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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/13/2011 | . | |
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The Committee on Budget Subcommittee on General Government Appropriations (Hill) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 20.14, Florida Statutes, is amended to read:

20.14 Department of Agriculture and Consumer Services.—
There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

(a) Administration.



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13 (b) Agricultural Environmental Services.

14 (c) Animal Industry.

15 (d) Aquaculture.

16 (e) Consumer Services.

17 ~~(f) Dairy Industry.~~

18 (f) ~~(g)~~ Food Safety.

19 (g) ~~(h)~~ Forestry.

20 (h) ~~(i)~~ Fruit and Vegetables.

21 (i) ~~(j)~~ Licensing.

22 (j) ~~(k)~~ Marketing and Development.

23 (k) ~~(l)~~ Plant Industry.

24 (l) ~~(m)~~ Standards.

25 Section 2. Subsection (5) of section 193.461, Florida
26 Statutes, as amended by section 1 of chapter 2010-277, Laws of
27 Florida, is amended to read:

28 193.461 Agricultural lands; classification and assessment;
29 mandated eradication or quarantine program.—

30 (5) For the purpose of this section, "agricultural
31 purposes" includes, but is not limited to, horticulture;
32 floriculture; viticulture; forestry; dairy; livestock; poultry;
33 bee; pisciculture, when the land is used principally for the
34 production of tropical fish; aquaculture; sod farming; and all
35 forms of farm products, as defined in s. 823.14(3)(c), and farm
36 production.

37 Section 3. Subsection (2) of section 215.981, Florida
38 Statutes, is amended to read:

39 215.981 Audits of state agency direct-support organizations
40 and citizen support organizations.—

41 (2) Notwithstanding the provisions of subsection (1),



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42 direct-support organizations and citizen support organizations
43 for the Department of Environmental Protection or direct-support
44 organizations and citizen support organizations for the
45 Department of Agriculture and Consumer Services which ~~that~~ are
46 not for profit and which ~~that~~ have annual expenditures of less
47 than \$300,000 are not required to have an independent audit. The
48 department shall establish accounting and financial management
49 guidelines for those organizations under the department's
50 jurisdiction. Each year, the department shall conduct
51 operational and financial reviews of a selected number of
52 direct-support organizations or citizen support organizations
53 which fall below the audit threshold established in this
54 subsection.

55 Section 4. Paragraph (b) of subsection (2) of section
56 253.02, Florida Statutes, is amended to read:

57 253.02 Board of trustees; powers and duties.—

58 (2)

59 (b) The authority of the board of trustees to grant
60 easements for rights-of-way over, across, and upon uplands the
61 title to which is vested in the board of trustees for the
62 construction and operation of electric transmission and
63 distribution facilities and related appurtenances is hereby
64 confirmed. The board of trustees may delegate to the Secretary
65 of Environmental Protection the authority to grant such
66 easements on its behalf. All easements for rights-of-way over,
67 across, and upon uplands the title to which is vested in the
68 board of trustees for the construction and operation of electric
69 transmission and distribution facilities and related
70 appurtenances which are approved by the Secretary of



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71 Environmental Protection pursuant to the authority delegated by
72 the board of trustees shall meet the following criteria:

73 1. Such easements shall not prevent the use of the state-
74 owned uplands adjacent to the easement area for the purposes for
75 which such lands were acquired and shall not unreasonably
76 diminish the ecological, conservation, or recreational values of
77 the state-owned uplands adjacent to the easement area.

78 2. There is no practical and prudent alternative to
79 locating the linear facility and related appurtenances on state-
80 owned upland. For purposes of this subparagraph, the test of
81 practicality and prudence shall compare the social, economic,
82 and environmental effects of the alternatives.

83 3. Appropriate steps are taken to minimize the impacts to
84 state-owned uplands. Such steps may include:

85 a. Siting of facilities so as to reduce impacts and
86 minimize fragmentation of the overall state-owned parcel;

87 b. Avoiding significant wildlife habitat, wetlands, or
88 other valuable natural resources to the maximum extent
89 practicable; or

90 c. Avoiding interference with active land management
91 practices, such as prescribed burning.

92 4. Except for easements granted as a part of a land
93 exchange to accomplish a recreational or conservation benefit or
94 other public purpose, in exchange for such easements, the
95 grantee pays an amount equal to the market value of the interest
96 acquired. In addition, for the initial grant of such easements
97 only, the grantee shall provide additional compensation by
98 vesting in the board of trustees fee simple title to other
99 available uplands that are 1.5 times the size of the easement



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100 acquired by the grantee. The Secretary of Environmental
101 Protection shall approve the property to be acquired on behalf
102 of the board of trustees based on the geographic location in
103 relation to the land proposed to be under easement and a
104 determination that economic, ecological, and recreational value
105 is at least equivalent to the value of the lands under proposed
106 easement. Priority for replacement uplands shall be given to
107 parcels identified as inholdings and additions to public lands
108 and lands on a Florida Forever land acquisition list. However,
109 if suitable replacement uplands cannot be identified, the
110 grantee shall provide additional compensation for the initial
111 grant of such easements only by paying to the lead manager of
112 the state-owned lands or, when there is no lead manager, by
113 paying to the department an amount equal to two times the
114 current market value of the state-owned land or the highest and
115 best use value at the time of purchase, whichever is greater.
116 When determining such use of funds, priority shall be given to
117 forest-management objectives, parcels identified as inholdings
118 and additions to public lands, and lands on a Florida Forever
119 land acquisition list.

120 Section 5. Subsection (5) of section 261.04, Florida
121 Statutes, is amended to read:

122 261.04 Off-Highway Vehicle Recreation Advisory Committee;
123 members; appointment.-

124 (5) The members of the advisory committee shall serve
125 without compensation, ~~but shall be reimbursed for travel and per~~
126 ~~diem expenses as provided in s. 112.061~~, while in the
127 performance of their official duties.

128 Section 6. Subsection (4) of section 482.051, Florida



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129 Statutes, is amended to read:

130 482.051 Rules.—The department has authority to adopt rules
131 pursuant to ss. 120.536(1) and 120.54 to implement the
132 provisions of this chapter. Prior to proposing the adoption of a
133 rule, the department shall counsel with members of the pest
134 control industry concerning the proposed rule. The department
135 shall adopt rules for the protection of the health, safety, and
136 welfare of pest control employees and the general public which
137 require:

138 (4) That a licensee, before performing general fumigation,
139 notify in writing the department inspector having jurisdiction
140 over the location where the fumigation is to be performed, which
141 notice must be received by the department inspector at least 24
142 hours in advance of the fumigation and must contain such
143 information as the department requires. However, in an authentic
144 and verifiable emergency, when 24 hours' advance notification is
145 not possible, advance telephone, facsimile, or any form of
146 acceptable electronic communication ~~telegraph notice~~ may be
147 given; but such notice must be immediately followed by written
148 confirmation providing the required information.

149 Section 7. Subsection (4) of section 482.071, Florida
150 Statutes, is amended to read:

151 482.071 Licenses.—

152 (4) A licensee may not operate a pest control business
153 without carrying the required insurance coverage. Each person
154 making application for a pest control business license or
155 renewal thereof must furnish to the department a certificate of
156 insurance that meets the requirements for minimum financial
157 responsibility for bodily injury and property damage consisting



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158 of:

159 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and
160 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000
161 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;
162 or

163 (b) Combined single-limit coverage: \$500,000 ~~\$400,000~~ in
164 the aggregate.

165 Section 8. Section 482.072, Florida Statutes, is created to
166 read:

167 482.072 Customer contact centers for pest control
168 business.-

169 (1) The department may issue a license to a qualified
170 business to operate a customer contact center to solicit pest
171 control business, or to provide services to customers for one or
172 more business locations licensed under s. 482.071. A person may
173 not operate a customer contact center for a pest control
174 business that is not licensed by the department.

175 (2) (a) Before operating a customer contact center, and
176 biennially thereafter, a pest control business shall apply to
177 the department for a license under this chapter, or a renewal
178 thereof, for each location of a customer contact center, on or
179 before an anniversary date set by the department for the
180 location of the customer contact center. An application must be
181 submitted in the format prescribed by the department.

