

By the Committees on Budget Subcommittee on General Government
Appropriations; Agriculture; and Agriculture

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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. 20.14, F.S.; deleting
4 the Division of Dairy within the Department of
5 Agriculture and Consumer Services; amending s.
6 193.461, F.S.; redefining the term "agricultural
7 purposes" as it relates to agricultural lands;
8 amending s. 215.981, F.S.; exempting certain direct-
9 support organizations and citizen support
10 organizations for the Department of Agriculture and
11 Consumer Services from obtaining an independent audit;
12 amending s. 253.02, F.S.; providing for the grantee of
13 easements for electrical transmission to pay the lead
14 manager of the state-owned lands or, when there is no
15 lead manager, the Department of Environmental
16 Protection, if suitable replacement uplands cannot be
17 identified; amending s. 261.04, F.S.; deleting
18 provisions related to per diem and travel expenses for
19 members of the Off-Highway Vehicle Recreation Advisory
20 Committee within the Division of Forestry; amending s.
21 482.051, F.S.; providing rule changes that allow
22 operators to provide certain emergency notice to the
23 Department of Agriculture and Consumer Services by
24 facsimile or electronic means; amending s. 482.071,
25 F.S.; increasing the minimum insurance coverage for
26 bodily injury and property damage required for pest
27 control businesses; creating s. 482.072, F.S.;
28 providing for licensure by the department of pest
29 control customer contact centers; providing

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30 application requirements; providing for fees,
31 licensure renewal, penalties, licensure expiration,
32 and transfer of licenses; requiring the department to
33 adopt rules; providing for disciplinary action;
34 creating s. 482.157, F.S.; providing for the
35 certification of commercial wildlife trappers;
36 providing requirements for certification, examination,
37 and fees; limiting the scope of work permitted by
38 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 or orders of the Fish and
44 Wildlife Conservation Commission; amending s. 482.226,
45 F.S.; increasing the minimum financial responsibility
46 requirements for licensees that perform wood-
47 destroying organism inspections; amending s. 482.243,
48 F.S.; deleting provisions relating to reimbursement
49 for expenses for members of the Pest Control
50 Enforcement Advisory Council within the department;
51 amending s. 487.041, F.S.; providing that
52 registration, supplemental, and late fees related to
53 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 references 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 existing ordinances
82 regulating the sale of urban turf fertilizers;
83 revising the powers and duties of the department
84 regarding pollution control and the prevention of
85 wildfires; amending s. 570.0705, F.S.; deleting
86 provisions relating to per diem and travel expenses
87 for members of any advisory committee that the

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88 Commissioner of Agriculture may appoint; amending s.
89 570.074, F.S.; revising the name of the Office of
90 Water Coordination to the Office of Energy and Water;
91 amending s. 570.18, F.S.; conforming provisions to
92 changes made by the act; amending s. 570.23, F.S.;
93 deleting provisions relating to per diem and travel
94 expenses for members of the State Agricultural
95 Advisory Council within the department; repealing s.
96 570.29(6), F.S., relating to the Division of Dairy
97 Industry within the department; amending s. 570.38,
98 F.S.; deleting provisions relating to per diem and
99 travel expenses for members of the Animal Industry
100 Technical Council within the department; amending s.
101 570.382, F.S.; deleting provisions relating to per
102 diem and travel expenses for members of the Arabian
103 Horse Council within the department; repealing s.
104 570.40, F.S., relating to the powers and duties of the
105 Division of Dairy within the department; repealing s.
106 570.41, F.S., relating to the qualifications and
107 duties of the Director of the Division of Dairy within
108 the department; amending s. 570.42, F.S.; deleting
109 provisions relating to per diem and travel expenses
110 for members of the Dairy Industry Technical Council
111 within the department; amending s. 570.50, F.S.;
112 requiring the Division of Food Safety within the
113 department to inspect dairy farms and enforce the
114 provisions of ch. 502, F.S.; requiring the Division of
115 Food Safety to inspect milk plants, milk product
116 plants, and plants engaged in the manufacture and

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

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146 diem and travel expenses for members of the Honeybee
147 Technical Council within the department; amending s.
148 590.015, F.S.; defining the terms "department," "open
149 burning," and "broadcast burning" as they relate to
150 forest protection; redefining the term "fire
151 management services"; amending s. 590.02, F.S.;
152 authorizing forest-operations administrators to be
153 certified as forestry firefighters; authorizing the
154 Department of Agriculture and Consumer Services to
155 have exclusive authority over the Florida Building
156 Code as it pertains to wildfire and law enforcement
157 facilities under the jurisdiction of the department;
158 authorizing the department to retain, transfer,
159 warehouse, bid, destroy, scrap, or dispose of surplus
160 equipment and vehicles used for wildland firefighting;
161 authorizing the department to retain any moneys
162 received from the disposition of state-owned equipment
163 and vehicles used for wildland firefighting; providing
164 that moneys received may be used for the acquisition
165 of exchange and surplus equipment used for wildland
166 firefighting and all necessary operating expenditures
167 related to the equipment; requiring the department to
168 maintain records of the accounts into which the money
169 is deposited; giving the Division of Forestry
170 exclusive authority to require and issue
171 authorizations for broadcast burning, agricultural
172 pile burning, and silvicultural pile burning;
173 preempting other governmental entities from adopting
174 laws, rules, or policies pertaining to broadcast

