

By the Committees on Agriculture; and Agriculture

575-03759-11

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1                   A bill to be entitled  
2           An act relating to the Department of Agriculture and  
3           Consumer Services; amending s. 14.24, F.S.; deleting  
4           provisions related to per diem and travel expenses for  
5           members of the Florida Commission on the Status of  
6           Women; amending s. 20.14, F.S.; deleting the Division  
7           of Dairy within the Department of Agriculture and  
8           Consumer Services; amending s. 215.981, F.S.;  
9           exempting certain direct-support organizations and  
10          citizen support organizations for the Department of  
11          Agriculture and Consumer Services from obtaining an  
12          independent audit; amending s. 253.02, F.S.; providing  
13          for the grantee of easements for electrical  
14          transmission to pay the lead manager of the state-  
15          owned lands or, when there is no lead manager, the  
16          Department of Environmental Protection if suitable  
17          replacement uplands cannot be identified; amending s.  
18          261.04, F.S.; deleting provisions related to per diem  
19          and travel expenses for members of the Off-Highway  
20          Vehicle Recreation Advisory Committee within the  
21          Division of Forestry; amending s. 482.051, F.S.;  
22          providing rule changes that allow operators to provide  
23          certain emergency notice to the Department of  
24          Agriculture and Consumer Services by facsimile or  
25          electronic means; amending s. 482.071, F.S.;  
26          increasing the minimum insurance coverage for bodily  
27          injury and property damage required for pest control  
28          businesses; creating s. 482.072, F.S.; providing for  
29          licensure by the department of pest control customer

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30 contact centers; providing application requirements;  
31 providing for fees, licensure renewal, penalties,  
32 licensure expiration, and transfer of licenses;  
33 requiring the department to adopt rules; providing for  
34 disciplinary action; creating s. 482.157, F.S.;  
35 providing for the certification of commercial wildlife  
36 trappers; providing requirements for certification,  
37 examination, and fees; limiting the scope of work  
38 permitted by certificate holders; clarifying that  
39 certificateholders who practice accepted pest control  
40 methods are immune from liability for violating laws  
41 prohibiting cruelty to animals; providing that the  
42 provisions of s. 482.157, F.S., do not exempt any  
43 person from the rules, orders, or regulations of the  
44 Florida Fish and Wildlife Conservation Commission;  
45 amending s. 482.226, F.S.; increasing the minimum  
46 financial responsibility requirements for licensees  
47 that perform wood-destroying organism inspections;  
48 amending s. 482.243, F.S.; deleting provisions  
49 relating to reimbursement for expenses for members of  
50 the Pest Control Enforcement Advisory Council within  
51 the department; amending s. 487.041, F.S.; providing  
52 that registration, supplemental, and late fees related  
53 to the registration of pesticide brands with the  
54 department are nonrefundable; providing requirements  
55 for label revisions of pesticide brands; providing  
56 requirements for label revisions that must be reviewed  
57 by the United States Environmental Protection Agency;  
58 requiring payments of pesticide registration fees to

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59 be submitted electronically; amending s. 487.0615,  
60 F.S.; deleting reference relating to per diem and  
61 travel for the Pesticide Review Council within the  
62 Department of Agriculture and Consumer Services;  
63 amending s. 500.70, F.S.; requiring certain persons  
64 that produce, harvest, pack, or repack tomatoes to  
65 register each location of a tomato farm, tomato  
66 greenhouse, tomato packinghouse, or tomato repacker by  
67 a specified date on a form prescribed by the  
68 department; requiring the department to set a  
69 registration fee; providing for funds collected to be  
70 deposited into the General Inspection Trust Fund;  
71 amending s. 527.22, F.S.; deleting provisions relating  
72 to per diem and travel expenses for members of the  
73 Florida Propane Gas Education, Safety, and Research  
74 Council within the department; amending s. 559.9221,  
75 F.S.; deleting provisions relating to per diem and  
76 travel expenses for members of the Motor Vehicle  
77 Repair Advisory Council within the department;  
78 amending s. 570.07, F.S.; revising the department's  
79 authority to enforce laws relating to commercial stock  
80 feeds and commercial fertilizer; providing a limited  
81 exemption to counties that have with existing  
82 ordinances regulating the sale of urban turf  
83 fertilizers; revising the powers and duties of the  
84 department regarding pollution control and the  
85 prevention of wildfires; amending s. 570.0705, F.S.;  
86 deleting provisions relating to per diem and travel  
87 expenses for members of any advisory committee that

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88 the Commissioner of Agriculture may appoint; amending  
89 s. 570.074, F.S.; revising the name of the Office of  
90 Water Coordination to the Office of Energy and Water;  
91 amending s. 570.23, F.S.; deleting provisions relating  
92 to per diem and travel expenses for members of the  
93 State Agricultural Advisory Council within the  
94 department; repealing s. 570.29(6), F.S., relating to  
95 the Division of Dairy Industry within the department;  
96 amending s. 570.38, F.S.; deleting provisions relating  
97 to per diem and travel expenses for members of the  
98 Animal Industry Technical Council within the  
99 department; amending s. 570.382, F.S.; deleting  
100 provisions relating to per diem and travel expenses  
101 for members of the Arabian Horse Council within the  
102 department; repealing s. 570.40, F.S., relating to the  
103 powers and duties of the Division of Dairy within the  
104 department; repealing s. 570.41, F.S., relating to the  
105 qualifications and duties of the Director of the  
106 Division of Dairy within the department; amending s.  
107 570.42, F.S.; deleting provisions relating to per diem  
108 and travel expenses for members of the Dairy Industry  
109 Technical Council within the department; amending s.  
110 570.50, F.S.; requiring the Division of Food Safety  
111 within the department to inspect dairy farms and  
112 enforce the provisions of ch. 502, F.S.; requiring the  
113 Division of Food Safety to inspect milk plants, milk  
114 product plants, and plants engaged in the manufacture  
115 and distribution of frozen desserts and frozen dessert  
116 mixes; requiring the Division of Food Safety to

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117 analyze and test samples of milk, milk products,  
118 frozen desserts, and frozen dessert mixes; amending s.  
119 570.543, F.S.; deleting provisions relating to per  
120 diem and travel expenses for members of the Florida  
121 Consumers' Council within the department; repealing s.  
122 570.954(3), F.S., relating to the requirement that the  
123 Department of Agriculture and Consumer Services  
124 coordinate with and solicit the expertise of the state  
125 energy office when developing the farm-to-fuel  
126 initiative; amending s. 571.28, F.S.; deleting  
127 provisions relating to per diem and travel expenses  
128 for members of the Florida Agricultural Promotional  
129 Campaign Advisory Council within the department;  
130 amending s. 573.112, F.S.; deleting provisions  
131 relating to per diem and travel expenses for members  
132 of the advisory council that administers the marketing  
133 order that is issued to the department; amending s.  
134 576.091, F.S.; deleting provisions relating to per  
135 diem and travel expenses for members of the Fertilizer  
136 Technical Council within the department; amending s.  
137 580.151, F.S.; deleting provisions relating to per  
138 diem and travel expenses for members of the Commercial  
139 Feed Technical Council within the department; amending  
140 s. 581.186, F.S.; deleting provisions relating to per  
141 diem and travel expenses for members of the Endangered  
142 Plant Advisory Council within the department; amending  
143 s. 586.161, F.S.; deleting provisions relating to per  
144 diem and travel expenses for members of the Honeybee  
145 Technical Council within the department; amending s.

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146 589.101, F.S.; authorizing the Department of  
147 Agriculture and Consumer Services to lease gas, oil,  
148 and other mineral interests of lands leased to the  
149 department; requiring that the Board of Trustees of  
150 the Internal Improvement Trust Fund, or its designee,  
151 review proposed leases; amending s. 590.015, F.S.;  
152 defining the term "department," "open burning," and  
153 "broadcast burning" as they relate to forest  
154 protection; redefining the term "fire management  
155 services"; amending s. 590.02, F.S.; renaming the  
156 Division of Forestry to the Florida Forest Services;  
157 conforming terminology to changes made by the act;  
158 authorizing forest-operations administrators to be  
159 certified as forestry firefighters; providing the  
160 status of Selected Exempt Service to an aviation  
161 manager and a training coordinator for the Florida  
162 Forest Service; authorizing the department to have  
163 exclusive authority over the Florida Building Code as  
164 it pertains to wildfire and law enforcement facilities  
165 under the jurisdiction of the department; authorizing  
166 the department to retain, transfer, warehouse, bid,  
167 destroy, scrap or dispose of surplus equipment and  
168 vehicles used for wildland firefighting; authorizing  
169 the department to retain any moneys received from the  
170 disposition of state-owned equipment and vehicles used  
171 for wildland firefighting; providing that moneys  
172 received may be used for the acquisition of exchange  
173 and surplus equipment used for wildland firefighting  
174 and all necessary operating expenditures related to