182 (b) The department shall establish a fee of at least \$600,
183 but not more than \$1,000, for the issuance of the initial
184 license for a customer contact center, and a renewal fee of at
185 least \$600, but not more than \$1,000, for the renewal of the
186 license. However, until rules for renewal fees are adopted, the



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187 initial licensing fee and renewal fee are each \$600. The
188 department shall establish a grace period, not to exceed 30
189 calendar days after the license's anniversary renewal date, and
190 shall assess a late fee of \$150, in addition to the renewal fee,
191 for a license that is renewed after the grace period.

192 (c) A license automatically expires 60 calendar days after
193 the anniversary renewal date unless the license is renewed
194 before that date. When a license expires, it may be reinstated
195 only upon reapplication and payment of the license renewal fee
196 and a late renewal fee.

197 (d) A license automatically expires if a licensee changes
198 the address of the location of its customer contact center for a
199 pest control business. The department shall issue a new license
200 upon payment of a \$250 fee. The new license automatically
201 expires 60 calendar days after the anniversary renewal date of
202 the former license unless the license is renewed before that
203 date.

204 (e) The department may not issue or renew a license to
205 operate a customer contact center unless the licensee for the
206 pest control business for which the center solicits business is
207 owned in common by a person or business entity recognized by
208 this state.

209 (f) The department may deny a license or refuse to renew a
210 license if the applicant or licensee, or one or more of the
211 applicant's or licensee's directors, officers, owners, or
212 general partners, are or have been directors, officers, owners,
213 or general partners of a pest control business that meets the
214 conditions as described in s. 482.071(2) (g).

215 (g) Sections 482.091 and 482.152 do not apply to a person



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216 who solicits pest control services or provides customer service
217 in a licensed customer contact center unless the person performs
218 the pest control work as defined in s. 482.021(22) (a)-(d),
219 executes a pest control contract, or accepts remuneration for
220 such work.

221 (h) Section 482.071(2) (e) does not apply to a license
222 issued under this section.

223 (3) (a) The department shall adopt rules establishing
224 requirements and procedures for recordkeeping and for monitoring
225 the operations of a customer contact center in order to ensure
226 compliance with this section and the rules adopted in accordance
227 with this section.

228 (b) Notwithstanding any other provision in this section:

229 1. A licensee of a customer contact center is subject to
230 disciplinary action under s. 482.161 for a violation of this
231 section or adopted rule which is committed by a person who
232 solicits pest control services or provides customer service in a
233 customer contact center.

234 2. A licensee of a pest control business may be subject to
235 disciplinary action under s. 482.161 for a violation that is
236 committed by a person who solicits pest control services or
237 provides customer service in a customer contact center operated
238 by a licensee if the licensee participates in the violation.

239 Section 9. Section 482.157, Florida Statutes, is created to
240 read:

241 482.157 Limited certification for commercial wildlife
242 management personnel.—

243 (1) The department shall establish a limited certificate
244 that authorizes a person who engages in the commercial trapping



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245 of wildlife to use nonchemical methods, including traps, glue
246 boards, mechanical or electronic devices, or exclusionary
247 techniques to control commensal rodents.

248 (2) A person that seeks a limited certificate under this
249 section is required to pass an examination given by the
250 department. Each application for examination must be accompanied
251 by an examination fee set by rule of the department, in an
252 amount of at least \$150, but not more than \$300. The department
253 shall provide the appropriate reference materials for the
254 examination and shall make the examination readily available to
255 applicants at least quarterly or as necessary in each county.
256 Before the department issues a limited certificate under this
257 section, each person that applies for the certificate shall
258 furnish proof of having a certificate of insurance which states
259 that the person's employer meets the requirements for minimum
260 financial responsibility for bodily injury and property damage
261 as required by s. 482.071(4).

262 (3) An application for recertification must be made
263 annually and be accompanied by a recertification fee of at least
264 \$75, but not more than \$150, as established by rule. The
265 application must also be accompanied by proof of completion of
266 four classroom hours of acceptable continuing education and
267 proof of insurance. The department shall assess a late fee of
268 \$50, in addition to the renewal fee, after a grace period not
269 exceeding 30 calendar days after the recertification renewal
270 date. A certificate automatically expires 180 calendar days
271 after the recertification date if the renewal fee has not been
272 paid. After expiration, the department shall issue a new
273 certificate if the applicant successfully passes the examination



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274 and pays the renewal fee and late fee.

275 (4) Certification under this section does not authorize:

276 (a) The use of pesticides or chemical substances, other
277 than adhesive materials, to control rodents or other nuisance
278 wildlife in, on, or under structures;

279 (b) Operation of a pest control business; or

280 (c) Supervision of an uncertified person using nonchemical
281 methods to control rodents.

282 (5) A person who is certified under this chapter and who
283 practices accepted methods of pest control is immune from
284 liability under s. 828.12.

285 (6) The provisions of this chapter do not exempt any person
286 from the rules or orders of the Fish and Wildlife Conservation
287 Commission.

288 Section 10. Subsection (6) of section 482.226, Florida
289 Statutes, is amended to read:

290 482.226 Wood-destroying organism inspection report; notice
291 of inspection or treatment; financial responsibility.—

292 (6) Any licensee that performs wood-destroying organism
293 inspections in accordance with subsection (1) must meet minimum
294 financial responsibility in the form of errors and omissions
295 (professional liability) insurance coverage or bond in an amount
296 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000
297 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has
298 equity or net worth of no less than \$500,000 ~~\$100,000~~ as
299 determined by generally accepted accounting principles
300 substantiated by a certified public accountant's review or
301 certified audit. The licensee must show proof of meeting this
302 requirement at the time of license application or renewal



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303 thereof.

304 Section 11. Subsection (6) of section 482.243, Florida
305 Statutes, is amended to read:

306 482.243 Pest Control Enforcement Advisory Council.—

307 (6) The meetings, powers and duties, procedures, and
308 recordkeeping, ~~and reimbursement of expenses of members of the~~
309 ~~council~~ shall be in accordance with the provisions of s.
310 570.0705 relating to advisory committees established within the
311 department.

312 Section 12. Paragraph (a) of subsection (1) of section
313 487.041, Florida Statutes, is amended, and paragraphs (h), (i),
314 and (j) are added to that subsection, to read:

315 487.041 Registration.—

316 (1) (a) Effective January 1, 2009, each brand of pesticide,
317 as defined in s. 487.021, which is distributed, sold, or offered
318 for sale, except as provided in this section, within this state
319 or delivered for transportation or transported in intrastate
320 commerce or between points within this state through any point
321 outside this state must be registered in the office of the
322 department, and such registration shall be renewed biennially.
323 Emergency exemptions from registration may be authorized in
324 accordance with the rules of the department. The registrant
325 shall file with the department a statement including:

326 1. The name, business mailing address, and street address
327 of the registrant.

328 2. The name of the brand of pesticide.

329 3. An ingredient statement and a complete, current copy of
330 the label ~~labeling~~ accompanying the brand of ~~the~~ pesticide,
331 which must conform to the registration, and a statement of all



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332 claims to be made for it, including directions for use and a
333 guaranteed analysis showing the names and percentages by weight
334 of each active ingredient, the total percentage of inert
335 ingredients, and the names and percentages by weight of each
336 "added ingredient."

337 (h) All registration fees, including supplemental fees and
338 late fees, are nonrefundable.

339 (i) For any currently registered pesticide product brand
340 that undergoes label revision during the registration period,
341 the registrant shall submit to the department a copy of the
342 revised label along with the cover letter detailing changes
343 before the sale or distribution of a product brand with the
344 revised label in this state. If the label revisions require
345 notification of an amendment review by the United States
346 Environmental Protection Agency, the registrant shall submit an
347 additional copy of the label marked to identify those revisions.

348 (j) Effective January 1, 2013, all payments of any
349 pesticide-registration fees, including supplemental fees and
350 late fees, shall be submitted electronically using the
351 department's website to register a brand of a pesticide product.