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175 burning, agricultural pile burning, or silvicultural
176 pile burning unless an emergency order has been
177 declared; authorizing the department to delegate its
178 authority to a county or municipality to issue
179 authorizations for the burning of yard trash and
180 debris from land clearing operations; amending s.
181 590.125, F.S.; defining and redefining terms relating
182 to open-burning authorizations by the division;
183 specifying purposes of certified prescribed burning;
184 requiring the authorization of the division for
185 certified pile burning; providing pile burning
186 requirements; limiting the liability of property
187 owners or agents engaged in pile burning; providing
188 penalties for violations by certified pile burners;
189 requiring the division to adopt rules to regulate
190 certified pile burning; revising notice requirements
191 for wildfire hazard reduction treatments; providing
192 for approval of local governments' open-burning-
193 authorization programs; providing program
194 requirements; authorizing the division to resume
195 administration of a local government's program under
196 certain circumstances; providing penalties for
197 violations of a local government's open-burning
198 requirements; amending s. 590.14, F.S.; authorizing an
199 employee of the division to issue a notice of
200 violation for any rule adopted by the division;
201 authorizing the department to impose an administrative
202 fine for a violation of any rule adopted by the
203 division; providing a criminal penalty; providing

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204 legislative intent; repealing s. 597.005(4), F.S.,
205 deleting provisions relating to per diem and travel
206 expenses for members of the Aquaculture Review Council
207 within the department; amending s. 599.002, F.S.;
208 deleting provisions relating to per diem and travel
209 expenses for members of the Viticulture Advisory
210 Council within the department; amending s. 616.17,
211 F.S.; providing immunity from liability for damages
212 resulting from exhibits and concessions at public
213 fairs; providing exceptions for immunity from
214 liability; amending s. 616.252, F.S.; providing for
215 the appointment of a youth member to serve on the
216 Florida State Fair Authority as a nonvoting member;
217 providing a term of service for the youth member of
218 the Florida State Fair Authority; prohibiting
219 reimbursement for travel expenses for members of the
220 Florida State Fair Authority; excluding the youth
221 member from compensation for special or full-time
222 service performed on behalf of the authority; amending
223 s. 812.014, F.S.; providing that it is a grand theft
224 of the third degree and a felony of the third degree
225 if bee colonies of a registered bee keeper are stolen;
226 amending s. 812.015, F.S.; redefining the term
227 "farmer" as it relates to a person who grows or
228 produces honey; redefining the term "farm theft" to
229 include the unlawful taking possession of equipment
230 and associated materials used to grow or produce farm
231 products; providing an effective date.

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

234

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

237 20.14 Department of Agriculture and Consumer Services.—
 238 There is created a Department of Agriculture and Consumer
 239 Services.

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

- 242 (a) Administration.
- 243 (b) Agricultural Environmental Services.
- 244 (c) Animal Industry.
- 245 (d) Aquaculture.
- 246 (e) Consumer Services.
- 247 ~~(f) Dairy Industry.~~
- 248 (f) ~~(g)~~ Food Safety.
- 249 (g) ~~(h)~~ Forestry.
- 250 (h) ~~(i)~~ Fruit and Vegetables.
- 251 (i) ~~(j)~~ Licensing.
- 252 (j) ~~(k)~~ Marketing and Development.
- 253 (k) ~~(l)~~ Plant Industry.
- 254 (l) ~~(m)~~ Standards.

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

258 193.461 Agricultural lands; classification and assessment;
 259 mandated eradication or quarantine program.—

260 (5) For the purpose of this section, "agricultural
 261 purposes" includes, but is not limited to, horticulture;

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262 floriculture; viticulture; forestry; dairy; livestock; poultry;
263 bee; pisciculture, when the land is used principally for the
264 production of tropical fish; aquaculture; sod farming; and all
265 forms of farm products, as defined in s. 823.14(3)(c), and farm
266 production.

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 forest-management objectives, parcels identified as inholdings
348 and additions to public lands, and lands on a Florida Forever

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349 land acquisition list.

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

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

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

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

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

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

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378 confirmation providing the required information.

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

381 482.071 Licenses.—

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

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

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

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

397 482.072 Customer contact centers for pest control
398 business.—

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

405 (2) (a) Before operating a customer contact center, and
406 biennially thereafter, a pest control business shall apply to

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407 the department for a license under this chapter, or a renewal
408 thereof, for each location of a customer contact center, on or
409 before an anniversary date set by the department for the
410 location of the customer contact center. An application must be
411 submitted in the format prescribed by the department.

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

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

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

434 (e) The department may not issue or renew a license to
435 operate a customer contact center unless the licensee for the

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436 pest control business for which the center solicits business is
437 owned in common by a person or business entity recognized by
438 this state.

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

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

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

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

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

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

464 2. A licensee of a pest control business may be subject to

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465 disciplinary action under s. 482.161 for a violation that is
466 committed by a person who solicits pest control services or
467 provides customer service in a customer contact center operated
468 by a licensee if the licensee participates in the violation.

469 Section 9. Section 482.157, Florida Statutes, is created to
470 read:

471 482.157 Limited certification for commercial wildlife
472 management personnel.-

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

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

492 (3) An application for recertification must be made
493 annually and be accompanied by a recertification fee of at least

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494 \$75, but not more than \$150, as established by rule. The
495 application must also be accompanied by proof of completion of
496 four classroom hours of acceptable continuing education and
497 proof of insurance. The department shall assess a late fee of
498 \$50, in addition to the renewal fee, after a grace period not
499 exceeding 30 calendar days after the recertification renewal
500 date. A certificate automatically expires 180 calendar days
501 after the recertification date if the renewal fee has not been
502 paid. After expiration, the department shall issue a new
503 certificate if the applicant successfully passes the examination
504 and pays the renewal fee and late fee.

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

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

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

510 (c) Supervision of an uncertified person using nonchemical
511 methods to control rodents.