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175 the equipment; requiring the department to maintain  
176 records of the accounts into which the money is  
177 deposited; giving the Florida Forest Service exclusive  
178 authority to require and issue authorizations for  
179 broadcast burning, agricultural pile burning, and  
180 silvicultural pile burning; preempting other  
181 governmental entities from adopting laws, rules, or  
182 policies pertaining to broadcast burning, agricultural  
183 pile burning, or silvicultural pile burning unless an  
184 emergency order has been declared; authorizing the  
185 department to delegate its authority to a county or  
186 municipality to issue authorizations for the burning  
187 of yard trash and debris from land clearing  
188 operations; amending s. 590.125, F.S.; defining and  
189 redefining terms relating to open-burning  
190 authorizations by the Florida Forest Services;  
191 specifying purposes of certified prescribed burning;  
192 requiring the authorization of the Florida Forest  
193 Service for certified pile burning; providing pile  
194 burning requirements; limiting the liability of  
195 property owners or agents engaged in pile burning;  
196 providing penalties for violations by certified pile  
197 burners; requiring the Florida Forest Service to adopt  
198 rules to regulate certified pile burning; revising  
199 notice requirements for wildfire hazard reduction  
200 treatments; providing for approval of local  
201 governments' open-burning-authorization programs;  
202 providing program requirements; authorizing the  
203 Florida Forest Service to resume administration of a

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204 local government's program under certain  
205 circumstances; providing penalties for violations of  
206 local government's open-burning requirements; amending  
207 s. 590.14, F.S.; authorizing an employee of the  
208 Florida Forest Service to issue a notice of violation  
209 for any rule adopted by the Florida Forest Service;  
210 authorizing the department to impose an administrative  
211 fine for a violation of any rule adopted by the  
212 Florida Forest Service; providing a criminal penalty;  
213 providing legislative intent; repealing s. 597.005(4),  
214 F.S., deleting provisions relating to per diem and  
215 travel expenses for members of the Aquaculture Review  
216 Council within the department; amending s. 599.002,  
217 F.S.; deleting provisions relating to per diem and  
218 travel expenses for members of the Viticulture  
219 Advisory Council within the department; amending s.  
220 616.252, F.S.; providing for the appointment of a  
221 youth member to serve on the Florida State Fair  
222 Authority as a nonvoting member; providing a term of  
223 service for the youth member of the Florida State Fair  
224 Authority; prohibiting reimbursement for travel  
225 expenses for members of the Florida State Fair  
226 Authority; excluding the youth member from  
227 compensation for special or full-time service  
228 performed on behalf of the authority; amending s.  
229 812.014, F.S.; providing that it is a grand theft of  
230 the third degree and a felony of the third degree if  
231 bee colonies of a registered bee keeper are stolen;  
232 amending s. 812.015, F.S.; redefining the term



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233 "farmer" as it relates to a person who grows or  
 234 produces honey; redefining the term "farm theft" to  
 235 include the unlawful taking possession of equipment  
 236 and associated materials used to grow or produce farm  
 237 products; providing an effective date.

238

239 Be It Enacted by the Legislature of the State of Florida:

240

241 Section 1. Subsection (3) of section 14.24, Florida  
 242 Statutes, is amended to read:

243 14.24 Florida Commission on the Status of Women.—

244 (3) Members of the commission shall serve without  
 245 compensation, ~~but shall be reimbursed for per diem and travel~~  
 246 ~~expenses in accordance with s. 112.061.~~

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

249 20.14 Department of Agriculture and Consumer Services.—  
 250 There is created a Department of Agriculture and Consumer  
 251 Services.

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

- 254 (a) Administration.
- 255 (b) Agricultural Environmental Services.
- 256 (c) Animal Industry.
- 257 (d) Aquaculture.
- 258 (e) Consumer Services.
- 259 ~~(f) Dairy Industry.~~
- 260 (f) ~~(g)~~ Food Safety.
- 261 (g) ~~(h)~~ Forestry.

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

263        (i)~~(j)~~ Licensing.

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

265        (k)~~(l)~~ Plant Industry.

266        (l)~~(m)~~ Standards.

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

269        215.981 Audits of state agency direct-support organizations  
270 and citizen support organizations.—

271        (2) Notwithstanding the provisions of subsection (1),  
272 direct-support organizations and citizen support organizations  
273 for the Department of Environmental Protection or direct-support  
274 organizations and citizen support organizations for the  
275 Department of Agriculture and Consumer Services which ~~that~~ are  
276 not for profit and which ~~that~~ have annual expenditures of less  
277 than \$300,000 are not required to have an independent audit. The  
278 department shall establish accounting and financial management  
279 guidelines for those organizations under the department's  
280 jurisdiction. Each year, the department shall conduct  
281 operational and financial reviews of a selected number of  
282 direct-support organizations or citizen support organizations  
283 which fall below the audit threshold established in this  
284 subsection.

285        Section 4. Paragraph (b) of subsection (2) of section  
286 253.02, Florida Statutes, is amended to read:

287        253.02 Board of trustees; powers and duties.—

288        (2)

289        (b) The authority of the board of trustees to grant  
290 easements for rights-of-way over, across, and upon uplands the

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291 title to which is vested in the board of trustees for the  
292 construction and operation of electric transmission and  
293 distribution facilities and related appurtenances is hereby  
294 confirmed. The board of trustees may delegate to the Secretary  
295 of Environmental Protection the authority to grant such  
296 easements on its behalf. All easements for rights-of-way over,  
297 across, and upon uplands the title to which is vested in the  
298 board of trustees for the construction and operation of electric  
299 transmission and distribution facilities and related  
300 appurtenances which are approved by the Secretary of  
301 Environmental Protection pursuant to the authority delegated by  
302 the board of trustees shall meet the following criteria:

303 1. Such easements shall not prevent the use of the state-  
304 owned uplands adjacent to the easement area for the purposes for  
305 which such lands were acquired and shall not unreasonably  
306 diminish the ecological, conservation, or recreational values of  
307 the state-owned uplands adjacent to the easement area.

308 2. There is no practical and prudent alternative to  
309 locating the linear facility and related appurtenances on state-  
310 owned upland. For purposes of this subparagraph, the test of  
311 practicality and prudence shall compare the social, economic,  
312 and environmental effects of the alternatives.

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

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

317 b. Avoiding significant wildlife habitat, wetlands, or  
318 other valuable natural resources to the maximum extent  
319 practicable; or

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320 c. Avoiding interference with active land management  
321 practices, such as prescribed burning.

322 4. Except for easements granted as a part of a land  
323 exchange to accomplish a recreational or conservation benefit or  
324 other public purpose, in exchange for such easements, the  
325 grantee pays an amount equal to the market value of the interest  
326 acquired. In addition, for the initial grant of such easements  
327 only, the grantee shall provide additional compensation by  
328 vesting in the board of trustees fee simple title to other  
329 available uplands that are 1.5 times the size of the easement  
330 acquired by the grantee. The Secretary of Environmental  
331 Protection shall approve the property to be acquired on behalf  
332 of the board of trustees based on the geographic location in  
333 relation to the land proposed to be under easement and a  
334 determination that economic, ecological, and recreational value  
335 is at least equivalent to the value of the lands under proposed  
336 easement. Priority for replacement uplands shall be given to  
337 parcels identified as inholdings and additions to public lands  
338 and lands on a Florida Forever land acquisition list. However,  
339 if suitable replacement uplands cannot be identified, the  
340 grantee shall provide additional compensation for the initial  
341 grant of such easements only by paying to the lead manager of  
342 the state-owned lands or, when there is no lead manager, by  
343 paying to the department an amount equal to two times the  
344 current market value of the state-owned land or the highest and  
345 best use value at the time of purchase, whichever is greater.  
346 When determining such use of funds, priority shall be given to  
347 parcels identified as inholdings and additions to public lands  
348 and lands on a Florida Forever land acquisition list.

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

351 261.04 Off-Highway Vehicle Recreation Advisory Committee;  
352 members; appointment.-

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

357 Section 6. Subsection (4) of section 482.051, Florida  
358 Statutes, is amended to read:

359 482.051 Rules.-The department has authority to adopt rules  
360 pursuant to ss. 120.536(1) and 120.54 to implement the  
361 provisions of this chapter. Prior to proposing the adoption of a  
362 rule, the department shall counsel with members of the pest  
363 control industry concerning the proposed rule. The department  
364 shall adopt rules for the protection of the health, safety, and  
365 welfare of pest control employees and the general public which  
366 require:

367 (4) That a licensee, before performing general fumigation,  
368 notify in writing the department inspector having jurisdiction  
369 over the location where the fumigation is to be performed, which  
370 notice must be received by the department inspector at least 24  
371 hours in advance of the fumigation and must contain such  
372 information as the department requires. However, in an authentic  
373 and verifiable emergency, when 24 hours' advance notification is  
374 not possible, advance telephone, facsimile, or any form of  
375 acceptable electronic communication ~~telegraph notice~~ may be  
376 given; but such notice must be immediately followed by written  
377 confirmation providing the required information.