352 Section 13. Subsection (5) of section 487.0615, Florida
353 Statutes, is amended to read:

354 487.0615 Pesticide Review Council.—

355 (5) Members of the council shall receive no compensation
356 for their services, ~~but are entitled to be reimbursed for per~~
357 ~~diem and travel expenses as provided in s. 112.061.~~

358 Section 14. Subsection (7) is added to section 500.70,
359 Florida Statutes, to read:

360 500.70 Tomato food safety standards; inspections;



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361 penalties; tomato good agricultural practices; tomato best
362 management practices.-

363 (7) Any person who produces, harvests, packs, or repacks
364 tomatoes in this state and does not hold a food permit issued
365 under s. 500.12, shall annually register the location of each
366 tomato farm, tomato greenhouse, tomato packinghouse, or tomato
367 repacker by August 1 on a form prescribed by the department. Any
368 person who produces, harvests, packs, or repacks tomatoes at
369 more than one location may submit one registration for all such
370 locations, but must provide the physical address of each
371 location. The department may set by rule an annual registration
372 fee not to exceed \$500. The money collected from the
373 registration fee payments shall be deposited into the General
374 Inspection Trust Fund.

375 Section 15. Subsection (5) of section 527.22, Florida
376 Statutes, is amended to read:

377 527.22 Florida Propane Gas Education, Safety, and Research
378 Council established; membership; duties and responsibilities.-

379 (5) Council members shall receive no compensation or
380 honorarium for their services, ~~and are authorized to receive~~
381 ~~only per diem and reimbursement for travel expenses as provided~~
382 ~~in s. 112.061.~~

383 Section 16. Subsection (3) of section 559.9221, Florida
384 Statutes, is amended to read:

385 559.9221 Motor Vehicle Repair Advisory Council.-The Motor
386 Vehicle Repair Advisory Council is created to advise and assist
387 the department in carrying out this part.

388 (3) The members of the council shall receive no
389 compensation for their services, ~~except that they may receive~~



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390 ~~per diem and travel expenses as provided in s. 112.061.~~

391 Section 17. Subsections (16) and (28) of section 570.07,
392 Florida Statutes, are amended to read:

393 570.07 Department of Agriculture and Consumer Services;
394 functions, powers, and duties.—The department shall have and
395 exercise the following functions, powers, and duties:

396 (16) To enforce the state laws and rules relating to:

397 (a) Fruit and vegetable inspection and grading;

398 (b) Pesticide spray, residue inspection, and removal;

399 (c) Registration, labeling, inspection, sale, composition,
400 formulation, including nutrient content and release rates,

401 distribution, and analysis of commercial stock feeds and
402 commercial fertilizers;

403 (d) Classification, inspection, and sale of poultry and
404 eggs;

405 (e) Registration, inspection, and analysis of gasolines and
406 oils;

407 (f) Registration, labeling, inspection, and analysis of
408 pesticides;

409 (g) Registration, labeling, inspection, germination
410 testing, and sale of seeds, both common and certified;

411 (h) Weights, measures, and standards;

412 (i) Foods, as set forth in the Florida Food Safety Act;

413 (j) Inspection and certification of honey;

414 (k) Sale of liquid fuels;

415 (l) Licensing of dealers in agricultural products;

416 (m) Administration and enforcement of all regulatory
417 legislation applying to milk and milk products, ice cream, and
418 frozen desserts;



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419 (n) Recordation and inspection of marks and brands of
420 livestock; and

421 (o) All other regulatory laws relating to agriculture.
422

423 In order to ensure uniform health and safety standards, the
424 adoption of standards and fines in the subject areas of
425 paragraphs (a)-(n) is expressly preempted to the state and the
426 department. Any local government enforcing the subject areas of
427 paragraphs (a)-(n) must use the standards and fines set forth in
428 the pertinent statutes or any rules adopted by the department
429 pursuant to those statutes. A county that has adopted an
430 ordinance regulating the sale of urban turf fertilizer before
431 January 1, 2011, is not subject to paragraph (c). If the county
432 amends or changes any portion of the ordinance after January 1,
433 2011, the provisions of paragraph (c) apply.

434 (28) For the purpose of pollution control and the
435 prevention of wildfires ~~purposes~~, to regulate open burning
436 connected with rural land-clearing, agricultural, or forestry
437 operations, ~~except fires for cold or frost protection.~~

438 Section 18. Subsection (9) of section 570.0705, Florida
439 Statutes, is amended to read:

440 570.0705 Advisory committees.—From time to time the
441 commissioner may appoint any advisory committee to assist the
442 department with its duties and responsibilities.

443 (9) Members of each advisory committee shall receive no
444 compensation for their services, ~~but shall be entitled to~~
445 ~~reimbursement for per diem and travel expenses as provided in s.~~
446 ~~112.061.~~

447 Section 19. Section 570.074, Florida Statutes, is amended



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448 to read:

449 570.074 Department of Agriculture and Consumer Services;
450 energy and water policy coordination.—The commissioner may
451 create an Office of Energy and Water Coordination under the
452 supervision of a senior manager exempt under s. 110.205 in the
453 Senior Management Service. The commissioner may designate the
454 bureaus and positions in the various organizational divisions of
455 the department which ~~that~~ report to this office relating to any
456 matter over which the department has jurisdiction in matters
457 relating to energy and water policy affecting agriculture,
458 application of such policies, and coordination of such matters
459 with state and federal agencies.

460 Section 20. Section 570.18, Florida Statutes, is amended to
461 read:

462 570.18 Organization of departmental work.—In the assignment
463 of functions to the ~~12~~ divisions of the department created in s.
464 570.29, the department shall retain within the Division of
465 Administration, in addition to executive functions, those powers
466 and duties enumerated in s. 570.30. The department shall
467 organize the work of the other ~~11~~ divisions in such a way as to
468 secure maximum efficiency in the conduct of the department. The
469 divisions created in s. 570.29 are solely to make possible the
470 definite placing of responsibility. The department shall be
471 conducted as a unit in which every employee, including each
472 division director, is assigned a definite workload, and there
473 shall exist between division directors a spirit of cooperative
474 effort to accomplish the work of the department.

475 Section 21. Subsection (2) of section 570.23, Florida
476 Statutes, is amended to read:



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477 570.23 State Agricultural Advisory Council.-
478 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
479 ~~COMPENSATION.~~-The meetings, powers and duties, procedures, and
480 recordkeeping of the State Agricultural Advisory Council,~~and~~
481 ~~per diem and reimbursement of expenses of council members,~~ shall
482 be governed by the provisions of s. 570.0705 relating to
483 advisory committees established within the department.
484 Section 22. Subsection (6) of section 570.29, Florida
485 Statutes, is repealed.
486 Section 23. Subsection (2) of section 570.38, Florida
487 Statutes, is amended to read:
488 570.38 Animal Industry Technical Council.-
489 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
490 ~~COMPENSATION.~~-The meetings, powers and duties, procedures, and
491 recordkeeping of the Animal Industry Technical Council,~~and per~~
492 ~~diem and reimbursement of expenses of council members,~~ shall be
493 governed by the provisions of s. 570.0705 relating to advisory
494 committees established within the department.
495 Section 24. Paragraph (d) of subsection (3) of section
496 570.382, Florida Statutes, is amended to read:
497 570.382 Arabian horse racing; breeders' and stallion
498 awards; Arabian Horse Council; horse registration fees; Florida
499 Arabian Horse Racing Promotion Account.-
500 (3) ARABIAN HORSE COUNCIL.-
501 (d) Members of the council shall receive no compensation
502 for their services,~~except that they shall receive per diem and~~
503 ~~travel expenses as provided in s. 112.061 when actually engaged~~
504 ~~in the business of the council.~~
505 Section 25. Section 570.40, Florida Statutes, is repealed.



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506 Section 26. Section 570.41, Florida Statutes, is repealed.

507 Section 27. Subsection (2) of section 570.42, Florida
508 Statutes, is amended to read:

509 570.42 Dairy Industry Technical Council.—

510 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
511 COMPENSATION.—The meetings, powers and duties, procedures, and
512 recordkeeping of the Dairy Industry Technical Council, ~~and per~~
513 ~~diem and reimbursement of expenses of council members,~~ shall be
514 governed by the provisions of s. 570.0705 relating to advisory
515 committees established within the department.