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

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

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

520 482.226 Wood-destroying organism inspection report; notice
521 of inspection or treatment; financial responsibility.—

522 (6) Any licensee that performs wood-destroying organism

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523 inspections in accordance with subsection (1) must meet minimum
524 financial responsibility in the form of errors and omissions
525 (professional liability) insurance coverage or bond in an amount
526 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000
527 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has
528 equity or net worth of no less than \$500,000 ~~\$100,000~~ as
529 determined by generally accepted accounting principles
530 substantiated by a certified public accountant's review or
531 certified audit. The licensee must show proof of meeting this
532 requirement at the time of license application or renewal
533 thereof.

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

536 482.243 Pest Control Enforcement Advisory Council.—

537 (6) The meetings, powers and duties, procedures, and
538 recordkeeping, ~~and reimbursement of expenses of members of the~~
539 ~~council~~ shall be in accordance with the provisions of s.
540 570.0705 relating to advisory committees established within the
541 department.

542 Section 12. Paragraph (a) of subsection (1) of section
543 487.041, Florida Statutes, is amended, and paragraphs (h), (i),
544 and (j) are added to that subsection, to read:

545 487.041 Registration.—

546 (1) (a) Effective January 1, 2009, each brand of pesticide,
547 as defined in s. 487.021, which is distributed, sold, or offered
548 for sale, except as provided in this section, within this state
549 or delivered for transportation or transported in intrastate
550 commerce or between points within this state through any point
551 outside this state must be registered in the office of the

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552 department, and such registration shall be renewed biennially.
553 Emergency exemptions from registration may be authorized in
554 accordance with the rules of the department. The registrant
555 shall file with the department a statement including:

556 1. The name, business mailing address, and street address
557 of the registrant.

558 2. The name of the brand of pesticide.

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

567 (h) All registration fees, including supplemental fees and
568 late fees, are nonrefundable.

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

578 (j) Effective January 1, 2013, all payments of any
579 pesticide-registration fees, including supplemental fees and
580 late fees, shall be submitted electronically using the

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581 department's website to register a brand of a pesticide product.

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

584 487.0615 Pesticide Review Council.—

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

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

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

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

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

607 527.22 Florida Propane Gas Education, Safety, and Research
608 Council established; membership; duties and responsibilities.—

609 (5) Council members shall receive no compensation or

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610 honorarium for their services, ~~and are authorized to receive~~
611 ~~only per diem and reimbursement for travel expenses as provided~~
612 ~~in s. 112.061.~~

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

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

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

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

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

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

627 (a) Fruit and vegetable inspection and grading;

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

629 (c) Registration, labeling, inspection, sale, composition,
630 formulation, including nutrient content and release rates,
631 distribution, and analysis of commercial stock feeds and
632 commercial fertilizers;

633 (d) Classification, inspection, and sale of poultry and
634 eggs;

635 (e) Registration, inspection, and analysis of gasolines and
636 oils;

637 (f) Registration, labeling, inspection, and analysis of
638 pesticides;

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

652
 653 In order to ensure uniform health and safety standards, the
 654 adoption of standards and fines in the subject areas of
 655 paragraphs (a)-(n) is expressly preempted to the state and the
 656 department. Any local government enforcing the subject areas of
 657 paragraphs (a)-(n) must use the standards and fines set forth in
 658 the pertinent statutes or any rules adopted by the department
 659 pursuant to those statutes. A county that has adopted an
 660 ordinance regulating the sale of urban turf fertilizer before
 661 January 1, 2011, is not subject to paragraph (c). If the county
 662 amends or changes any portion of the ordinance after January 1,
 663 2011, the provisions of paragraph (c) apply.

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

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

670 570.0705 Advisory committees.—From time to time the
671 commissioner may appoint any advisory committee to assist the
672 department with its duties and responsibilities.

673 (9) Members of each advisory committee shall receive no
674 compensation for their services, ~~but shall be entitled to~~
675 ~~reimbursement for per diem and travel expenses as provided in s.~~
676 ~~112.061.~~

677 Section 19. Section 570.074, Florida Statutes, is amended
678 to read:

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

690 Section 20. Section 570.18, Florida Statutes, is amended to
691 read:

692 570.18 Organization of departmental work.—In the assignment
693 of functions to the ~~12~~ divisions of the department created in s.
694 570.29, the department shall retain within the Division of
695 Administration, in addition to executive functions, those powers
696 and duties enumerated in s. 570.30. The department shall

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697 organize the work of the other ~~11~~ divisions in such a way as to
698 secure maximum efficiency in the conduct of the department. The
699 divisions created in s. 570.29 are solely to make possible the
700 definite placing of responsibility. The department shall be
701 conducted as a unit in which every employee, including each
702 division director, is assigned a definite workload, and there
703 shall exist between division directors a spirit of cooperative
704 effort to accomplish the work of the department.

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

707 570.23 State Agricultural Advisory Council.—

708 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS~~+~~
709 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
710 recordkeeping of the State Agricultural Advisory Council,~~and~~
711 ~~per diem and reimbursement of expenses of council members,~~ shall
712 be governed by the provisions of s. 570.0705 relating to
713 advisory committees established within the department.

714 Section 22. Subsection (6) of section 570.29, Florida
715 Statutes, is repealed.

716 Section 23. Subsection (2) of section 570.38, Florida
717 Statutes, is amended to read:

718 570.38 Animal Industry Technical Council.—

719 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS~~+~~
720 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
721 recordkeeping of the Animal Industry Technical Council,~~and per~~
722 ~~diem and reimbursement of expenses of council members,~~ shall be
723 governed by the provisions of s. 570.0705 relating to advisory
724 committees established within the department.