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

380 482.071 Licenses.—

381 (4) A licensee may not operate a pest control business  
382 without carrying the required insurance coverage. Each person  
383 making application for a pest control business license or  
384 renewal thereof must furnish to the department a certificate of  
385 insurance that meets the requirements for minimum financial  
386 responsibility for bodily injury and property damage consisting  
387 of:

388 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and  
389 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000  
390 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;  
391 or

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

394 Section 8. Section 482.072, Florida Statutes, is created to  
395 read:

396 482.072 Pest control customer contact centers.—

397 (1) The department may issue a license to a qualified  
398 business to operate a customer contact center to solicit pest  
399 control business, or to provide services to customers for one or  
400 more business locations licensed under s. 482.071. A person may  
401 not operate a customer contact center for a pest control  
402 business that is not licensed by the department.

403 (2) (a) Before operating a customer contact center, and  
404 biennially thereafter, on or before an anniversary date set by  
405 the department for the location of a licensed customer contact  
406 center, the pest control business shall apply to the department

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407 for a license under this chapter, or a renewal thereof, for each  
408 location of a customer contact center. An application must be  
409 submitted in the format prescribed by the department.

410 (b) The department shall establish a fee for the issuance  
411 of a license for a customer contact center of at least \$600, but  
412 not more than \$1,000, and a renewal fee of at least \$600, but  
413 not more than \$1,000, for a license for a customer contact  
414 center. However, until rules for renewal fees are adopted, the  
415 initial licensing fee and renewal fee are each \$600. The  
416 department shall establish a grace period, not to exceed 30  
417 calendar days after the license's anniversary renewal date, and  
418 shall assess a late fee of \$150, in addition to the renewal fee,  
419 for a license that is renewed after the grace period.

420 (c) A license automatically expires 60 calendar days after  
421 the anniversary renewal date unless the license is renewed  
422 before that date. When a license expires, it may be reinstated  
423 only upon reapplication and payment of the license renewal fee  
424 and a late renewal fee.

425 (d) A license automatically expires if a licensee changes  
426 the address of the location of its customer contact center for a  
427 pest control business. The department shall issue a new license  
428 upon payment of a \$250 fee. The new license automatically  
429 expires 60 calendar days after the anniversary renewal date of  
430 the former license unless the license is renewed before that  
431 date.

432 (e) The department may not issue or renew a license to  
433 operate a customer contact center unless the licensee for the  
434 pest control business for which the center solicits business is  
435 owned in common by a person or business entity recognized by

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436 this state.

437 (f) The department may deny a license or refuse to renew a  
438 license if the applicant or licensee, or one or more of the  
439 applicant's or licensee's directors, officers, owners, or  
440 general partners, are or have been directors, officers, owners,  
441 or general partners of a pest control business that meets the  
442 conditions in s. 482.071(2) (g).

443 (g) Sections 482.091 and 482.152 do not apply to a person  
444 who solicits pest control services or provides customer service  
445 in a licensed customer contact center unless the person performs  
446 the pest control work as defined in s. 482.021(22) (a)-(d),  
447 executes a pest control contract, or accepts remuneration for  
448 such work.

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

451 (3) (a) The department shall adopt rules establishing  
452 requirements and procedures for recordkeeping and monitoring the  
453 operations of a customer contact center to ensure compliance  
454 with this section and the rules adopted in accordance with this  
455 section.

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

457 1. A licensee of a customer contact center is subject to  
458 disciplinary action under s. 482.161 for a violation of this  
459 section or adopted rule which is committed by a person who  
460 solicits pest control services or provides customer service in a  
461 customer contact center.

462 2. A licensee of a pest control business may be subject to  
463 disciplinary action under s. 482.161 for a violation that is  
464 committed by a person who solicits pest control services or



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465 provides customer service in a customer contact center operated  
466 by a licensee if the licensee participates in the violation.

467 Section 9. Section 482.157, Florida Statutes, is created to  
468 read:

469 482.157 Limited certification for commercial wildlife  
470 management personnel.-

471 (1) The department shall establish a limited certificate  
472 that authorizes a person who engages in the commercial trapping  
473 of wildlife to use nonchemical methods, including traps, glue  
474 boards, mechanical or electronic devices, or exclusionary  
475 techniques to control rodents as defined in s. 482.021(23).

476 (2) A person that seeks a limited certificate under this  
477 section is required to pass an examination given by the  
478 department. Each application for examination must be accompanied  
479 by an examination fee set by rule of the department, in an  
480 amount not to exceed \$300 but must be at least \$150. The  
481 department shall provide the appropriate reference materials for  
482 the examination and make the examination readily available to  
483 applicants at least quarterly or as necessary in each county.  
484 Before the department issues a limited certification under this  
485 section, each person that applies for the certification shall  
486 furnish proof of having a certificate of insurance which states  
487 that the person's employer meets the requirements for minimum  
488 financial responsibility for bodily injury and property damage  
489 required by s. 482.071(4).

490 (3) An application for recertification must be made  
491 annually and be accompanied by a recertification fee not to  
492 exceed \$150, but must be at least \$75, as established by rule.  
493 The application also must be accompanied by proof of completion

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494 of the required four classroom hours of acceptable continuing  
495 education and the required proof of insurance. After a grace  
496 period not exceeding 30 calendar days after the recertification  
497 renewal date, the department shall assess a late fee of \$50 in  
498 addition to the renewal fee. A certificate automatically expires  
499 180 days after the recertification date if the renewal fee has  
500 not been paid. After expiration, the department shall issue a  
501 new certificate if the applicant successfully passes the  
502 examination and pays the examination fee and late fee.

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

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

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

508 (c) Supervision of an uncertified person using nonchemical  
509 methods to control rodents.

510 (5) A person who is certified under this section and  
511 practices accepted methods of pest control is immune from  
512 liability under s. 828.12.

513 (6) The provisions of this section do not exempt any person  
514 from the rules, orders, or regulations of the Florida Fish and  
515 Wildlife Conservation Commission.

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

518 482.226 Wood-destroying organism inspection report; notice  
519 of inspection or treatment; financial responsibility.—

520 (6) Any licensee that performs wood-destroying organism  
521 inspections in accordance with subsection (1) must meet minimum  
522 financial responsibility in the form of errors and omissions

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523 (professional liability) insurance coverage or bond in an amount  
524 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000  
525 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has  
526 equity or net worth of no less than \$500,000 ~~\$100,000~~ as  
527 determined by generally accepted accounting principles  
528 substantiated by a certified public accountant's review or  
529 certified audit. The licensee must show proof of meeting this  
530 requirement at the time of license application or renewal  
531 thereof.

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

534 482.243 Pest Control Enforcement Advisory Council.—

535 (6) The meetings, powers and duties, procedures, and  
536 ~~recordkeeping, and reimbursement of expenses of members of the~~  
537 ~~council~~ shall be in accordance with the provisions of s.  
538 570.0705 relating to advisory committees established within the  
539 department.

540 Section 12. Paragraph (a) of subsection (1) of section  
541 487.041, Florida Statutes, is amended, and paragraphs (h), (i),  
542 and (j) are added to that subsection, to read:

543 487.041 Registration.—

544 (1) (a) Effective January 1, 2009, each brand of pesticide,  
545 as defined in s. 487.021, which is distributed, sold, or offered  
546 for sale, except as provided in this section, within this state  
547 or delivered for transportation or transported in intrastate  
548 commerce or between points within this state through any point  
549 outside this state must be registered in the office of the  
550 department, and such registration shall be renewed biennially.  
551 Emergency exemptions from registration may be authorized in

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552 accordance with the rules of the department. The registrant  
553 shall file with the department a statement including:

554 1. The name, business mailing address, and street address  
555 of the registrant.

556 2. The name of the brand of pesticide.

557 3. An ingredient statement and a complete, current copy of  
558 the label ~~labeling~~ accompanying the brand of ~~the~~ pesticide,  
559 which must conform to the registration, and a statement of all  
560 claims to be made for it, including directions for use and a  
561 guaranteed analysis showing the names and percentages by weight  
562 of each active ingredient, the total percentage of inert  
563 ingredients, and the names and percentages by weight of each  
564 "added ingredient."

565 (h) All registration fees, including supplemental fees and  
566 late fees, are nonrefundable.

567 (i) For any currently registered pesticide product brand  
568 that undergoes label revision during the registration period,  
569 the registrant shall submit to the department a copy of the  
570 revised label along with the cover letter detailing changes  
571 before the sale or distribution of a product brand with the  
572 revised label in this state. If the label revisions require  
573 notification of an amendment review by the United States  
574 Environmental Protection Agency, the registrant shall submit an  
575 additional copy of the label marked to identify those revisions.