516 Section 28. Subsections (6) and (7) are added to section
517 570.50, Florida Statutes, to read:

518 570.50 Division of Food Safety; powers and duties.—The
519 duties of the Division of Food Safety include, but are not
520 limited to:

521 (6) Inspecting dairy farms of the state, enforcing those
522 provisions of chapter 502 which are authorized by the department
523 and related to the supervision of milking operations, and
524 enforcing rules adopted under such provisions.

525 (7) Inspecting milk plants, milk product plants, and plants
526 engaged in the manufacture and distribution of frozen desserts
527 and frozen dessert mixes; analyzing and testing samples of milk,
528 milk products, frozen desserts, and frozen dessert mixes
529 collected by it; and enforcing those provisions of chapters 502
530 and 503 which are authorized by the department.

531 Section 29. Subsection (2) of section 570.543, Florida
532 Statutes, is amended to read:

533 570.543 Florida Consumers' Council.—The Florida Consumers'
534 Council in the department is created to advise and assist the



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535 department in carrying out its duties.

536 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
537 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
538 recordkeeping of the Florida Consumers' Council, ~~and per diem~~
539 ~~and reimbursement of expenses of council members,~~ shall be
540 governed by the provisions of s. 570.0705 relating to advisory
541 committees established within the department. The council
542 members or chair may call no more than two meetings.

543 Section 30. Subsection (3) of section 570.954, Florida
544 Statutes, is repealed.

545 Section 31. Subsection (2) of section 571.28, Florida
546 Statutes, is amended to read:

547 571.28 Florida Agricultural Promotional Campaign Advisory
548 Council.—

549 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;
550 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
551 recordkeeping of the Florida Agricultural Promotional Campaign
552 Advisory Council, ~~and per diem and reimbursement of expenses of~~
553 ~~council members,~~ shall be governed by the provisions of s.
554 570.0705 relating to advisory committees established within the
555 department.

556 Section 32. Subsection (6) of section 573.112, Florida
557 Statutes, as amended by section 11 of chapter 2010-227, Laws of
558 Florida, is amended to read:

559 573.112 Advisory council.—

560 (6) No member or alternate member of the council shall
561 receive a salary, ~~but shall be reimbursed for travel expenses~~
562 ~~while on council business as provided in s. 112.061.~~ The
563 department may employ necessary personnel, including



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564 professional and technical services personnel, and fix their
565 compensation and terms of employment and may incur expenses to
566 be paid from moneys collected as herein provided.

567 Section 33. Subsection (3) of section 576.091, Florida
568 Statutes, is amended to read:

569 576.091 Fertilizer Technical Council.—

570 (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
571 ~~REIMBURSEMENTS.~~—The meetings, powers and duties, procedures, and
572 recordkeeping, ~~and reimbursement of expenses of members and~~
573 ~~alternate members of the council~~ shall be in accordance with the
574 provisions of s. 570.0705 relating to advisory committees
575 established within the department.

576 Section 34. Subsection (2) of section 580.151, Florida
577 Statutes, is amended to read:

578 580.151 Commercial Feed Technical Council.—

579 (2) POWERS AND DUTIES; PROCEDURES; RECORDS; ~~COMPENSATION.~~—
580 The meetings, powers and duties, procedures, and recordkeeping
581 of the Commercial Feed Technical Council, ~~and per diem and~~
582 ~~reimbursement of expenses of council members,~~ shall be governed
583 by the provisions of s. 570.0705 relating to advisory committees
584 established within the department.

585 Section 35. Subsection (2) of section 581.186, Florida
586 Statutes, is amended to read:

587 581.186 Endangered Plant Advisory Council; organization;
588 meetings; powers and duties.—

589 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
590 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
591 recordkeeping of the Endangered Plant Advisory Council, ~~and per~~
592 ~~diem and reimbursement of expenses of council members,~~ shall be



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593 governed by the provisions of s. 570.0705 relating to advisory
594 committees established within the department.

595 Section 36. Subsection (3) of section 586.161, Florida
596 Statutes, is amended to read:

597 586.161 Honeybee Technical Council.—

598 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;
599 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
600 recordkeeping of the Honeybee Technical Council, ~~and per diem~~
601 ~~and reimbursement of expenses of council members,~~ shall be
602 governed by the provisions of s. 570.0705 relating to advisory
603 committees established within the department.

604 Section 37. Section 590.015, Florida Statutes, is amended
605 to read:

606 590.015 Definitions.—As used in this chapter, the term:

607 (1) "Broadcast burning" means the burning of agricultural
608 or natural vegetation by allowing fire to move across a
609 predetermined area of land, but the term does not include the
610 burning of vegetative debris that is piled or stacked.

611 (2) ~~(1)~~ "Department Division" means the Division of Forestry
612 ~~of~~ the Department of Agriculture and Consumer Services.

613 (3) ~~(2)~~ "Fire management services" means presuppression
614 fireline plowing, prescribed burning assistance, contract
615 prescribed burning, prescribed and wildfire management training,
616 and other activities associated with prevention, detection, and
617 suppression of wildfires.

618 (4) ~~(3)~~ "Fuel reduction" means the application of techniques
619 that reduce vegetative fuels, and may include prescribed
620 burning, manual and mechanical clearing, and the use of
621 herbicides.



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622 (5) "Open burning" means any outdoor fire or open
623 combustion of material which produces visible emissions.

624 ~~(6)~~~~(4)~~ "Wildfire" means any vegetative fire that threatens
625 to destroy life, property, or natural resources.

626 ~~(7)~~~~(5)~~ "Wild land" means any public or private managed or
627 unmanaged forest, urban/interface, pasture or range land,
628 recreation lands, or any other land at risk of wildfire.

629 Section 38. Subsections (1) and (4) of section 590.02,
630 Florida Statutes, are amended, and new subsection (9) and (10)
631 are added to that section to read:

632 590.02 Division powers, authority, and duties; liability;
633 building structures; Florida Center for Wildfire and Forest
634 Resources Management Training.—

635 (1) The division has the following powers, authority, and
636 duties:

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

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

642 (c) To provide firefighting crews, who shall be under the
643 control and direction of the division and its designated agents;

644 (d) To appoint center managers, forest area supervisors,
645 forestry program administrators, a forest protection bureau
646 chief, a forest protection assistant bureau chief, a field
647 operations bureau chief, deputy chiefs of field operations,
648 district managers, forest-operations administrators senior
649 forest rangers, investigators, forest rangers, firefighter
650 rotorcraft pilots, and other employees who may, at the



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651 division's discretion, be certified as forestry firefighters
652 pursuant to s. 633.35(4). Other provisions of law
653 notwithstanding, center managers, district managers, forest
654 protection assistant bureau chief, and deputy chiefs of field
655 operations shall have Selected Exempt Service status in the
656 state personnel designation;

657 (e) To develop a training curriculum for forestry
658 firefighters which must contain the basic volunteer structural
659 fire training course approved by the Florida State Fire College
660 of the Division of State Fire Marshal and a minimum of 250 hours
661 of wildfire training;

662 (f) To make rules to accomplish the purposes of this
663 chapter;

664 (g) To provide fire management services and emergency
665 response assistance and to set and charge reasonable fees for
666 performance of those services. Moneys collected from such fees
667 shall be deposited into the Incidental Trust Fund of the
668 division; and

669 (h) To require all state, regional, and local government
670 agencies operating aircraft in the vicinity of an ongoing
671 wildfire to operate in compliance with the applicable state
672 Wildfire Aviation Plan.

673 (4) (a) The department may build structures, notwithstanding
674 chapters 216 and 255, not to exceed a cost of \$50,000 per
675 structure from existing resources on forest lands, federal
676 excess property, and unneeded existing structures. These
677 structures must meet all applicable building codes.

678 (b) Notwithstanding s. 553.80(1), the Florida Building Code
679 as it pertains to wildfire and law enforcement facilities under



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680 the jurisdiction of the department shall be enforced exclusively
681 by the department.

682 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
683 department may retain, transfer, warehouse, bid, destroy, scrap,
684 or otherwise dispose of surplus equipment and vehicles that are
685 used for wildland firefighting.

686 (b) All money received from the disposition of state-owned
687 equipment and vehicles that are used for wildland firefighting
688 shall be retained by the department. Money received pursuant to
689 this section is appropriated for and may be disbursed for the
690 acquisition of exchange and surplus equipment used for wildland
691 firefighting, and for all necessary operating expenditures
692 related to such equipment, in the same fiscal year and the
693 fiscal year following the disposition. The department shall
694 maintain records of the accounts into which the money is
695 deposited.