725 Section 24. Paragraph (d) of subsection (3) of section

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726 570.382, Florida Statutes, is amended to read:

727 570.382 Arabian horse racing; breeders' and stallion
728 awards; Arabian Horse Council; horse registration fees; Florida
729 Arabian Horse Racing Promotion Account.—

730 (3) ARABIAN HORSE COUNCIL.—

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

735 Section 25. Section 570.40, Florida Statutes, is repealed.

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

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

739 570.42 Dairy Industry Technical Council.—

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

746 Section 28. Subsections (6) and (7) are added to section
747 570.50, Florida Statutes, to read:

748 570.50 Division of Food Safety; powers and duties.—The
749 duties of the Division of Food Safety include, but are not
750 limited to:

751 (6) Inspecting dairy farms of the state, enforcing those
752 provisions of chapter 502 which are authorized by the department
753 and related to the supervision of milking operations, and
754 enforcing rules adopted under such provisions.

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755 (7) Inspecting milk plants, milk product plants, and plants
756 engaged in the manufacture and distribution of frozen desserts
757 and frozen dessert mixes; analyzing and testing samples of milk,
758 milk products, frozen desserts, and frozen dessert mixes
759 collected by it; and enforcing those provisions of chapters 502
760 and 503 which are authorized by the department.

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

763 570.543 Florida Consumers' Council.—The Florida Consumers'
764 Council in the department is created to advise and assist the
765 department in carrying out its duties.

766 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS~~+~~
767 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
768 recordkeeping of the Florida Consumers' Council, ~~and per diem~~
769 ~~and reimbursement of expenses of council members,~~ shall be
770 governed by the provisions of s. 570.0705 relating to advisory
771 committees established within the department. The council
772 members or chair may call no more than two meetings.

773 Section 30. Subsection (3) of section 570.954, Florida
774 Statutes, is repealed.

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

777 571.28 Florida Agricultural Promotional Campaign Advisory
778 Council.—

779 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS~~+~~
780 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
781 recordkeeping of the Florida Agricultural Promotional Campaign
782 Advisory Council, ~~and per diem and reimbursement of expenses of~~
783 ~~council members,~~ shall be governed by the provisions of s.

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784 570.0705 relating to advisory committees established within the
785 department.

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

789 573.112 Advisory council.—

790 (6) No member or alternate member of the council shall
791 receive a salary, ~~but shall be reimbursed for travel expenses~~
792 ~~while on council business as provided in s. 112.061.~~ The
793 department may employ necessary personnel, including
794 professional and technical services personnel, and fix their
795 compensation and terms of employment and may incur expenses to
796 be paid from moneys collected as herein provided.

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

799 576.091 Fertilizer Technical Council.—

800 (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
801 REIMBURSEMENTS.—The meetings, powers and duties, procedures, and
802 recordkeeping, ~~and reimbursement of expenses of members and~~
803 ~~alternate members of the council~~ shall be in accordance with the
804 provisions of s. 570.0705 relating to advisory committees
805 established within the department.

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

808 580.151 Commercial Feed Technical Council.—

809 (2) POWERS AND DUTIES; PROCEDURES; RECORDS; ~~COMPENSATION~~.—
810 The meetings, powers and duties, procedures, and recordkeeping
811 of the Commercial Feed Technical Council, ~~and per diem and~~
812 ~~reimbursement of expenses of council members,~~ shall be governed

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813 by the provisions of s. 570.0705 relating to advisory committees
814 established within the department.

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

817 581.186 Endangered Plant Advisory Council; organization;
818 meetings; powers and duties.—

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

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

827 586.161 Honeybee Technical Council.—

828 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS;
829 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
830 recordkeeping of the Honeybee Technical Council, ~~and per diem~~
831 ~~and reimbursement of expenses of council members,~~ shall be
832 governed by the provisions of s. 570.0705 relating to advisory
833 committees established within the department.

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

836 590.015 Definitions.—As used in this chapter, the term:

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

841 (2) ~~(1)~~ “Department Division” means the Division of Forestry

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842 of the Department of Agriculture and Consumer Services.

843 (3)~~(2)~~ "Fire management services" means presuppression
844 fireline plowing, prescribed burning assistance, contract
845 prescribed burning, prescribed and wildfire management training,
846 and other activities associated with prevention, detection, and
847 suppression of wildfires.

848 (4)~~(3)~~ "Fuel reduction" means the application of techniques
849 that reduce vegetative fuels, and may include prescribed
850 burning, manual and mechanical clearing, and the use of
851 herbicides.

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

854 (6)~~(4)~~ "Wildfire" means any vegetative fire that threatens
855 to destroy life, property, or natural resources.

856 (7)~~(5)~~ "Wild land" means any public or private managed or
857 unmanaged forest, urban/interface, pasture or range land,
858 recreation lands, or any other land at risk of wildfire.

859 Section 38. Subsections (1) and (4) of section 590.02,
860 Florida Statutes, are amended, and subsections (9) and (10) are
861 added to that section to read:

862 590.02 Division powers, authority, and duties; liability;
863 building structures; Florida Center for Wildfire and Forest
864 Resources Management Training.—

865 (1) The division has the following powers, authority, and
866 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 division and its designated agents;

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

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

892 (f) To make rules to accomplish the purposes of this
893 chapter;

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

899 (h) To require all state, regional, and local government

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900 agencies operating aircraft in the vicinity of an ongoing
901 wildfire to operate in compliance with the applicable state
902 Wildfire Aviation Plan.

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

908 (b) Notwithstanding s. 553.80(1), the Florida Building Code
909 as it pertains to wildfire and law enforcement facilities under
910 the jurisdiction of the department shall be enforced exclusively
911 by the department.