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

580 Section 13. Subsection (5) of section 487.0615, Florida

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581 Statutes, is amended to read:

582 487.0615 Pesticide Review Council.—

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

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

588 500.70 Tomato food safety standards; inspections;  
589 penalties; tomato good agricultural practices; tomato best  
590 management practices.—

591 (7) Any person who produces, harvests, packs, or repacks  
592 tomatoes in this state and does not hold a food permit issued  
593 under s. 500.12, shall annually register each location of a  
594 tomato farm, tomato greenhouse, tomato packinghouse, or tomato  
595 repacker by August 1 on a form prescribed by the department. Any  
596 person who produces, harvests, packs, or repacks tomatoes at  
597 more than one location may submit one registration for all such  
598 locations, but must provide the physical address of each  
599 location. The department may set by rule an annual registration  
600 fee not to exceed \$500. The money collected from the  
601 registration fee payments shall be deposited into the General  
602 Inspection Trust Fund.

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

605 527.22 Florida Propane Gas Education, Safety, and Research  
606 Council established; membership; duties and responsibilities.—

607 (5) Council members shall receive no compensation or  
608 honorarium for their services, ~~and are authorized to receive~~  
609 ~~only per diem and reimbursement for travel expenses as provided~~

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610 ~~in s. 112.061.~~

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

613 559.9221 Motor Vehicle Repair Advisory Council.—The Motor  
614 Vehicle Repair Advisory Council is created to advise and assist  
615 the department in carrying out this part.

616 (3) The members of the council shall receive no  
617 compensation for their services, ~~except that they may receive~~  
618 ~~per diem and travel expenses as provided in s. 112.061.~~

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

621 570.07 Department of Agriculture and Consumer Services;  
622 functions, powers, and duties.—The department shall have and  
623 exercise the following functions, powers, and duties:

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

625 (a) Fruit and vegetable inspection and grading;

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

627 (c) Registration, labeling, inspection, sale, composition,  
628 formulation, distribution, and analysis of commercial stock  
629 feeds and commercial fertilizers;

630 (d) Classification, inspection, and sale of poultry and  
631 eggs;

632 (e) Registration, inspection, and analysis of gasolines and  
633 oils;

634 (f) Registration, labeling, inspection, and analysis of  
635 pesticides;

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

638 (h) Weights, measures, and standards;

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- 639 (i) Foods, as set forth in the Florida Food Safety Act;  
640 (j) Inspection and certification of honey;  
641 (k) Sale of liquid fuels;  
642 (l) Licensing of dealers in agricultural products;  
643 (m) Administration and enforcement of all regulatory  
644 legislation applying to milk and milk products, ice cream, and  
645 frozen desserts;  
646 (n) Recordation and inspection of marks and brands of  
647 livestock; and  
648 (o) All other regulatory laws relating to agriculture.  
649

650 In order to ensure uniform health and safety standards, the  
651 adoption of standards and fines in the subject areas of  
652 paragraphs (a)-(n) is expressly preempted to the state and the  
653 department. Any local government enforcing the subject areas of  
654 paragraphs (a)-(n) must use the standards and fines set forth in  
655 the pertinent statutes or any rules adopted by the department  
656 pursuant to those statutes. A county that has adopted an  
657 ordinance regulating the sale of urban turf fertilizer before  
658 January 1, 2012, is not subject to paragraph (c). If the county  
659 amends or changes any portion of the ordinance after January 1,  
660 2012, the provisions of paragraph (c) apply.

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

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

667 570.0705 Advisory committees.—From time to time the

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668 commissioner may appoint any advisory committee to assist the  
669 department with its duties and responsibilities.

670 (9) Members of each advisory committee shall receive no  
671 compensation for their services, ~~but shall be entitled to~~  
672 ~~reimbursement for per diem and travel expenses as provided in s.~~  
673 ~~112.061.~~

674 Section 19. Section 570.074, Florida Statutes, is amended  
675 to read:

676 570.074 Department of Agriculture and Consumer Services;  
677 energy and water policy coordination.—The commissioner may  
678 create an Office of Energy and Water Coordination under the  
679 supervision of a senior manager exempt under s. 110.205 in the  
680 Senior Management Service. The commissioner may designate the  
681 bureaus and positions in the various organizational divisions of  
682 the department which ~~that~~ report to this office relating to any  
683 matter over which the department has jurisdiction in matters  
684 relating to energy and water policy affecting agriculture,  
685 application of such policies, and coordination of such matters  
686 with state and federal agencies.

687 Section 20. Subsection (2) of section 570.23, Florida  
688 Statutes, is amended to read:

689 570.23 State Agricultural Advisory Council.—

690 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS,  
691 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
692 recordkeeping of the State Agricultural Advisory Council, ~~and~~  
693 ~~per diem and reimbursement of expenses of council members,~~ shall  
694 be governed by the provisions of s. 570.0705 relating to  
695 advisory committees established within the department.

696 Section 21. Subsection (6) of section 570.29, Florida



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697 Statutes, is repealed.

698 Section 22. Subsection (2) of section 570.38, Florida  
699 Statutes, is amended to read:

700 570.38 Animal Industry Technical Council.—

701 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
702 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
703 recordkeeping of the Animal Industry Technical Council, ~~and per~~  
704 ~~diem and reimbursement of expenses of council members,~~ shall be  
705 governed by the provisions of s. 570.0705 relating to advisory  
706 committees established within the department.

707 Section 23. Paragraph (d) of subsection (3) of section  
708 570.382, Florida Statutes, is amended to read:

709 570.382 Arabian horse racing; breeders' and stallion  
710 awards; Arabian Horse Council; horse registration fees; Florida  
711 Arabian Horse Racing Promotion Account.—

712 (3) ARABIAN HORSE COUNCIL.—

713 (d) Members of the council shall receive no compensation  
714 for their services, ~~except that they shall receive per diem and~~  
715 ~~travel expenses as provided in s. 112.061 when actually engaged~~  
716 ~~in the business of the council.~~

717 Section 24. Section 570.40, Florida Statutes, is repealed.

718 Section 25. Section 570.41, Florida Statutes, is repealed.

719 Section 26. Subsection (2) of section 570.42, Florida  
720 Statutes, is amended to read:

721 570.42 Dairy Industry Technical Council.—

722 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;  
723 COMPENSATION.—The meetings, powers and duties, procedures, and  
724 recordkeeping of the Dairy Industry Technical Council, ~~and per~~  
725 ~~diem and reimbursement of expenses of council members,~~ shall be

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726 governed by the provisions of s. 570.0705 relating to advisory  
727 committees established within the department.

728 Section 27. Subsections (6) and (7) are added to section  
729 570.50, Florida Statutes, to read:

730 570.50 Division of Food Safety; powers and duties.—The  
731 duties of the Division of Food Safety include, but are not  
732 limited to:

733 (6) Inspecting dairy farms of the state, enforcing those  
734 provisions of chapter 502 which are authorized by the department  
735 and related to the supervision of milking operations, and  
736 enforcing rules adopted under such provisions.

737 (7) Inspecting milk plants, milk product plants, and plants  
738 engaged in the manufacture and distribution of frozen desserts  
739 and frozen dessert mixes; analyzing and testing samples of milk,  
740 milk products, frozen desserts, and frozen dessert mixes  
741 collected by it; and enforcing those provisions of chapters 502  
742 and 503 which are authorized by the department.

743 Section 28. Subsection (2) of section 570.543, Florida  
744 Statutes, is amended to read:

745 570.543 Florida Consumers' Council.—The Florida Consumers'  
746 Council in the department is created to advise and assist the  
747 department in carrying out its duties.

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

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755           Section 29. Subsection (3) of section 570.954, Florida  
756 Statutes, is repealed.

757           Section 30. Subsection (2) of section 571.28, Florida  
758 Statutes, is amended to read:

759           571.28 Florida Agricultural Promotional Campaign Advisory  
760 Council.—

761           (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS~~+~~  
762 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and  
763 recordkeeping of the Florida Agricultural Promotional Campaign  
764 Advisory Council, ~~and per diem and reimbursement of expenses of~~  
765 ~~council members,~~ shall be governed by the provisions of s.  
766 570.0705 relating to advisory committees established within the  
767 department.

768           Section 31. Subsection (6) of section 573.112, Florida  
769 Statutes, as amended by section 11 of chapter 2010-227, Laws of  
770 Florida, is amended to read:

771           573.112 Advisory council.—

772           (6) No member or alternate member of the council shall  
773 receive a salary, ~~but shall be reimbursed for travel expenses~~  
774 ~~while on council business as provided in s. 112.061.~~ The  
775 department may employ necessary personnel, including  
776 professional and technical services personnel, and fix their  
777 compensation and terms of employment and may incur expenses to  
778 be paid from moneys collected as herein provided.

779           Section 32. Subsection (3) of section 576.091, Florida  
780 Statutes, is amended to read:

781           576.091 Fertilizer Technical Council.—

782           (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS~~+~~  
783 ~~REIMBURSEMENTS.~~—The meetings, powers and duties, procedures, and

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784 ~~recordkeeping, and reimbursement of expenses of members and~~  
785 ~~alternate members of the council~~ shall be in accordance with the  
786 provisions of s. 570.0705 relating to advisory committees  
787 established within the department.