696 (10) (a) The division has exclusive authority to require and
697 issue authorizations for broadcast burning, agricultural pile
698 burning, and silvicultural pile burning. An agency, commission,
699 department, county, municipality, or other political subdivision
700 of the state may not adopt laws, rules, or policies pertaining
701 to broadcast burning, agricultural pile burning, and
702 silvicultural pile burning unless an emergency order has been
703 declared in accordance with s. 252.38(3).

704 (b) The division may delegate to a county or municipality
705 its authority, as delegated by the Department of Environmental
706 Protection pursuant to ss. 403.061(28) and 403.081, to require
707 and issue authorizations for the burning of yard trash and
708 debris from land-clearing operations in accordance with s.



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709 590.125(6).

710 Section 39. Section 590.125, Florida Statutes, is amended
711 to read:

712 590.125 Open burning authorized by the division.-

713 (1) DEFINITIONS.-As used in this section, the term:

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

717 ~~"Prescribed burning" means the controlled application of fire in~~
718 ~~accordance with a written prescription for vegetative fuels~~
719 ~~under specified environmental conditions while following~~
720 ~~appropriate precautionary measures that ensure that the fire is~~
721 ~~confined to a predetermined area to accomplish the planned fire~~
722 ~~or land-management objectives.~~

723 (b) "Certified prescribed burn manager" means an individual
724 who successfully completes the certified prescribed burning
725 ~~certification~~ program of the division and possesses a valid
726 certification number.

727 ~~(c) "Prescription" means a written plan establishing the~~
728 ~~criteria necessary for starting, controlling, and extinguishing~~
729 ~~a prescribed burn.~~

730 ~~(c)(d) "Extinguished" means: that no spreading flame for~~

731 1. Wild land burning or certified prescribed burning, and
732 no spreading flames visible flame, smoke, or emissions for
733 vegetative land-clearing debris burning, exist.

734 2. Vegetative land-clearing debris burning or pile burning,
735 and no visible flames exist.

736 3. Vegetative land-clearing debris burning or pile burning
737 in an area designated as smoke-sensitive by the division and no



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738 visible flames, smoke, or emissions exist.

739 (d) "Land-clearing operation" means the uprooting or
740 clearing of vegetation in connection with the construction of
741 buildings and rights-of-way, land development, and mineral
742 operations. The term does not include the clearing of yard
743 trash.

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

748 (f) "Prescribed burning" means the controlled application
749 of fire by broadcast burning in accordance with a written
750 prescription for vegetative fuels under specified environmental
751 conditions while following appropriate precautionary measures
752 that ensure that the fire is confined to a predetermined area to
753 accomplish the planned fire or land-management objectives.

754 (g) "Prescription" means a written plan that establishes
755 the criteria necessary for starting, controlling, and
756 extinguishing a prescribed burn.

757 (h) "Yard trash" means vegetative matter resulting from
758 landscaping and yard maintenance operations and other such
759 routine property-cleanup activities. The term includes materials
760 such as leaves, shrub trimmings, grass clippings, brush, and
761 palm fronds.

762 (2) NONCERTIFIED BURNING.—

763 (a) Persons may be authorized to burn wild land or
764 vegetative land-clearing debris in accordance with this
765 subsection if:

766 1. There is specific consent of the landowner or his or her



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767 designee;

768 2. Authorization has been obtained from the division or its
769 designated agent before starting the burn;

770 3. There are adequate firebreaks at the burn site and
771 sufficient personnel and firefighting equipment for the control
772 of the fire;

773 4. The fire remains within the boundary of the authorized
774 area;

775 5. An authorized person ~~Someone~~ is present at the burn site
776 until the fire is extinguished;

777 6. The division does not cancel the authorization; and

778 7. The division determines that air quality and fire danger
779 are favorable for safe burning.

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

784 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
785 PURPOSE.—

786 (a) The application of prescribed burning is a land
787 management tool that benefits the safety of the public, the
788 environment, and the economy of the state. The Legislature finds
789 that:

790 1. Prescribed burning reduces vegetative fuels within wild
791 land areas. Reduction of the fuel load reduces the risk and
792 severity of wildfire, thereby reducing the threat of loss of
793 life and property, particularly in urban areas.

794 2. Most of Florida's natural communities require periodic
795 fire for maintenance of their ecological integrity. Prescribed



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796 burning is essential to the perpetuation, restoration, and
797 management of many plant and animal communities. Significant
798 loss of the state's biological diversity will occur if fire is
799 excluded from fire-dependent systems.

800 3. Forestland and rangeland constitute significant
801 economic, biological, and aesthetic resources of statewide
802 importance. Prescribed burning on forestland prepares sites for
803 reforestation, removes undesirable competing vegetation,
804 expedites nutrient cycling, and controls or eliminates certain
805 forest pathogens. On rangeland, prescribed burning improves the
806 quality and quantity of herbaceous vegetation necessary for
807 livestock production.

808 4. The state purchased hundreds of thousands of acres of
809 land for parks, preserves, wildlife management areas, forests,
810 and other public purposes. The use of prescribed burning for
811 management of public lands is essential to maintain the specific
812 resource values for which these lands were acquired.

813 5. A public education program is necessary to make citizens
814 and visitors aware of the public safety, resource, and economic
815 benefits of prescribed burning.

816 6. Proper training in the use of prescribed burning is
817 necessary to ensure maximum benefits and protection for the
818 public.

819 7. As Florida's population continues to grow, pressures
820 from liability issues and nuisance complaints inhibit the use of
821 prescribed burning. Therefore, the division is urged to maximize
822 the opportunities for prescribed burning conducted during its
823 daytime and nighttime authorization process.

824 (b) Certified prescribed burning pertains only to broadcast



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825 burning for purposes of silviculture, wildland fire hazard
826 reduction, wildlife management, ecological maintenance and
827 restoration, and range and pasture management. It must be
828 conducted in accordance with this subsection and:

829 1. May be accomplished only when a certified prescribed
830 burn manager is present on site with a copy of the prescription
831 from ignition of the burn to its completion.

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

834 3. Requires that the specific consent of the landowner or
835 his or her designee be obtained before requesting an
836 authorization.

837 4. Requires that an authorization to burn be obtained from
838 the division before igniting the burn.

839 5. Requires that there be adequate firebreaks at the burn
840 site and sufficient personnel and firefighting equipment for the
841 control of the fire.

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

845 7. Is considered to be a property right of the property
846 owner if vegetative fuels are burned as required in this
847 subsection.

848 (c) Neither a property owner nor his or her agent is liable
849 pursuant to s. 590.13 for damage or injury caused by the fire or
850 resulting smoke or considered to be in violation of subsection
851 (2) for burns conducted in accordance with this subsection
852 unless gross negligence is proven.

853 (d) Any certified burner who violates this section commits



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854 a misdemeanor of the second degree, punishable as provided in s.
855 775.082 or s. 775.083.

856 (e) The division shall adopt rules for the use of
857 prescribed burning and for certifying and decertifying certified
858 prescribed burn managers based on their past experience,
859 training, and record of compliance with this section.

860 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
861 PURPOSE.—

862 (a) Certified pile burning pertains to the disposal of
863 piled, naturally occurring debris from an agricultural,
864 silvicultural, or temporary land-clearing operation. A land-
865 clearing operation is temporary if it operates for 6 months or
866 less. Certified pile burning must be conducted in accordance
867 with this subsection, and:

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

871 2. A certified pile burner must ensure that the piles are
872 properly extinguished no later than 1 hour after sunset. If the
873 burn is conducted in an area designated as smoke-sensitive by
874 the division, a certified pile burner shall ensure that the
875 piles are properly extinguished at least 1 hour before sunset.

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

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

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

882 6. There must be adequate firebreaks and sufficient



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883 personnel and firefighting equipment at the burn site to control
884 the fire.

885 (b) If a burn is conducted in accordance with this
886 subsection, the property owner and his or her agent are not
887 liable under s. 590.13 for damage or injury caused by the fire
888 or resulting smoke, and are not in violation of subsection (2),
889 unless gross negligence is proven.