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

916 (b) All money received from the disposition of state-owned
917 equipment and vehicles that are used for wildland firefighting
918 shall be retained by the department. Money received pursuant to
919 this section is appropriated for and may be disbursed for the
920 acquisition of exchange and surplus equipment used for wildland
921 firefighting, and for all necessary operating expenditures
922 related to such equipment, in the same fiscal year and the
923 fiscal year following the disposition. The department shall
924 maintain records of the accounts into which the money is
925 deposited.

926 (10) (a) The division has exclusive authority to require and
927 issue authorizations for broadcast burning, agricultural pile
928 burning, and silvicultural pile burning. An agency, commission,

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929 department, county, municipality, or other political subdivision
930 of the state may not adopt laws, rules, or policies pertaining
931 to broadcast burning, agricultural pile burning, and
932 silvicultural pile burning unless an emergency order has been
933 declared in accordance with s. 252.38(3).

934 (b) The division may delegate to a county or municipality
935 its authority, as delegated by the Department of Environmental
936 Protection pursuant to ss. 403.061(28) and 403.081, to require
937 and issue authorizations for the burning of yard trash and
938 debris from land-clearing operations in accordance with s.
939 590.125(6).

940 Section 39. Section 590.125, Florida Statutes, is amended
941 to read:

942 590.125 Open burning authorized by the division.—

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

944 (a) “Certified pile burner” means an individual who
945 successfully completes the division’s pile burning certification
946 program and possesses a valid pile burner certification number.

947 ~~“Prescribed burning” means the controlled application of fire in~~
948 ~~accordance with a written prescription for vegetative fuels~~
949 ~~under specified environmental conditions while following~~
950 ~~appropriate precautionary measures that ensure that the fire is~~
951 ~~confined to a predetermined area to accomplish the planned fire~~
952 ~~or land-management objectives.~~

953 (b) “Certified prescribed burn manager” means an individual
954 who successfully completes the certified prescribed burning
955 ~~certification~~ program of the division and possesses a valid
956 certification number.

957 ~~(c) “Prescription” means a written plan establishing the~~

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958 ~~criteria necessary for starting, controlling, and extinguishing~~
959 ~~a prescribed burn.~~

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

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

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

966 3. Vegetative land-clearing debris burning or pile burning
967 in an area designated as smoke-sensitive by the division and no
968 visible flames, smoke, or emissions exist.

969 (d) "Land-clearing operation" means the uprooting or
970 clearing of vegetation in connection with the construction of
971 buildings and rights-of-way, land development, and mineral
972 operations. The term does not include the clearing of yard
973 trash.

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

978 (f) "Prescribed burning" means the controlled application
979 of fire by broadcast burning in accordance with a written
980 prescription for vegetative fuels under specified environmental
981 conditions while following appropriate precautionary measures
982 that ensure that the fire is confined to a predetermined area to
983 accomplish the planned fire or land-management objectives.

984 (g) "Prescription" means a written plan that establishes
985 the criteria necessary for starting, controlling, and
986 extinguishing a prescribed burn.

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987 (h) "Yard trash" means vegetative matter resulting from
988 landscaping and yard maintenance operations and other such
989 routine property-cleanup activities. The term includes materials
990 such as leaves, shrub trimmings, grass clippings, brush, and
991 palm fronds.

992 (2) NONCERTIFIED BURNING.—

993 (a) Persons may be authorized to burn wild land or
994 vegetative land-clearing debris in accordance with this
995 subsection if:

996 1. There is specific consent of the landowner or his or her
997 designee;

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

1000 3. There are adequate firebreaks at the burn site and
1001 sufficient personnel and firefighting equipment for the control
1002 of the fire;

1003 4. The fire remains within the boundary of the authorized
1004 area;

1005 5. An authorized person ~~Someone~~ is present at the burn site
1006 until the fire is extinguished;

1007 6. The division does not cancel the authorization; and

1008 7. The division determines that air quality and fire danger
1009 are favorable for safe burning.

1010 (b) A person who burns wild land or vegetative land-
1011 clearing debris in a manner that violates any requirement of
1012 this subsection commits a misdemeanor of the second degree,
1013 punishable as provided in s. 775.082 or s. 775.083.

1014 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1015 PURPOSE.—

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1016 (a) The application of prescribed burning is a land
1017 management tool that benefits the safety of the public, the
1018 environment, and the economy of the state. The Legislature finds
1019 that:

1020 1. Prescribed burning reduces vegetative fuels within wild
1021 land areas. Reduction of the fuel load reduces the risk and
1022 severity of wildfire, thereby reducing the threat of loss of
1023 life and property, particularly in urban areas.

1024 2. Most of Florida's natural communities require periodic
1025 fire for maintenance of their ecological integrity. Prescribed
1026 burning is essential to the perpetuation, restoration, and
1027 management of many plant and animal communities. Significant
1028 loss of the state's biological diversity will occur if fire is
1029 excluded from fire-dependent systems.

1030 3. Forestland and rangeland constitute significant
1031 economic, biological, and aesthetic resources of statewide
1032 importance. Prescribed burning on forestland prepares sites for
1033 reforestation, removes undesirable competing vegetation,
1034 expedites nutrient cycling, and controls or eliminates certain
1035 forest pathogens. On rangeland, prescribed burning improves the
1036 quality and quantity of herbaceous vegetation necessary for
1037 livestock production.

1038 4. The state purchased hundreds of thousands of acres of
1039 land for parks, preserves, wildlife management areas, forests,
1040 and other public purposes. The use of prescribed burning for
1041 management of public lands is essential to maintain the specific
1042 resource values for which these lands were acquired.