788 Section 33. Subsection (2) of section 580.151, Florida  
789 Statutes, is amended to read:

790 580.151 Commercial Feed Technical Council.—

791 (2) ~~POWERS AND DUTIES; PROCEDURES; RECORDS; COMPENSATION.—~~  
792 The meetings, powers and duties, procedures, and recordkeeping  
793 of the Commercial Feed Technical Council, ~~and per diem and~~  
794 ~~reimbursement of expenses of council members,~~ shall be governed  
795 by the provisions of s. 570.0705 relating to advisory committees  
796 established within the department.

797 Section 34. Subsection (2) of section 581.186, Florida  
798 Statutes, is amended to read:

799 581.186 Endangered Plant Advisory Council; organization;  
800 meetings; powers and duties.—

801 (2) ~~POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;~~  
802 ~~COMPENSATION.—~~The meetings, powers and duties, procedures, and  
803 recordkeeping of the Endangered Plant Advisory Council, ~~and per~~  
804 ~~diem and reimbursement of expenses of council members,~~ shall be  
805 governed by the provisions of s. 570.0705 relating to advisory  
806 committees established within the department.

807 Section 35. Subsection (3) of section 586.161, Florida  
808 Statutes, is amended to read:

809 586.161 Honeybee Technical Council.—

810 (3) ~~MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;~~  
811 ~~COMPENSATION.—~~The meetings, powers and duties, procedures, and  
812 recordkeeping of the Honeybee Technical Council, ~~and per diem~~

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813 ~~and reimbursement of expenses of council members,~~ shall be  
814 governed by the provisions of s. 570.0705 relating to advisory  
815 committees established within the department.

816 Section 36. Section 589.101, Florida Statutes, is amended  
817 to read:

818 589.101 All land leased to the Department of Agriculture  
819 and Consumer Services Blackwater River State Forest; lease of  
820 ~~board's interest in~~ gas, oil, and other mineral interests  
821 ~~minerals.~~ Notwithstanding any provision of law to the contrary  
822 ~~the provisions of ss. 253.51-253.61,~~ the Department of  
823 Agriculture and Consumer Services Division of Forestry is hereby  
824 expressly granted the authority to lease the its 25-percent  
825 ~~interest in~~ oil, gas, and other mineral interests ~~minerals~~  
826 within the boundaries of lands leased to the Department of  
827 Agriculture and Consumer Services the Blackwater River State  
828 ~~Forest; provided, however, that grants shall be made only to the~~  
829 ~~lessee or lessees holding the 75-percent interest in said~~  
830 ~~minerals retained by the United States in its conveyance to this~~  
831 state. The ~~concurrence of the~~ Board of Trustees of the Internal  
832 Improvement Trust Fund, or its designee, shall review leases  
833 proposed pursuant to ~~required by s. 589.10~~ shall not be  
834 necessary under the provisions of this section.

835 Section 37. Section 590.015, Florida Statutes, is amended  
836 to read:

837 590.015 Definitions.—As used in this chapter, the term:

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

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842        (2)~~(1)~~ "Department Division" means ~~the Division of Forestry~~  
843 ~~of~~ the Department of Agriculture and Consumer Services.

844        (3)~~(2)~~ "Fire management services" means presuppression  
845 fireline plowing, prescribed burning assistance, contract  
846 prescribed burning, prescribed and wildfire management training,  
847 and other activities associated with prevention, detection, and  
848 suppression of wildfires.

849        (4)~~(3)~~ "Fuel reduction" means the application of techniques  
850 that reduce vegetative fuels, and may include prescribed  
851 burning, manual and mechanical clearing, and the use of  
852 herbicides.

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

855        (6)~~(4)~~ "Wildfire" means any vegetative fire that threatens  
856 to destroy life, property, or natural resources.

857        (7)~~(5)~~ "Wild land" means any public or private managed or  
858 unmanaged forest, urban/interface, pasture or range land,  
859 recreation lands, or any other land at risk of wildfire.

860        Section 38. Section 590.02, Florida Statutes, is amended to  
861 read:

862        590.02 ~~Division~~ Powers, authority, and duties of the  
863 Florida Forest Service; liability; building structures; Florida  
864 Center for Wildfire and Forest Resources Management Training.—

865        (1) The Florida Forest Service ~~division~~ has the following  
866 powers, authority, and duties:

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

868        (b) To prevent, detect, suppress, and extinguish wildfires  
869 wherever they may occur on public or private land in this state  
870 and to do all things necessary in the exercise of such powers,

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871 authority, and duties;

872 (c) To provide firefighting crews, who shall be under the  
873 control and direction of the Florida Forest Service ~~division~~ and  
874 its designated agents;

875 (d) To appoint center managers, forest area supervisors,  
876 forestry program administrators, a forest protection bureau  
877 chief, a forest protection assistant bureau chief, a field  
878 operations bureau chief, deputy chiefs of field operations,  
879 district managers, forest-operations administrators senior  
880 forest rangers, investigators, forest rangers, firefighter  
881 rotorcraft pilots, and other employees who may, at the Florida  
882 Forest Service's ~~division's~~ discretion, be certified as forestry  
883 firefighters pursuant to s. 633.35(4). Other provisions of law  
884 notwithstanding, center managers, district managers, forest  
885 protection assistant bureau chief, aviation manager, training  
886 coordinator for the Florida Forest Service, and deputy chiefs of  
887 field operations shall have Selected Exempt Service status in  
888 the state personnel designation;

889 (e) To develop a training curriculum for forestry  
890 firefighters which must contain the basic volunteer structural  
891 fire training course approved by the Florida State Fire College  
892 of the Division of State Fire Marshal and a minimum of 250 hours  
893 of wildfire training;

894 (f) To make rules to accomplish the purposes of this  
895 chapter;

896 (g) To provide fire management services and emergency  
897 response assistance and to set and charge reasonable fees for  
898 performance of those services. Moneys collected from such fees  
899 shall be deposited into the Incidental Trust Fund of the Florida

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900 Forest Service division; and

901 (h) To require all state, regional, and local government  
902 agencies operating aircraft in the vicinity of an ongoing  
903 wildfire to operate in compliance with the applicable state  
904 Wildfire Aviation Plan.

905 (2) ~~Division~~ Employees of the Florida Forest Service, and  
906 the firefighting crews under their control and direction, may  
907 enter upon any lands for the purpose of preventing and  
908 suppressing wildfires and investigating smoke complaints or open  
909 burning not in compliance with authorization and to enforce the  
910 provisions of this chapter.

911 (3) Employees of the Florida Forest Service ~~division~~ and of  
912 federal, state, and local agencies, and all other persons and  
913 entities that are under contract or agreement with the division  
914 to assist in firefighting operations as well as those entities,  
915 called upon by the Florida Forest Service ~~division~~ to assist in  
916 firefighting may, in the performance of their duties, set  
917 counterfires, remove fences and other obstacles, dig trenches,  
918 cut firelines, use water from public and private sources, and  
919 carry on all other customary activities in the fighting of  
920 wildfires without incurring liability to any person or entity.

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

926 (b) Notwithstanding s. 553.80(1), the Florida Building Code  
927 as it pertains to wildfire and law enforcement facilities under  
928 the jurisdiction of the department shall be enforced exclusively



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929 by the department.

930 (5) The Florida Forest Service ~~division~~ shall organize its  
931 operational units to most effectively prevent, detect, and  
932 suppress wildfires, and to that end, may employ the necessary  
933 personnel to manage its activities in each unit. The Florida  
934 Forest Service ~~division~~ may construct lookout towers, roads,  
935 bridges, firelines, and other facilities and may purchase or  
936 fabricate tools, supplies, and equipment for firefighting. The  
937 Florida Forest Service ~~division~~ may reimburse the public and  
938 private entities that it engages to assist in the suppression of  
939 wildfires for their personnel and equipment, including aircraft.

940 (6) The Florida Forest Service ~~division~~ shall undertake  
941 privatization alternatives for fire prevention activities  
942 including constructing fire lines and conducting prescribed  
943 burns and, where appropriate, entering into agreements or  
944 contracts with the private sector to perform such activities.

945 (7) The Florida Forest Service ~~division~~ may organize,  
946 staff, equip, and operate the Florida Center for Wildfire and  
947 Forest Resources Management Training. The center shall serve as  
948 a site where fire and forest resource managers can obtain  
949 current knowledge, techniques, skills, and theory as they relate  
950 to their respective disciplines.

951 (a) The center may establish cooperative efforts involving  
952 federal, state, and local entities; hire appropriate personnel;  
953 and engage others by contract or agreement with or without  
954 compensation to assist in carrying out the training and  
955 operations of the center.

956 (b) The center shall provide wildfire suppression training  
957 opportunities for rural fire departments, volunteer fire

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958 departments, and other local fire response units.