890 (c) A certified pile burner who violates this section
891 commits a misdemeanor of the second degree, punishable as
892 provided in s. 775.082 or s. 775.083.

893 (d) The division shall adopt rules regulating certified
894 pile burning. The rules shall include procedures and criteria
895 for certifying and decertifying certified pile burn managers
896 based on past experience, training, and record of compliance
897 with this section.

898 (5)~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE
899 DIVISION.—The division may conduct fuel reduction initiatives,
900 including, but not limited to, burning and mechanical and
901 chemical treatment, on any area of wild land within the state
902 which is reasonably determined to be in danger of wildfire in
903 accordance with the following procedures:

904 (a) Describe the areas that will receive fuels treatment to
905 the affected local governmental entity.

906 (b) Publish a treatment notice, including a description of
907 the area to be treated, in a conspicuous manner in at least one
908 newspaper of general circulation in the area of the treatment
909 not less than 10 days before the treatment.

910 (c) Prepare, and send the county tax collector shall
911 include with the annual tax statement, a notice to be sent to



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912 all landowners in each area ~~township~~ designated by the division
913 as a wildfire hazard area. The notice must describe particularly
914 the area to be treated and the tentative date or dates of the
915 treatment and must list the reasons for and the expected
916 benefits from the wildfire hazard reduction.

917 (d) Consider any landowner objections to the fuels
918 treatment of his or her property. The landowner may apply to the
919 director of the division for a review of alternative methods of
920 fuel reduction on the property. If the director or his or her
921 designee does not resolve the landowner objection, the director
922 shall convene a panel made up of the local forestry unit
923 manager, the fire chief of the jurisdiction, and the affected
924 county or city manager, or any of their designees. If the
925 panel's recommendation is not acceptable to the landowner, the
926 landowner may request further consideration by the Commissioner
927 of Agriculture or his or her designee and shall thereafter be
928 entitled to an administrative hearing pursuant to the provisions
929 of chapter 120.

930 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN-BURNING-
931 AUTHORIZATION PROGRAMS.-

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

937 1. Be approved by the division. The division may not
938 approve a program if it fails to meet the requirements of
939 subsections (2) and (4) and any rules adopted in accordance with
940 those subsections.



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941 2. Provide by ordinance or local law the requirements for
942 obtaining and performing a burn authorization that complies with
943 subsections (2) and (4) and any rules adopted in accordance with
944 those subsections.

945 3. Provide for the enforcement of the program's
946 requirements.

947 4. Provide financial, personnel, and other resources needed
948 to carry out the program.

949 (b) If the division determines that a county's or
950 municipality's open-burning-authorization program does not
951 comply with subsections (2) and (4) and any rules adopted in
952 accordance with those subsections, the division shall require
953 the county or municipality to take necessary corrective actions
954 within a reasonable period, not to exceed 90 days.

955 1. If the county or municipality fails to take the
956 necessary corrective actions within the required period, the
957 division shall resume administration of the open-burning-
958 authorization program in the county or municipality and the
959 county or municipality shall cease administration of its
960 program.

961 2. Each county and municipality administering an open-
962 burning-authorization program must cooperate with and assist the
963 division in carrying out the powers, duties, and functions of
964 the division.

965 3. A person who violates the requirements of a county's or
966 municipality's open-burning-authorization program, as provided
967 by ordinance or local law enacted pursuant to this subsection,
968 commits a violation of this chapter, punishable as provided in
969 s. 590.14.



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970 (7)~~(5)~~ DUTIES OF AGENCIES.—The Department of Education
971 shall incorporate, where feasible and appropriate, the issues of
972 fuels treatment, including prescribed burning, into its
973 educational materials.

974 Section 40. Section 590.14, Florida Statutes, is amended to
975 read:

976 590.14 Notice of violation; penalties.—

977 (1) If a division employee determines that a person has
978 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
979 the division to administer provisions of law which confer duties
980 upon the division, the employee of the division ~~he or she~~ may
981 issue a notice of violation indicating the statute or rule
982 violated. This notice shall ~~will~~ be filed with the division and
983 a copy forwarded to the appropriate law enforcement entity for
984 further action if necessary.

985 (2) In addition to any penalties provided by law, any
986 person who causes a wildfire or permits any authorized fire to
987 escape the boundaries of the authorization or to burn past the
988 time of the authorization is liable for the payment of all
989 reasonable costs and expenses incurred in suppressing the fire
990 or \$150, whichever is greater. All costs and expenses incurred
991 by the division shall be payable to the division. When such
992 costs and expenses are not paid within 30 days after demand, the
993 division may take proper legal proceedings for the collection of
994 the costs and expenses. Those costs incurred by an agency acting
995 at the division's direction are recoverable by that agency.

996 (3) The department may also impose an administrative fine,
997 not to exceed \$1,000 per violation of any section of chapter 589
998 or this chapter or violation of any rule adopted by the division



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999 to administer provisions of law which confer duties upon the
1000 division. The fine shall be based upon the degree of damage, the
1001 prior violation record of the person, and whether the person
1002 knowingly provided false information to obtain an authorization.
1003 The fines shall be deposited in the Incidental Trust Fund of the
1004 division.

1005 (4) A person commits a misdemeanor of the second degree,
1006 punishable as provided in s. 775.082 or s. 775.083, if the
1007 person:

1008 (a) Fails to comply with any rule or order adopted by the
1009 division to administer provisions of law conferring duties upon
1010 the division; or

1011 (b) Knowingly makes any false statement or representation
1012 in any application, record, plan, or other document required by
1013 this chapter or any rules adopted under this chapter.

1014 (5) It is the intent of the Legislature that a penalty
1015 imposed by a court under subsection (4) be of a severity that
1016 ensures immediate and continued compliance with this section.

1017 (6) ~~(4)~~ The penalties provided in this section shall extend
1018 to both the actual violator and the person or persons, firm, or
1019 corporation causing, directing, or permitting the violation.

1020 Section 41. Subsection (4) of section 597.005, Florida
1021 Statutes, is repealed.

1022 Section 42. Subsection (2) of section 599.002, Florida
1023 Statutes, is amended to read:

1024 599.002 Viticulture Advisory Council.—

1025 (2) The meetings, powers and duties, procedures, and
1026 recordkeeping of the Viticulture Advisory Council, ~~and per diem~~
1027 ~~and reimbursement of expenses of council members,~~ shall be



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1028 governed by the provisions of s. 570.0705 relating to advisory
1029 committees established within the department.

1030 Section 43. Subsection (4) is added to section 616.17,
1031 Florida Statutes, to read:

1032 616.17 Minimum exhibits.—

1033 (4) A fair, as defined in this chapter, which provides any
1034 of the exhibits as set forth in subsection (1) or other exhibits
1035 or concessions, whether such exhibits or concessions are
1036 provided directly or through an agreement with a third party, is
1037 not subject to criminal penalties or civil damages arising out
1038 of the personal injury or death of any person, or property
1039 damage, resulting from such exhibits or concessions. This
1040 subsection does not apply if the personal injury, death, or
1041 property damage was due to an act or omission that was committed
1042 by the fair association in bad faith or with malicious purpose
1043 or in a manner exhibiting wanton and willful disregard of human
1044 rights, safety, or property. This subsection does not apply to a
1045 third party providing exhibits or concessions.

1046 Section 44. Paragraph (a) of subsection (1) and subsection
1047 (3) of section 616.252, Florida Statutes, are amended to read:

1048 616.252 Florida State Fair Authority; membership; number,
1049 terms, compensation.—

1050 (1) (a) The authority shall be composed of 22 ~~24~~ members.
1051 The Commissioner of Agriculture, or her or his designee, shall
1052 serve as a voting member. There shall also be a member who is
1053 the member of the Board of County Commissioners of Hillsborough
1054 County representing the county commission district in which the
1055 Florida State Fairgrounds is located, who shall serve as a
1056 voting member. There shall also be an appointed youth member who



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1057 is an active member of the Florida Future Farmers of America or
1058 of a 4-H Club, and who shall serve as a nonvoting member. The
1059 Commissioner of Agriculture shall appoint each other member of
1060 the authority. Each member appointed by the Commissioner of
1061 Agriculture shall serve at the pleasure of the Commissioner of
1062 Agriculture. The term of each member appointed by the
1063 Commissioner of Agriculture shall be 4 years, but the term of
1064 the nonvoting youth member shall be for 1 year ~~except, to~~
1065 ~~provide staggered terms, 9 of the members shall be initially~~
1066 ~~appointed for a 2-year term and 10 of the members shall be~~
1067 ~~initially appointed for a 3-year term.~~ Members may be appointed
1068 for more than one term. Any vacancy shall be filled for the
1069 remainder of the unexpired term pursuant to the method provided
1070 in this section for appointment. Six of the members may be from
1071 Hillsborough County. The Commissioner of Agriculture shall
1072 appoint and set the compensation of an executive director. The
1073 executive director shall serve at the pleasure of the
1074 Commissioner of Agriculture.