1043 5. A public education program is necessary to make citizens
1044 and visitors aware of the public safety, resource, and economic

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1045 benefits of prescribed burning.

1046 6. Proper training in the use of prescribed burning is
1047 necessary to ensure maximum benefits and protection for the
1048 public.

1049 7. As Florida's population continues to grow, pressures
1050 from liability issues and nuisance complaints inhibit the use of
1051 prescribed burning. Therefore, the division is urged to maximize
1052 the opportunities for prescribed burning conducted during its
1053 daytime and nighttime authorization process.

1054 (b) Certified prescribed burning pertains only to broadcast
1055 burning for purposes of silviculture, wildland fire hazard
1056 reduction, wildlife management, ecological maintenance and
1057 restoration, and range and pasture management. It must be
1058 conducted in accordance with this subsection and:

1059 1. May be accomplished only when a certified prescribed
1060 burn manager is present on site with a copy of the prescription
1061 from ignition of the burn to its completion.

1062 2. Requires that a written prescription be prepared before
1063 receiving authorization to burn from the division.

1064 3. Requires that the specific consent of the landowner or
1065 his or her designee be obtained before requesting an
1066 authorization.

1067 4. Requires that an authorization to burn be obtained from
1068 the division before igniting the burn.

1069 5. Requires that there be adequate firebreaks at the burn
1070 site and sufficient personnel and firefighting equipment for the
1071 control of the fire.

1072 6. Is considered to be in the public interest and does not
1073 constitute a public or private nuisance when conducted under

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1074 applicable state air pollution statutes and rules.

1075 7. Is considered to be a property right of the property
1076 owner if vegetative fuels are burned as required in this
1077 subsection.

1078 (c) Neither a property owner nor his or her agent is liable
1079 pursuant to s. 590.13 for damage or injury caused by the fire or
1080 resulting smoke or considered to be in violation of subsection
1081 (2) for burns conducted in accordance with this subsection
1082 unless gross negligence is proven.

1083 (d) Any certified burner who violates this section commits
1084 a misdemeanor of the second degree, punishable as provided in s.
1085 775.082 or s. 775.083.

1086 (e) The division shall adopt rules for the use of
1087 prescribed burning and for certifying and decertifying certified
1088 prescribed burn managers based on their past experience,
1089 training, and record of compliance with this section.

1090 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1091 PURPOSE.—

1092 (a) Certified pile burning pertains to the disposal of
1093 piled, naturally occurring debris from an agricultural,
1094 silvicultural, or temporary land-clearing operation. A land-
1095 clearing operation is temporary if it operates for 6 months or
1096 less. Certified pile burning must be conducted in accordance
1097 with this subsection, and:

1098 1. A certified pile burner must ensure, before ignition,
1099 that the piles are properly placed and that the content of the
1100 piles is conducive to efficient burning.

1101 2. A certified pile burner must ensure that the piles are
1102 properly extinguished no later than 1 hour after sunset. If the

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1103 burn is conducted in an area designated as smoke-sensitive by
1104 the division, a certified pile burner shall ensure that the
1105 piles are properly extinguished at least 1 hour before sunset.

1106 3. A written pile burn plan must be prepared before
1107 receiving authorization from the division to burn.

1108 4. The specific consent of the landowner or his or her
1109 agent must be obtained before requesting authorization to burn.

1110 5. An authorization to burn must be obtained from the
1111 division or its designated agent before igniting the burn.

1112 6. There must be adequate firebreaks and sufficient
1113 personnel and firefighting equipment at the burn site to control
1114 the fire.

1115 (b) If a burn is conducted in accordance with this
1116 subsection, the property owner and his or her agent are not
1117 liable under s. 590.13 for damage or injury caused by the fire
1118 or resulting smoke, and are not in violation of subsection (2),
1119 unless gross negligence is proven.

1120 (c) A certified pile burner who violates this section
1121 commits a misdemeanor of the second degree, punishable as
1122 provided in s. 775.082 or s. 775.083.

1123 (d) The division shall adopt rules regulating certified
1124 pile burning. The rules shall include procedures and criteria
1125 for certifying and decertifying certified pile burn managers
1126 based on past experience, training, and record of compliance
1127 with this section.

1128 (5)~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1129 DIVISION.—The division may conduct fuel reduction initiatives,
1130 including, but not limited to, burning and mechanical and
1131 chemical treatment, on any area of wild land within the state

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1132 which is reasonably determined to be in danger of wildfire in
1133 accordance with the following procedures:

1134 (a) Describe the areas that will receive fuels treatment to
1135 the affected local governmental entity.

1136 (b) Publish a treatment notice, including a description of
1137 the area to be treated, in a conspicuous manner in at least one
1138 newspaper of general circulation in the area of the treatment
1139 not less than 10 days before the treatment.

1140 (c) Prepare, and send ~~the county tax collector shall~~
1141 ~~include with the annual tax statement,~~ a notice to be sent to
1142 all landowners in each area ~~township~~ designated by the division
1143 as a wildfire hazard area. The notice must describe particularly
1144 the area to be treated and the tentative date or dates of the
1145 treatment and must list the reasons for and the expected
1146 benefits from the wildfire hazard reduction.

1147 (d) Consider any landowner objections to the fuels
1148 treatment of his or her property. The landowner may apply to the
1149 director of the division for a review of alternative methods of
1150 fuel reduction on the property. If the director or his or her
1151 designee does not resolve the landowner objection, the director
1152 shall convene a panel made up of the local forestry unit
1153 manager, the fire chief of the jurisdiction, and the affected
1154 county or city manager, or any of their designees. If the
1155 panel's recommendation is not acceptable to the landowner, the
1156 landowner may request further consideration by the Commissioner
1157 of Agriculture or his or her designee and shall thereafter be
1158 entitled to an administrative hearing pursuant to the provisions
1159 of chapter 120.