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

964 (d) The center may assess appropriate fees for food,  
965 lodging, travel, course materials, and supplies in order to meet  
966 its operational costs and may grant free meals, room, and  
967 scholarships to persons and other entities in exchange for  
968 instructional assistance.

969 (e) An advisory committee consisting of the following  
970 individuals or their designees must review program curriculum,  
971 course content, and scheduling: the State Forester ~~Director~~ of  
972 the Florida Forest Service ~~Division of Forestry~~; the Assistant  
973 State Forester ~~Director~~ of the Florida Forest Service ~~Division~~  
974 ~~of Forestry~~; the Director of the School of Forest Resources and  
975 Conservation of the University of Florida; the Director of the  
976 Division of Recreation and Parks of the Department of  
977 Environmental Protection; the Director of the Division of the  
978 State Fire Marshal; the Director of the Florida Chapter of The  
979 Nature Conservancy; the Executive Vice President of the Florida  
980 Forestry Association; the President of the Florida Farm Bureau  
981 Federation; the Executive Director of the Fish and Wildlife  
982 Conservation Commission; the Executive Director of a Water  
983 Management District as appointed by the Commissioner of  
984 Agriculture; the Supervisor of the National Forests in Florida;  
985 the President of the Florida Fire Chief's Association; and the  
986 Executive Director of the Tall Timbers Research Station.

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987 (8) The Cross City Work Center shall be named the L. Earl  
988 Peterson Forestry Station. This is to honor Mr. L. Earl  
989 Peterson, Florida's sixth state forester, whose distinguished  
990 career in state government has spanned 44 years, and who is a  
991 native of Dixie County.

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

996 (b) All money received from the disposition of state-owned  
997 equipment and vehicles that are used for wildland firefighting  
998 shall be retained by the department. Money received pursuant to  
999 this section is appropriated for and may be disbursed for the  
1000 acquisition of exchange and surplus equipment used for wildland  
1001 firefighting, and for all necessary operating expenditures  
1002 related to such equipment, in the same fiscal year and the  
1003 fiscal year following the disposition. The department shall  
1004 maintain records of the accounts into which the money is  
1005 deposited.

1006 (10) (a) The Florida Forest Service has exclusive authority  
1007 to require and issue authorizations for broadcast burning,  
1008 agricultural pile burning, and silvicultural pile burning. An  
1009 agency, commission, department, county, municipality, or other  
1010 political subdivision of the state may not adopt laws, rules, or  
1011 policies pertaining to broadcast burning, agricultural pile  
1012 burning, and silvicultural pile burning unless an emergency  
1013 order has been declared in accordance with s. 252.38 (3).

1014 (b) The Florida Forest Service may delegate to a county or  
1015 municipality its authority, as delegated by the Department of

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1016 Environmental Protection pursuant to ss. 403.061(28) and  
1017 403.081, to require and issue authorizations for the burning of  
1018 yard trash and debris from land-clearing operations in  
1019 accordance with s. 590.125(6).

1020 Section 39. Section 590.125, Florida Statutes, is amended  
1021 to read:

1022 590.125 Open burning authorized by the Florida Forest  
1023 Service division.-

1024 (1) DEFINITIONS.-As used in this section, the term:

1025 (a) "Certified pile burner" means an individual who  
1026 successfully completes the Florida Forest Service's pile burning  
1027 certification program and possesses a valid pile burner  
1028 certification number. ~~"Prescribed burning" means the controlled~~  
1029 ~~application of fire in accordance with a written prescription~~  
1030 ~~for vegetative fuels under specified environmental conditions~~  
1031 ~~while following appropriate precautionary measures that ensure~~  
1032 ~~that the fire is confined to a predetermined area to accomplish~~  
1033 ~~the planned fire or land-management objectives.~~

1034 (b) "Certified prescribed burn manager" means an individual  
1035 who successfully completes the certified prescribed burning  
1036 ~~certification~~ program of the Florida Forest Service division and  
1037 possesses a valid certification number.

1038 ~~(c) "Prescription" means a written plan establishing the~~  
1039 ~~criteria necessary for starting, controlling, and extinguishing~~  
1040 ~~a prescribed burn.~~

1041 ~~(c)-(d)~~ "Extinguished" means that no spreading flame for:

1042 1. Wild land burning or certified prescribed burning, and  
1043 no spreading flames ~~visible flame, smoke, or emissions for~~  
1044 ~~vegetative land-clearing debris burning, exist.~~

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1045       2. Vegetative land-clearing debris burning or pile burning,  
1046 and no visible flames exist.

1047       3. Vegetative land-clearing debris burning or pile burning  
1048 in an area designated as smoke sensitive by the Florida Forest  
1049 Service and no visible flames, smoke, or emissions exist.

1050       (d) "Land-clearing operation" means the uprooting or  
1051 clearing of vegetation in connection with the construction of  
1052 buildings and rights-of-way, land development, and mineral  
1053 operations. The term does not include the clearing of yard  
1054 trash.

1055       (e) "Pile burning" means the burning of silvicultural,  
1056 agricultural, or land-clearing and tree-cutting debris  
1057 originating onsite, which is stacked together in a round or  
1058 linear fashion, including, but not limited to, a windrow.

1059       (f) "Prescribed burning" means the controlled application  
1060 of fire by broadcast burning in accordance with a written  
1061 prescription for vegetative fuels under specified environmental  
1062 conditions while following appropriate precautionary measures  
1063 that ensure that the fire is confined to a predetermined area to  
1064 accomplish the planned fire or land-management objectives.

1065       (g) "Prescription" means a written plan that establishes  
1066 the criteria necessary for starting, controlling, and  
1067 extinguishing a prescribed burn.

1068       (h) "Yard trash" means vegetative matter resulting from  
1069 landscaping and yard maintenance operations and other such  
1070 routine property-cleanup activities. The term includes materials  
1071 such as leaves, shrub trimmings, grass clippings, brush, and  
1072 palm fronds.

1073       (2) NONCERTIFIED BURNING.—

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1074 (a) Persons may be authorized to burn wild land or  
1075 vegetative land-clearing debris in accordance with this  
1076 subsection if:

1077 1. There is specific consent of the landowner or his or her  
1078 designee;

1079 2. Authorization has been obtained from the Florida Forest  
1080 Service ~~division~~ or its designated agent before starting the  
1081 burn;

1082 3. There are adequate firebreaks at the burn site and  
1083 sufficient personnel and firefighting equipment for the control  
1084 of the fire;

1085 4. The fire remains within the boundary of the authorized  
1086 area;

1087 5. An authorized person ~~Someone~~ is present at the burn site  
1088 until the fire is extinguished;

1089 6. The Florida Forest Service ~~division~~ does not cancel the  
1090 authorization; and

1091 7. The Florida Forest Service ~~division~~ determines that air  
1092 quality and fire danger are favorable for safe burning.

1093 (b) A person who burns wild land or vegetative land-  
1094 clearing debris in a manner that violates any requirement of  
1095 this subsection commits a misdemeanor of the second degree,  
1096 punishable as provided in s. 775.082 or s. 775.083.

1097 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
1098 PURPOSE.—

1099 (a) The application of prescribed burning is a land  
1100 management tool that benefits the safety of the public, the  
1101 environment, and the economy of the state. The Legislature finds  
1102 that:

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1103           1. Prescribed burning reduces vegetative fuels within wild  
1104 land areas. Reduction of the fuel load reduces the risk and  
1105 severity of wildfire, thereby reducing the threat of loss of  
1106 life and property, particularly in urban areas.

1107           2. Most of Florida's natural communities require periodic  
1108 fire for maintenance of their ecological integrity. Prescribed  
1109 burning is essential to the perpetuation, restoration, and  
1110 management of many plant and animal communities. Significant  
1111 loss of the state's biological diversity will occur if fire is  
1112 excluded from fire-dependent systems.

1113           3. Forestland and rangeland constitute significant  
1114 economic, biological, and aesthetic resources of statewide  
1115 importance. Prescribed burning on forestland prepares sites for  
1116 reforestation, removes undesirable competing vegetation,  
1117 expedites nutrient cycling, and controls or eliminates certain  
1118 forest pathogens. On rangeland, prescribed burning improves the  
1119 quality and quantity of herbaceous vegetation necessary for  
1120 livestock production.

1121           4. The state purchased hundreds of thousands of acres of  
1122 land for parks, preserves, wildlife management areas, forests,  
1123 and other public purposes. The use of prescribed burning for  
1124 management of public lands is essential to maintain the specific  
1125 resource values for which these lands were acquired.

1126           5. A public education program is necessary to make citizens  
1127 and visitors aware of the public safety, resource, and economic  
1128 benefits of prescribed burning.

1129           6. Proper training in the use of prescribed burning is  
1130 necessary to ensure maximum benefits and protection for the  
1131 public.