1075 (3) Members of the authority are ~~shall~~ not be entitled to
1076 compensation for their services as members and may not, ~~but~~
1077 ~~shall~~ be reimbursed for travel expenses. Except for the
1078 nonvoting youth member, each member ~~as provided in s. 112.061~~
1079 ~~and~~ may be compensated for any special or full-time service
1080 performed in the authority's ~~its~~ behalf as officers or agents of
1081 the authority.

1082 Section 45. Paragraph (c) of subsection (2) of section
1083 812.014, Florida Statutes, is amended to read:

1084 812.014 Theft.—

1085 (2)



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1086 (c) It is grand theft of the third degree and a felony of
1087 the third degree, punishable as provided in s. 775.082, s.
1088 775.083, or s. 775.084, if the property stolen is:

- 1089 1. Valued at \$300 or more, but less than \$5,000.
- 1090 2. Valued at \$5,000 or more, but less than \$10,000.
- 1091 3. Valued at \$10,000 or more, but less than \$20,000.
- 1092 4. A will, codicil, or other testamentary instrument.
- 1093 5. A firearm.
- 1094 6. A motor vehicle, except as provided in paragraph (a).
- 1095 7. Any commercially farmed animal, including any animal of
1096 the equine, bovine, or swine class, or other grazing animal,
1097 including bee colonies of registered bee keepers and including
1098 aquaculture species raised at a certified aquaculture facility.
1099 If the property stolen is aquaculture species raised at a
1100 certified aquaculture facility, then a \$10,000 fine shall be
1101 imposed.
- 1102 8. Any fire extinguisher.
- 1103 9. Any amount of citrus fruit consisting of 2,000 or more
1104 individual pieces of fruit.
- 1105 10. Taken from a designated construction site identified by
1106 the posting of a sign as provided for in s. 810.09(2)(d).
- 1107 11. Any stop sign.
- 1108 12. Anhydrous ammonia.

1109
1110 However, if the property is stolen within a county that is
1111 subject to a state of emergency declared by the Governor under
1112 chapter 252, the property is stolen after the declaration of
1113 emergency is made, and the perpetration of the theft is
1114 facilitated by conditions arising from the emergency, the



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1115 offender commits a felony of the second degree, punishable as
1116 provided in s. 775.082, s. 775.083, or s. 775.084, if the
1117 property is valued at \$5,000 or more, but less than \$10,000, as
1118 provided under subparagraph 2., or if the property is valued at
1119 \$10,000 or more, but less than \$20,000, as provided under
1120 subparagraph 3. As used in this paragraph, the term "conditions
1121 arising from the emergency" means civil unrest, power outages,
1122 curfews, voluntary or mandatory evacuations, or a reduction in
1123 the presence of or the response time for first responders or
1124 homeland security personnel. For purposes of sentencing under
1125 chapter 921, a felony offense that is reclassified under this
1126 paragraph is ranked one level above the ranking under s.
1127 921.0022 or s. 921.0023 of the offense committed.

1128 Section 46. Paragraphs (f) and (g) of subsection (1) of
1129 section 812.015, Florida Statutes, are amended to read:

1130 812.015 Retail and farm theft; transit fare evasion;
1131 mandatory fine; alternative punishment; detention and arrest;
1132 exemption from liability for false arrest; resisting arrest;
1133 penalties.—

1134 (1) As used in this section:

1135 (f) "Farmer" means a person who is engaging in the growing
1136 or producing of farm produce, milk products, honey, eggs, or
1137 meat, either part time or full time, for personal consumption or
1138 for sale and who is the owner or lessee of the land or a person
1139 designated in writing by the owner or lessee to act as her or
1140 his agent. No person defined as a farm labor contractor pursuant
1141 to s. 450.28 shall be designated to act as an agent for purposes
1142 of this section.

1143 (g) "Farm theft" means the unlawful taking possession of



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1144 any items that are grown or produced on land owned, rented, or
1145 leased by another person. The term also includes equipment and
1146 associated materials used to grow or produce farm products as
1147 defined in s. 823.14(3)(c).

1148 Section 47. This act shall take effect October 1, 2011.

1149

1150 ===== T I T L E A M E N D M E N T =====

1151 And the title is amended as follows:

1152 Delete everything before the enacting clause
1153 and insert:

1154 A bill to be entitled
1155 An act relating to the Department of Agriculture and
1156 Consumer Services; amending s. 20.14, F.S.; deleting
1157 the Division of Dairy within the Department of
1158 Agriculture and Consumer Services; amending s.
1159 193.461, F.S.; redefining the term "agricultural
1160 purposes" as it relates to agricultural lands;
1161 amending s. 215.981, F.S.; exempting certain direct-
1162 support organizations and citizen support
1163 organizations for the Department of Agriculture and
1164 Consumer Services from obtaining an independent audit;
1165 amending s. 253.02, F.S.; providing for the grantee of
1166 easements for electrical transmission to pay the lead
1167 manager of the state-owned lands or, when there is no
1168 lead manager, the Department of Environmental
1169 Protection, if suitable replacement uplands cannot be
1170 identified; amending s. 261.04, F.S.; deleting
1171 provisions related to per diem and travel expenses for
1172 members of the Off-Highway Vehicle Recreation Advisory



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1173 Committee within the Division of Forestry; amending s.
1174 482.051, F.S.; providing rule changes that allow
1175 operators to provide certain emergency notice to the
1176 Department of Agriculture and Consumer Services by
1177 facsimile or electronic means; amending s. 482.071,
1178 F.S.; increasing the minimum insurance coverage for
1179 bodily injury and property damage required for pest
1180 control businesses; creating s. 482.072, F.S.;
1181 providing for licensure by the department of pest
1182 control customer contact centers; providing
1183 application requirements; providing for fees,
1184 licensure renewal, penalties, licensure expiration,
1185 and transfer of licenses; requiring the department to
1186 adopt rules; providing for disciplinary action;
1187 creating s. 482.157, F.S.; providing for the
1188 certification of commercial wildlife trappers;
1189 providing requirements for certification, examination,
1190 and fees; limiting the scope of work permitted by
1191 certificate holders; clarifying that
1192 certificateholders who practice accepted pest control
1193 methods are immune from liability for violating laws
1194 prohibiting cruelty to animals; providing that the
1195 provisions of s. 482.157, F.S., do not exempt any
1196 person from the rules or orders of the Fish and
1197 Wildlife Conservation Commission; amending s. 482.226,
1198 F.S.; increasing the minimum financial responsibility
1199 requirements for licensees that perform wood-
1200 destroying organism inspections; amending s. 482.243,
1201 F.S.; deleting provisions relating to reimbursement



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1202 for expenses for members of the Pest Control
1203 Enforcement Advisory Council within the department;
1204 amending s. 487.041, F.S.; providing that
1205 registration, supplemental, and late fees related to
1206 the registration of pesticide brands with the
1207 department are nonrefundable; providing requirements
1208 for label revisions of pesticide brands; providing
1209 requirements for label revisions that must be reviewed
1210 by the United States Environmental Protection Agency;
1211 requiring payments of pesticide registration fees to
1212 be submitted electronically; amending s. 487.0615,
1213 F.S.; deleting references relating to per diem and
1214 travel for the Pesticide Review Council within the
1215 Department of Agriculture and Consumer Services;
1216 amending s. 500.70, F.S.; requiring certain persons
1217 that produce, harvest, pack, or repack tomatoes to
1218 register each location of a tomato farm, tomato
1219 greenhouse, tomato packinghouse, or tomato repacker by
1220 a specified date on a form prescribed by the
1221 department; requiring the department to set a
1222 registration fee; providing for funds collected to be
1223 deposited into the General Inspection Trust Fund;
1224 amending s. 527.22, F.S.; deleting provisions relating
1225 to per diem and travel expenses for members of the
1226 Florida Propane Gas Education, Safety, and Research
1227 Council within the department; amending s. 559.9221,
1228 F.S.; deleting provisions relating to per diem and
1229 travel expenses for members of the Motor Vehicle
1230 Repair Advisory Council within the department;



