for
1527 instructional assistance.

1528 (e) An advisory committee consisting of the following
1529 individuals or their designees must review program curriculum,
1530 course content, and scheduling: the Director of the Florida
1531 Forest Service ~~Division of Forestry~~; the Assistant Director of
1532 the Florida Forest Service ~~Division of Forestry~~; the Director of
1533 the School of Forest Resources and Conservation of the
1534 University of Florida; the Director of the Division of
1535 Recreation and Parks of the Department of Environmental
1536 Protection; the Director of the Division of the State Fire
1537 Marshal; the Director of the Florida Chapter of The Nature

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1538 Conservancy; the Executive Vice President of the Florida
1539 Forestry Association; the President of the Florida Farm Bureau
1540 Federation; the Executive Director of the Fish and Wildlife
1541 Conservation Commission; the Executive Director of a Water
1542 Management District as appointed by the Commissioner of
1543 Agriculture; the Supervisor of the National Forests in Florida;
1544 the President of the Florida Fire Chief's Association; and the
1545 Executive Director of the Tall Timbers Research Station.

1546 Section 59. Subsections (1) and (2) of section 590.42,
1547 Florida Statutes, are amended to read:

1548 590.42 Federally funded fire protection assistance
1549 programs.—

1550 (1) The Florida Forest Service ~~Division of Forestry~~ of the
1551 Department of Agriculture and Consumer Services may enter into
1552 agreements with the Secretary of Agriculture of the United
1553 States in order to participate in the Federal Rural Community
1554 Fire Protection Program authorized by Pub. L. No. 92-419,
1555 whereby the Federal Government provides financial assistance to
1556 the states on a matching basis of up to 50 percent of
1557 expenditures for such purposes.

1558 (2) With respect to the formulation of projects relating to
1559 fire protection of livestock, wildlife, crops, pastures,
1560 orchards, rangeland, woodland, farmsteads, or other
1561 improvements, and other values in rural areas, for which such
1562 federal matching funds are available, any participating county
1563 or fire department may contribute to the nonfederal matching
1564 share and may also contribute such other nonfederal cooperation
1565 as may be deemed necessary by the agency ~~division~~.

1566 Section 60. Subsection (6) of section 591.17, Florida

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1567 Statutes, is amended to read:

1568 591.17 Community forests; definitions.—The terms
1569 hereinafter used, unless the text clearly indicates a different
1570 meaning, shall be as follows:

1571 (6) The term "agency" ~~"division"~~ shall mean the Florida
1572 Forest Service ~~Division of Forestry~~ of the Department of
1573 Agriculture and Consumer Services.

1574 Section 61. Section 591.18, Florida Statutes, is amended to
1575 read:

1576 591.18 Community forests; purchase or establishment.—All
1577 counties, cities, towns, or school districts, through their
1578 governing boards, are hereby empowered to establish, from lands
1579 owned by such county, city, town, or school district in fee
1580 simple, or to acquire by purchase or gift, lands at present
1581 covered with forest or tree growth, or suitable for the growth
1582 of trees, and to administer the same under the direction of the
1583 Florida Forest Service ~~Division of Forestry~~, in accordance with
1584 the practice and principles of scientific forestry, for the
1585 benefit of the said counties, cities, towns, or school
1586 districts. Such tracts may be of any size suitable for the
1587 purpose but must be located within the county embracing the
1588 county, city, town, or school district, provided that it shall
1589 be requisite for the governing board availing itself of the
1590 provisions of this law to submit to the Florida Forest Service
1591 ~~Division of Forestry~~, and secure its approval of the area and
1592 location of any lands proposed to be acquired or used for the
1593 purposes of county, city, town, or school district forests.

1594 Section 62. Section 591.19, Florida Statutes, is amended to
1595 read:

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1596 591.19 Community forests; tax delinquent lands.—The
1597 Department of Revenue, the Board of Trustees of the Internal
1598 Improvement Trust Fund, counties, cities, towns, school
1599 districts, or any other public agency holding fee simple or tax
1600 certificate lands are hereby empowered to, and may, upon
1601 application to them, transfer title of fee simple lands not in
1602 other public use to any county, city, town, or school district
1603 for forest purposes as described under this law, provided such
1604 lands are approved by the Florida Forest Service ~~Division of~~
1605 ~~Forestry~~ for this purpose.