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1132 7. As Florida's population continues to grow, pressures  
1133 from liability issues and nuisance complaints inhibit the use of  
1134 prescribed burning. Therefore, the division is urged to maximize  
1135 the opportunities for prescribed burning conducted during its  
1136 daytime and nighttime authorization process.

1137 (b) Certified prescribed burning pertains only to broadcast  
1138 burning for purposes of silviculture, wildland fire hazard  
1139 reduction, wildlife management, ecological maintenance and  
1140 restoration, and range and pasture management. It must be  
1141 conducted in accordance with this subsection and:

1142 1. May be accomplished only when a certified prescribed  
1143 burn manager is present on site with a copy of the prescription  
1144 from ignition of the burn to its completion.

1145 2. Requires that a written prescription be prepared before  
1146 receiving authorization to burn from the Florida Forest Service  
1147 ~~division~~.

1148 3. Requires that the specific consent of the landowner or  
1149 his or her designee be obtained before requesting an  
1150 authorization.

1151 4. Requires that an authorization to burn be obtained from  
1152 the Florida Forest Service ~~division~~ before igniting the burn.

1153 5. Requires that there be adequate firebreaks at the burn  
1154 site and sufficient personnel and firefighting equipment for the  
1155 control of the fire.

1156 6. Is considered to be in the public interest and does not  
1157 constitute a public or private nuisance when conducted under  
1158 applicable state air pollution statutes and rules.

1159 7. Is considered to be a property right of the property  
1160 owner if vegetative fuels are burned as required in this



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1161 subsection.

1162 (c) Neither a property owner nor his or her agent is liable  
1163 pursuant to s. 590.13 for damage or injury caused by the fire or  
1164 resulting smoke or considered to be in violation of subsection  
1165 (2) for burns conducted in accordance with this subsection  
1166 unless gross negligence is proven.

1167 (d) Any certified burner who violates this section commits  
1168 a misdemeanor of the second degree, punishable as provided in s.  
1169 775.082 or s. 775.083.

1170 (e) The Florida Forest Service ~~division~~ shall adopt rules  
1171 for the use of prescribed burning and for certifying and  
1172 decertifying certified prescribed burn managers based on their  
1173 past experience, training, and record of compliance with this  
1174 section.

1175 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND  
1176 PURPOSE.-

1177 (a) Certified pile burning pertains to the disposal of  
1178 piled, naturally occurring debris from an agricultural,  
1179 silvicultural, or temporary land-clearing operation. A land-  
1180 clearing operation is temporary if it operates for 6 months or  
1181 less. Certified pile burning must be conducted in accordance  
1182 with this subsection, and:

1183 1. A certified pile burner must ensure, before ignition,  
1184 that the piles are properly placed and that the content of the  
1185 piles is conducive to efficient burning.

1186 2. A certified pile burner must ensure that the piles are  
1187 properly extinguished no later than 1 hour after sunset. If the  
1188 burn is conducted in an area designated as smoke sensitive by  
1189 the Florida Forest Service, a certified pile burner shall ensure

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1190 that the piles are properly extinguished at least 1 hour before  
1191 sunset.

1192 3. A written pile burn plan must be prepared before  
1193 receiving authorization from the Florida Forest Service to burn.

1194 4. The specific consent of the landowner or his or her  
1195 agent must be obtained before requesting authorization to burn.

1196 5. An authorization to burn must be obtained from the  
1197 Florida Forest Service or its designated agent before igniting  
1198 the burn.

1199 6. There must be adequate firebreaks and sufficient  
1200 personnel and firefighting equipment at the burn site to control  
1201 the fire.

1202 (b) If a burn is conducted in accordance with this  
1203 subsection, the property owner and his or her agent are not  
1204 liable under s. 590.13 for damage or injury caused by the fire  
1205 or resulting smoke, and are not in violation of subsection (2),  
1206 unless gross negligence is proven.

1207 (c) A certified pile burner who violates this section  
1208 commits a misdemeanor of the second degree, punishable as  
1209 provided in s. 775.082 or s. 775.083.

1210 (d) The Florida Forest Service shall adopt rules regulating  
1211 certified pile burning. The rules shall include procedures and  
1212 criteria for certifying and decertifying certified pile burn  
1213 managers based on past experience, training, and record of  
1214 compliance with this section.

1215 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE FLORIDA  
1216 FOREST SERVICE DIVISION.-The Florida Forest Service ~~division~~ may  
1217 conduct fuel reduction initiatives, including, but not limited  
1218 to, burning and mechanical and chemical treatment, on any area

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1219 of wild land within the state which is reasonably determined to  
1220 be in danger of wildfire in accordance with the following  
1221 procedures:

1222 (a) Describe the areas that will receive fuels treatment to  
1223 the affected local governmental entity.

1224 (b) Publish a treatment notice, including a description of  
1225 the area to be treated, in a conspicuous manner in at least one  
1226 newspaper of general circulation in the area of the treatment  
1227 not less than 10 days before the treatment.

1228 (c) Prepare, and send ~~the county tax collector shall~~  
1229 ~~include with the annual tax statement,~~ a notice to be sent to  
1230 all landowners in each area ~~township~~ designated by the Florida  
1231 Forest Service ~~division~~ as a wildfire hazard area. The notice  
1232 must describe particularly the area to be treated and the  
1233 tentative date or dates of the treatment and must list the  
1234 reasons for and the expected benefits from the wildfire hazard  
1235 reduction.

1236 (d) Consider any landowner objections to the fuels  
1237 treatment of his or her property. The landowner may apply to the  
1238 State Forester ~~director~~ of the Florida Forest Service ~~division~~  
1239 for a review of alternative methods of fuel reduction on the  
1240 property. If the State Forester ~~director~~ or his or her designee  
1241 does not resolve the landowner objection, the State Forester  
1242 ~~director~~ shall convene a panel made up of the local forestry  
1243 unit manager, the fire chief of the jurisdiction, and the  
1244 affected county or city manager, or any of their designees. If  
1245 the panel's recommendation is not acceptable to the landowner,  
1246 the landowner may request further consideration by the  
1247 Commissioner of Agriculture or his or her designee and shall

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1248 thereafter be entitled to an administrative hearing pursuant to  
1249 the provisions of chapter 120.

1250 (6) FLORIDA FOREST SERVICE APPROVAL OF LOCAL GOVERNMENT  
1251 OPEN-BURNING-AUTHORIZATION PROGRAMS.-

1252 (a) A county or municipality may exercise the Florida  
1253 Forest Service's authority, if delegated by the Florida Forest  
1254 Service under this subsection, to issue authorizations for the  
1255 burning of yard trash or debris from land-clearing operations. A  
1256 county's or municipality's existing or proposed open-burning-  
1257 authorization program must:

1258 1. Be approved by the Florida Forest Service. The Florida  
1259 Forest Service may not approve a program if it fails to meet the  
1260 requirements of subsections (2) and (4) and any rules adopted in  
1261 accordance with those subsections.

1262 2. Provide by ordinance or local law the requirements for  
1263 obtaining and performing a burn authorization that complies with  
1264 subsections (2) and (4) and any rules adopted in accordance with  
1265 those subsections.

1266 3. Provide for the enforcement of the program's  
1267 requirements.

1268 4. Provide financial, personnel, and other resources needed  
1269 to carry out the program.

1270 (b) If the Florida Forest Service determines that a  
1271 county's or municipality's open-burning-authorization program  
1272 does not comply with subsections (2) and (4) and any rules  
1273 adopted in accordance with those subsections, the Florida Forest  
1274 Service shall require the county or municipality to take  
1275 necessary corrective actions within a reasonable period, not to  
1276 exceed 90 days.

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1277 1. If the county or municipality fails to take the  
 1278 necessary corrective actions within the required period, the  
 1279 Florida Forest Service shall resume administration of the open-  
 1280 burning-authorization program in the county or municipality and  
 1281 the county or municipality shall cease administration of its  
 1282 program.

1283 2. Each county and municipality administering an open-  
 1284 burning-authorization program must cooperate with and assist the  
 1285 Florida Forest Service in carrying out the powers, duties, and  
 1286 functions of the Florida Forest Service.

1287 3. A person who violates the requirements of a county's or  
 1288 municipality's open-burning-authorization program, as provided  
 1289 by ordinance or local law enacted pursuant to this subsection,  
 1290 commits a violation of this chapter, punishable as provided in  
 1291 s. 590.14.

1292 (7) ~~(5)~~ DUTIES OF AGENCIES.—The Department of Education  
 1293 shall incorporate, where feasible and appropriate, the issues of  
 1294 fuels treatment, including prescribed burning, into its  
 1295 educational materials.