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1231 amending s. 570.07, F.S.; revising the department's
1232 authority to enforce laws relating to commercial stock
1233 feeds and commercial fertilizer; providing a limited
1234 exemption to counties that have existing ordinances
1235 regulating the sale of urban turf fertilizers;
1236 revising the powers and duties of the department
1237 regarding pollution control and the prevention of
1238 wildfires; amending s. 570.0705, F.S.; deleting
1239 provisions relating to per diem and travel expenses
1240 for members of any advisory committee that the
1241 Commissioner of Agriculture may appoint; amending s.
1242 570.074, F.S.; revising the name of the Office of
1243 Water Coordination to the Office of Energy and Water;
1244 amending s. 570.18, F.S.; conforming provisions to
1245 changes made by the act; amending s. 570.23, F.S.;
1246 deleting provisions relating to per diem and travel
1247 expenses for members of the State Agricultural
1248 Advisory Council within the department; repealing s.
1249 570.29(6), F.S., relating to the Division of Dairy
1250 Industry within the department; amending s. 570.38,
1251 F.S.; deleting provisions relating to per diem and
1252 travel expenses for members of the Animal Industry
1253 Technical Council within the department; amending s.
1254 570.382, F.S.; deleting provisions relating to per
1255 diem and travel expenses for members of the Arabian
1256 Horse Council within the department; repealing s.
1257 570.40, F.S., relating to the powers and duties of the
1258 Division of Dairy within the department; repealing s.
1259 570.41, F.S., relating to the qualifications and



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1260 duties of the Director of the Division of Dairy within
1261 the department; amending s. 570.42, F.S.; deleting
1262 provisions relating to per diem and travel expenses
1263 for members of the Dairy Industry Technical Council
1264 within the department; amending s. 570.50, F.S.;
1265 requiring the Division of Food Safety within the
1266 department to inspect dairy farms and enforce the
1267 provisions of ch. 502, F.S.; requiring the Division of
1268 Food Safety to inspect milk plants, milk product
1269 plants, and plants engaged in the manufacture and
1270 distribution of frozen desserts and frozen dessert
1271 mixes; requiring the Division of Food Safety to
1272 analyze and test samples of milk, milk products,
1273 frozen desserts, and frozen dessert mixes; amending s.
1274 570.543, F.S.; deleting provisions relating to per
1275 diem and travel expenses for members of the Florida
1276 Consumers' Council within the department; repealing s.
1277 570.954(3), F.S., relating to the requirement that the
1278 Department of Agriculture and Consumer Services
1279 coordinate with and solicit the expertise of the state
1280 energy office when developing the farm-to-fuel
1281 initiative; amending s. 571.28, F.S.; deleting
1282 provisions relating to per diem and travel expenses
1283 for members of the Florida Agricultural Promotional
1284 Campaign Advisory Council within the department;
1285 amending s. 573.112, F.S.; deleting provisions
1286 relating to per diem and travel expenses for members
1287 of the advisory council that administers the marketing
1288 order that is issued to the department; amending s.



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1289 576.091, F.S.; deleting provisions relating to per
1290 diem and travel expenses for members of the Fertilizer
1291 Technical Council within the department; amending s.
1292 580.151, F.S.; deleting provisions relating to per
1293 diem and travel expenses for members of the Commercial
1294 Feed Technical Council within the department; amending
1295 s. 581.186, F.S.; deleting provisions relating to per
1296 diem and travel expenses for members of the Endangered
1297 Plant Advisory Council within the department; amending
1298 s. 586.161, F.S.; deleting provisions relating to per
1299 diem and travel expenses for members of the Honeybee
1300 Technical Council within the department; amending s.
1301 590.015, F.S.; defining the terms "department," "open
1302 burning," and "broadcast burning" as they relate to
1303 forest protection; redefining the term "fire
1304 management services"; amending s. 590.02, F.S.;
1305 authorizing forest-operations administrators to be
1306 certified as forestry firefighters; authorizing the
1307 Department of Agriculture and Consumer Services to
1308 have exclusive authority over the Florida Building
1309 Code as it pertains to wildfire and law enforcement
1310 facilities under the jurisdiction of the department;
1311 authorizing the department to retain, transfer,
1312 warehouse, bid, destroy, scrap, or dispose of surplus
1313 equipment and vehicles used for wildland firefighting;
1314 authorizing the department to retain any moneys
1315 received from the disposition of state-owned equipment
1316 and vehicles used for wildland firefighting; providing
1317 that moneys received may be used for the acquisition



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1318 of exchange and surplus equipment used for wildland
1319 firefighting and all necessary operating expenditures
1320 related to the equipment; requiring the department to
1321 maintain records of the accounts into which the money
1322 is deposited; giving the Division of Forestry
1323 exclusive authority to require and issue
1324 authorizations for broadcast burning, agricultural
1325 pile burning, and silvicultural pile burning;
1326 preempting other governmental entities from adopting
1327 laws, rules, or policies pertaining to broadcast
1328 burning, agricultural pile burning, or silvicultural
1329 pile burning unless an emergency order has been
1330 declared; authorizing the department to delegate its
1331 authority to a county or municipality to issue
1332 authorizations for the burning of yard trash and
1333 debris from land clearing operations; amending s.
1334 590.125, F.S.; defining and redefining terms relating
1335 to open-burning authorizations by the division;
1336 specifying purposes of certified prescribed burning;
1337 requiring the authorization of the division for
1338 certified pile burning; providing pile burning
1339 requirements; limiting the liability of property
1340 owners or agents engaged in pile burning; providing
1341 penalties for violations by certified pile burners;
1342 requiring the division to adopt rules to regulate
1343 certified pile burning; revising notice requirements
1344 for wildfire hazard reduction treatments; providing
1345 for approval of local governments' open-burning-
1346 authorization programs; providing program



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1347 requirements; authorizing the division to resume
1348 administration of a local government's program under
1349 certain circumstances; providing penalties for
1350 violations of a local government's open-burning
1351 requirements; amending s. 590.14, F.S.; authorizing an
1352 employee of the division to issue a notice of
1353 violation for any rule adopted by the division;
1354 authorizing the department to impose an administrative
1355 fine for a violation of any rule adopted by the
1356 division; providing a criminal penalty; providing
1357 legislative intent; repealing s. 597.005(4), F.S.,
1358 deleting provisions relating to per diem and travel
1359 expenses for members of the Aquaculture Review Council
1360 within the department; amending s. 599.002, F.S.;
1361 deleting provisions relating to per diem and travel
1362 expenses for members of the Viticulture Advisory
1363 Council within the department; amending s. 616.17,
1364 F.S.; providing immunity from liability for damages
1365 resulting from exhibits and concessions at public
1366 fairs; providing exceptions for immunity from
1367 liability; amending s. 616.252, F.S.; providing for
1368 the appointment of a youth member to serve on the
1369 Florida State Fair Authority as a nonvoting member;
1370 providing a term of service for the youth member of
1371 the Florida State Fair Authority; prohibiting
1372 reimbursement for travel expenses for members of the
1373 Florida State Fair Authority; excluding the youth
1374 member from compensation for special or full-time
1375 service performed on behalf of the authority; amending



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1376 s. 812.014, F.S.; providing that it is a grand theft
1377 of the third degree and a felony of the third degree
1378 if bee colonies of a registered bee keeper are stolen;
1379 amending s. 812.015, F.S.; redefining the term
1380 "farmer" as it relates to a person who grows or
1381 produces honey; redefining the term "farm theft" to
1382 include the unlawful taking possession of equipment
1383 and associated materials used to grow or produce farm
1384 products; providing an effective date.