1160 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN-BURNING-

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1161 AUTHORIZATION PROGRAMS.—

1162 (a) A county or municipality may exercise the division's
1163 authority, if delegated by the division under this subsection,
1164 to issue authorizations for the burning of yard trash or debris
1165 from land-clearing operations. A county's or municipality's
1166 existing or proposed open-burning-authorization program must:

1167 1. Be approved by the division. The division may not
1168 approve a program if it fails to meet the requirements of
1169 subsections (2) and (4) and any rules adopted in accordance with
1170 those subsections.

1171 2. Provide by ordinance or local law the requirements for
1172 obtaining and performing a burn authorization that complies with
1173 subsections (2) and (4) and any rules adopted in accordance with
1174 those subsections.

1175 3. Provide for the enforcement of the program's
1176 requirements.

1177 4. Provide financial, personnel, and other resources needed
1178 to carry out the program.

1179 (b) If the division determines that a county's or
1180 municipality's open-burning-authorization program does not
1181 comply with subsections (2) and (4) and any rules adopted in
1182 accordance with those subsections, the division shall require
1183 the county or municipality to take necessary corrective actions
1184 within a reasonable period, not to exceed 90 days.

1185 1. If the county or municipality fails to take the
1186 necessary corrective actions within the required period, the
1187 division shall resume administration of the open-burning-
1188 authorization program in the county or municipality and the
1189 county or municipality shall cease administration of its

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1190 program.

1191 2. Each county and municipality administering an open-
1192 burning-authorization program must cooperate with and assist the
1193 division in carrying out the powers, duties, and functions of
1194 the division.

1195 3. A person who violates the requirements of a county's or
1196 municipality's open-burning-authorization program, as provided
1197 by ordinance or local law enacted pursuant to this subsection,
1198 commits a violation of this chapter, punishable as provided in
1199 s. 590.14.

1200 (7)~~(5)~~ DUTIES OF AGENCIES.—The Department of Education
1201 shall incorporate, where feasible and appropriate, the issues of
1202 fuels treatment, including prescribed burning, into its
1203 educational materials.

1204 Section 40. Section 590.14, Florida Statutes, is amended to
1205 read:

1206 590.14 Notice of violation; penalties.—

1207 (1) If a division employee determines that a person has
1208 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
1209 the division to administer provisions of law which confer duties
1210 upon the division, the employee of the division ~~he or she~~ may
1211 issue a notice of violation indicating the statute or rule
1212 violated. This notice shall ~~will~~ be filed with the division and
1213 a copy forwarded to the appropriate law enforcement entity for
1214 further action if necessary.

1215 (2) In addition to any penalties provided by law, any
1216 person who causes a wildfire or permits any authorized fire to
1217 escape the boundaries of the authorization or to burn past the
1218 time of the authorization is liable for the payment of all

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1219 reasonable costs and expenses incurred in suppressing the fire
1220 or \$150, whichever is greater. All costs and expenses incurred
1221 by the division shall be payable to the division. When such
1222 costs and expenses are not paid within 30 days after demand, the
1223 division may take proper legal proceedings for the collection of
1224 the costs and expenses. Those costs incurred by an agency acting
1225 at the division's direction are recoverable by that agency.

1226 (3) The department may also impose an administrative fine,
1227 not to exceed \$1,000 per violation of any section of chapter 589
1228 or this chapter or violation of any rule adopted by the division
1229 to administer provisions of law which confer duties upon the
1230 division. The fine shall be based upon the degree of damage, the
1231 prior violation record of the person, and whether the person
1232 knowingly provided false information to obtain an authorization.
1233 The fines shall be deposited in the Incidental Trust Fund of the
1234 division.

1235 (4) A person commits a misdemeanor of the second degree,
1236 punishable as provided in s. 775.082 or s. 775.083, if the
1237 person:

1238 (a) Fails to comply with any rule or order adopted by the
1239 division to administer provisions of law conferring duties upon
1240 the division; or

1241 (b) Knowingly makes any false statement or representation
1242 in any application, record, plan, or other document required by
1243 this chapter or any rules adopted under this chapter.

1244 (5) It is the intent of the Legislature that a penalty
1245 imposed by a court under subsection (4) be of a severity that
1246 ensures immediate and continued compliance with this section.

1247 (6) ~~(4)~~ The penalties provided in this section shall extend

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1248 to both the actual violator and the person or persons, firm, or
1249 corporation causing, directing, or permitting the violation.

1250 Section 41. Subsection (4) of section 597.005, Florida
1251 Statutes, is repealed.

1252 Section 42. Subsection (2) of section 599.002, Florida
1253 Statutes, is amended to read:

1254 599.002 Viticulture Advisory Council.—

1255 (2) The meetings, powers and duties, procedures, and
1256 recordkeeping of the Viticulture Advisory Council, ~~and per diem~~
1257 ~~and reimbursement of expenses of council members,~~ shall be
1258 governed by the provisions of s. 570.0705 relating to advisory
1259 committees established within the department.

1260 Section 43. Subsection (4) is added to section 616.17,
1261 Florida Statutes, to read:

1262 616.17 Minimum exhibits.—

1263 (4) A fair, as defined in this chapter, which provides any
1264 of the exhibits as set forth in subsection (1) or other exhibits
1265 or concessions, whether such exhibits or concessions are
1266 provided directly or through an agreement with a third party, is
1267 not subject to criminal penalties or civil damages arising out
1268 of the personal injury or death of any person, or property
1269 damage, resulting from such exhibits or concessions. This
1270 subsection does not apply if the personal injury, death, or
1271 property damage was due to an act or omission that was committed
1272 by the fair association in bad faith or with malicious purpose
1273 or in a manner exhibiting wanton and willful disregard of human
1274 rights, safety, or property. This subsection does not apply to a
1275 third party providing exhibits or concessions.