1296 Section 40. Section 590.14, Florida Statutes, is amended to  
 1297 read:

1298 590.14 Notice of violation; penalties.—

1299 (1) If an ~~a~~ division ~~employee~~ employee of the Florida Forest Service  
 1300 determines that a person has violated chapter 589, ~~or~~ this  
 1301 chapter, or any rule adopted by the Florida Forest Service to  
 1302 administer provisions of law which confer duties upon the  
 1303 Florida Forest Service, the employee of the Florida Forest  
 1304 Service ~~he or she~~ may issue a notice of violation indicating the  
 1305 statute or rule violated. This notice shall ~~will~~ be filed with

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1306 the Florida Forest Service ~~division~~ and a copy forwarded to the  
1307 appropriate law enforcement entity for further action if  
1308 necessary.

1309 (2) In addition to any penalties provided by law, any  
1310 person who causes a wildfire or permits any authorized fire to  
1311 escape the boundaries of the authorization or to burn past the  
1312 time of the authorization is liable for the payment of all  
1313 reasonable costs and expenses incurred in suppressing the fire  
1314 or \$150, whichever is greater. All costs and expenses incurred  
1315 by the Florida Forest Service ~~division~~ shall be payable to the  
1316 Florida Forest Service ~~division~~. When such costs and expenses  
1317 are not paid within 30 days after demand, the Florida Forest  
1318 Service ~~division~~ may take proper legal proceedings for the  
1319 collection of the costs and expenses. Those costs incurred by an  
1320 agency acting at the Florida Forest Service's ~~division's~~  
1321 direction are recoverable by that agency.

1322 (3) The department may also impose an administrative fine,  
1323 not to exceed \$1,000 per violation of any section of chapter 589  
1324 or this chapter or violation of any rule adopted by the Florida  
1325 Forest Service to administer provisions of law which confer  
1326 duties upon the Florida Forest Service. The fine shall be based  
1327 upon the degree of damage, the prior violation record of the  
1328 person, and whether the person knowingly provided false  
1329 information to obtain an authorization. The fines shall be  
1330 deposited in the Incidental Trust Fund of the Florida Forest  
1331 Service ~~division~~.

1332 (4) A person commits a misdemeanor of the second degree,  
1333 punishable as provided in s. 775.082 or s. 775.083, if the  
1334 person:

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1335 (a) Fails to comply with any rule or order adopted by the  
1336 Florida Forest Service to administer provisions of law  
1337 conferring duties upon the Florida Forest Service; or

1338 (b) Knowingly makes any false statement or representation  
1339 in any application, record, plan, or other document required by  
1340 this chapter or any rules adopted under this chapter.

1341 (5) It is the intent of the Legislature that a penalty  
1342 imposed by a court under subsection (4) be of a severity that  
1343 ensures immediate and continued compliance with this section.

1344 (6)~~(4)~~ The penalties provided in this section shall extend  
1345 to both the actual violator and the person or persons, firm, or  
1346 corporation causing, directing, or permitting the violation.

1347 Section 41. Subsection (4) of section 597.005, Florida  
1348 Statutes, is repealed.

1349 Section 42. Subsection (2) of section 599.002, Florida  
1350 Statutes, is amended to read:

1351 599.002 Viticulture Advisory Council.—

1352 (2) The meetings, powers and duties, procedures, and  
1353 recordkeeping of the Viticulture Advisory Council,~~and per diem~~  
1354 ~~and reimbursement of expenses of council members,~~ shall be  
1355 governed by the provisions of s. 570.0705 relating to advisory  
1356 committees established within the department.

1357 Section 43. Paragraph (a) of subsection (1) and subsection  
1358 (3) of section 616.252, Florida Statutes, are amended to read:

1359 616.252 Florida State Fair Authority; membership; number,  
1360 terms, compensation.—

1361 (1) (a) The authority shall be composed of 22 ~~21~~ members.  
1362 The Commissioner of Agriculture, or her or his designee, shall  
1363 serve as a voting member. There shall also be a member who is

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1364 the member of the Board of County Commissioners of Hillsborough  
1365 County representing the county commission district in which the  
1366 Florida State Fairgrounds is located, who shall serve as a  
1367 voting member. There shall also be an appointed youth member who  
1368 is an active member of the Florida Future Farmers of America or  
1369 of a 4-H Club, and who shall serve as a nonvoting member. The  
1370 Commissioner of Agriculture shall appoint each other member of  
1371 the authority. Each member appointed by the Commissioner of  
1372 Agriculture shall serve at the pleasure of the Commissioner of  
1373 Agriculture. The term of each member appointed by the  
1374 Commissioner of Agriculture shall be 4 years, but the term of  
1375 the nonvoting youth member shall be for 1 year ~~except, to~~  
1376 ~~provide staggered terms, 9 of the members shall be initially~~  
1377 ~~appointed for a 2-year term and 10 of the members shall be~~  
1378 ~~initially appointed for a 3-year term.~~ Members may be appointed  
1379 for more than one term. Any vacancy shall be filled for the  
1380 remainder of the unexpired term pursuant to the method provided  
1381 in this section for appointment. Six of the members may be from  
1382 Hillsborough County. The Commissioner of Agriculture shall  
1383 appoint and set the compensation of an executive director. The  
1384 executive director shall serve at the pleasure of the  
1385 Commissioner of Agriculture.

1386 (3) Members of the authority are ~~shall~~ not be entitled to  
1387 compensation for their services as members and may not, but  
1388 ~~shall~~ be reimbursed for travel expenses. Except for the  
1389 nonvoting youth member, each member as provided in s. 112.061  
1390 ~~and~~ may be compensated for any special or full-time service  
1391 performed in its behalf as officers or agents of the authority.

1392 Section 44. Paragraph (c) of subsection (2) of section



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1393 812.014, Florida Statutes, is amended to read:

1394 812.014 Theft.—

1395 (2)

1396 (c) It is grand theft of the third degree and a felony of  
1397 the third degree, punishable as provided in s. 775.082, s.  
1398 775.083, or s. 775.084, if the property stolen is:

1399 1. Valued at \$300 or more, but less than \$5,000.

1400 2. Valued at \$5,000 or more, but less than \$10,000.

1401 3. Valued at \$10,000 or more, but less than \$20,000.

1402 4. A will, codicil, or other testamentary instrument.

1403 5. A firearm.

1404 6. A motor vehicle, except as provided in paragraph (a).

1405 7. Any commercially farmed animal, including any animal of  
1406 the equine, bovine, or swine class, or other grazing animal,  
1407 including bee colonies of registered bee keepers and including  
1408 aquaculture species raised at a certified aquaculture facility.  
1409 If the property stolen is aquaculture species raised at a  
1410 certified aquaculture facility, then a \$10,000 fine shall be  
1411 imposed.

1412 8. Any fire extinguisher.

1413 9. Any amount of citrus fruit consisting of 2,000 or more  
1414 individual pieces of fruit.

1415 10. Taken from a designated construction site identified by  
1416 the posting of a sign as provided for in s. 810.09(2)(d).

1417 11. Any stop sign.

1418 12. Anhydrous ammonia.

1419

1420 However, if the property is stolen within a county that is  
1421 subject to a state of emergency declared by the Governor under

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1422 chapter 252, the property is stolen after the declaration of  
1423 emergency is made, and the perpetration of the theft is  
1424 facilitated by conditions arising from the emergency, the  
1425 offender commits a felony of the second degree, punishable as  
1426 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
1427 property is valued at \$5,000 or more, but less than \$10,000, as  
1428 provided under subparagraph 2., or if the property is valued at  
1429 \$10,000 or more, but less than \$20,000, as provided under  
1430 subparagraph 3. As used in this paragraph, the term "conditions  
1431 arising from the emergency" means civil unrest, power outages,  
1432 curfews, voluntary or mandatory evacuations, or a reduction in  
1433 the presence of or the response time for first responders or  
1434 homeland security personnel. For purposes of sentencing under  
1435 chapter 921, a felony offense that is reclassified under this  
1436 paragraph is ranked one level above the ranking under s.  
1437 921.0022 or s. 921.0023 of the offense committed.

1438 Section 45. Paragraphs (f) and (g) of subsection (1) of  
1439 section 812.015, Florida Statutes, are amended to read:

1440 812.015 Retail and farm theft; transit fare evasion;  
1441 mandatory fine; alternative punishment; detention and arrest;  
1442 exemption from liability for false arrest; resisting arrest;  
1443 penalties.—

1444 (1) As used in this section:

1445 (f) "Farmer" means a person who is engaging in the growing  
1446 or producing of farm produce, milk products, honey, eggs, or  
1447 meat, either part time or full time, for personal consumption or  
1448 for sale and who is the owner or lessee of the land or a person  
1449 designated in writing by the owner or lessee to act as her or  
1450 his agent. No person defined as a farm labor contractor pursuant

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1451 to s. 450.28 shall be designated to act as an agent for purposes  
1452 of this section.

1453 (g) "Farm theft" means the unlawful taking possession of  
1454 any items that are grown or produced on land owned, rented, or  
1455 leased by another person. The term also includes equipment and  
1456 associated materials used to grow or produce farm products as  
1457 defined in s. 823.14(3)(c).

1458 Section 46. This act shall take effect October 1, 2011.