1606 Section 63. Section 591.20, Florida Statutes, is amended to
1607 read:

1608 591.20 Community forests; forestry committee.—The governing
1609 board of any county, city, town, or school district desiring to
1610 establish community forests after enactment of this law shall
1611 appoint a forestry committee, consisting of three members, as
1612 follows: one member of governing board, one member from the
1613 Florida Forest Service ~~Division of Forestry~~ to be designated by
1614 the agency ~~division~~, and one taxpayer of the county, city, town,
1615 or school district not a member of the governing board. The
1616 first two members of such committee shall hold office until
1617 replaced in their respective official positions. The third
1618 member shall hold office for 3 years. Any vacancy shall be
1619 filled at the first regular session of the governing board after
1620 the vacancy occurs. The president of the committee shall be
1621 selected by the three members for a 1-year term at their first
1622 regular meeting. The representative of the Florida Forest
1623 Service ~~Division of Forestry~~ shall not serve as an officer of
1624 the committee nor be responsible for making reports. All members

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1625 shall serve without compensation, but shall be reimbursed for
1626 travel expenses as provided in s. 112.061.

1627 Section 64. Section 591.24, Florida Statutes, is amended to
1628 read:

1629 591.24 Community forests; fiscal reports.—A fiscal year
1630 report of expenditures, income, sales, development and
1631 management shall be made by the forestry committee to the
1632 governing board of the county, city, town, or school district,
1633 and a copy sent to the Florida Forest Service ~~Division of~~
1634 ~~Forestry~~. All reports shall be audited by the regular auditor of
1635 the county, city, town, or school district.

1636 Section 65. Section 591.25, Florida Statutes, is amended to
1637 read:

1638 591.25 Community forests; fire protection, etc.—All lands
1639 entered or acquired under the provisions of this law shall be
1640 protected at all times from wildfire and shall be kept and
1641 maintained as a permanent public forest except as hereinafter
1642 provided. The timber growing thereon shall be cut in accordance
1643 with forestry methods approved by the Florida Forest Service
1644 ~~Division of Forestry~~ and in such a manner as to perpetuate
1645 succeeding stands of trees. All such forest lands shall be open
1646 to the use of the public for recreational purposes so far as
1647 such recreational purposes do not interfere with, or prevent the
1648 use of, such lands to the best advantage as a public forest as
1649 determined by the forestry committee.

1650 Section 66. Paragraph (b) of subsection (1) and paragraph
1651 (b) of subsection (2) of section 633.115, Florida Statutes, are
1652 amended to read:

1653 633.115 Fire and Emergency Incident Information Reporting

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1654 Program; duties; fire reports.—

1655 (1)

1656 (b) The Division of State Fire Marshal shall consult with
1657 the Florida Forest Service ~~Division of Forestry~~ of the
1658 Department of Agriculture and Consumer Services and the Bureau
1659 of Emergency Medical Services of the Department of Health to
1660 coordinate data, ensure accuracy of the data, and limit
1661 duplication of efforts in data collection, analysis, and
1662 reporting.

1663 (2) The Fire and Emergency Incident Information System
1664 Technical Advisory Panel is created within the Division of State
1665 Fire Marshal. The panel shall advise, review, and recommend to
1666 the State Fire Marshal with respect to the requirements of this
1667 section. The membership of the panel shall consist of the
1668 following 15 members:

1669 (b) One member from the Florida Forest Service ~~Division of~~
1670 ~~Forestry~~ of the Department of Agriculture and Consumer Services,
1671 appointed by the agency ~~division~~ director.

1672 Section 67. Paragraph (e) of subsection (6) of section
1673 633.821, Florida Statutes, is amended to read:

1674 633.821 Workplace safety.—

1675 (6)

1676 (e) This subsection does not apply to wildland or
1677 prescribed live fire training exercises sanctioned by the
1678 Florida Forest Service ~~Division of Forestry~~ of the Department of
1679 Agriculture and Consumer Services or the National Wildfire
1680 Coordinating Group.

1681 Section 68. Subsection (1) of section 790.15, Florida
1682 Statutes, is amended to read:

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1683 790.15 Discharging firearm in public.-
1684 (1) Except as provided in subsection (2) or subsection (3),
1685 any person who knowingly discharges a firearm in any public
1686 place or on the right-of-way of any paved public road, highway,
1687 or street or whosoever knowingly discharges any firearm over the
1688 right-of-way of any paved public road, highway, or street or
1689 over any occupied premises is guilty of a misdemeanor of the
1690 first degree, punishable as provided in s. 775.082 or s.
1691 775.083. This section does not apply to a person lawfully
1692 defending life or property or performing official duties
1693 requiring the discharge of a firearm or to a person discharging
1694 a firearm on public roads or properties expressly approved for
1695 hunting by the Fish and Wildlife Conservation Commission or
1696 Florida Forest Service ~~Division of Forestry~~.
1697 Section 69. This act shall take effect July 1, 2011.