1276 Section 44. Paragraph (a) of subsection (1) and subsection

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1277 (3) of section 616.252, Florida Statutes, are amended to read:
1278 616.252 Florida State Fair Authority; membership; number,
1279 terms, compensation.—

1280 (1) (a) The authority shall be composed of 22 ~~21~~ members.
1281 The Commissioner of Agriculture, or her or his designee, shall
1282 serve as a voting member. There shall also be a member who is
1283 the member of the Board of County Commissioners of Hillsborough
1284 County representing the county commission district in which the
1285 Florida State Fairgrounds is located, who shall serve as a
1286 voting member. There shall also be an appointed youth member who
1287 is an active member of the Florida Future Farmers of America or
1288 of a 4-H Club, and who shall serve as a nonvoting member. The
1289 Commissioner of Agriculture shall appoint each other member of
1290 the authority. Each member appointed by the Commissioner of
1291 Agriculture shall serve at the pleasure of the Commissioner of
1292 Agriculture. The term of each member appointed by the
1293 Commissioner of Agriculture shall be 4 years, but the term of
1294 the nonvoting youth member shall be for 1 year ~~except, to~~
1295 ~~provide staggered terms, 9 of the members shall be initially~~
1296 ~~appointed for a 2-year term and 10 of the members shall be~~
1297 ~~initially appointed for a 3-year term.~~ Members may be appointed
1298 for more than one term. Any vacancy shall be filled for the
1299 remainder of the unexpired term pursuant to the method provided
1300 in this section for appointment. Six of the members may be from
1301 Hillsborough County. The Commissioner of Agriculture shall
1302 appoint and set the compensation of an executive director. The
1303 executive director shall serve at the pleasure of the
1304 Commissioner of Agriculture.

1305 (3) Members of the authority are ~~shall~~ not be entitled to

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1306 compensation for their services as members and may not, ~~but~~
1307 ~~shall~~ be reimbursed for travel expenses. Except for the
1308 nonvoting youth member, each member as provided in s. 112.061
1309 ~~and~~ may be compensated for any special or full-time service
1310 performed in the authority's ~~its~~ behalf as officers or agents of
1311 the authority.

1312 Section 45. Paragraph (c) of subsection (2) of section
1313 812.014, Florida Statutes, is amended to read:

1314 812.014 Theft.—

1315 (2)

1316 (c) It is grand theft of the third degree and a felony of
1317 the third degree, punishable as provided in s. 775.082, s.
1318 775.083, or s. 775.084, if the property stolen is:

- 1319 1. Valued at \$300 or more, but less than \$5,000.
- 1320 2. Valued at \$5,000 or more, but less than \$10,000.
- 1321 3. Valued at \$10,000 or more, but less than \$20,000.
- 1322 4. A will, codicil, or other testamentary instrument.
- 1323 5. A firearm.
- 1324 6. A motor vehicle, except as provided in paragraph (a).
- 1325 7. Any commercially farmed animal, including any animal of
1326 the equine, bovine, or swine class, or other grazing animal,
1327 including bee colonies of registered bee keepers and ~~including~~
1328 aquaculture species raised at a certified aquaculture facility.
1329 If the property stolen is aquaculture species raised at a
1330 certified aquaculture facility, then a \$10,000 fine shall be
1331 imposed.
- 1332 8. Any fire extinguisher.
- 1333 9. Any amount of citrus fruit consisting of 2,000 or more
1334 individual pieces of fruit.

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1335 10. Taken from a designated construction site identified by
1336 the posting of a sign as provided for in s. 810.09(2)(d).

1337 11. Any stop sign.

1338 12. Anhydrous ammonia.

1339
1340 However, if the property is stolen within a county that is
1341 subject to a state of emergency declared by the Governor under
1342 chapter 252, the property is stolen after the declaration of
1343 emergency is made, and the perpetration of the theft is
1344 facilitated by conditions arising from the emergency, the
1345 offender commits a felony of the second degree, punishable as
1346 provided in s. 775.082, s. 775.083, or s. 775.084, if the
1347 property is valued at \$5,000 or more, but less than \$10,000, as
1348 provided under subparagraph 2., or if the property is valued at
1349 \$10,000 or more, but less than \$20,000, as provided under
1350 subparagraph 3. As used in this paragraph, the term "conditions
1351 arising from the emergency" means civil unrest, power outages,
1352 curfews, voluntary or mandatory evacuations, or a reduction in
1353 the presence of or the response time for first responders or
1354 homeland security personnel. For purposes of sentencing under
1355 chapter 921, a felony offense that is reclassified under this
1356 paragraph is ranked one level above the ranking under s.
1357 921.0022 or s. 921.0023 of the offense committed.

1358 Section 46. Paragraphs (f) and (g) of subsection (1) of
1359 section 812.015, Florida Statutes, are amended to read:

1360 812.015 Retail and farm theft; transit fare evasion;
1361 mandatory fine; alternative punishment; detention and arrest;
1362 exemption from liability for false arrest; resisting arrest;
1363 penalties.—

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1364 (1) As used in this section:

1365 (f) "Farmer" means a person who is engaging in the growing
1366 or producing of farm produce, milk products, honey, eggs, or
1367 meat, either part time or full time, for personal consumption or
1368 for sale and who is the owner or lessee of the land or a person
1369 designated in writing by the owner or lessee to act as her or
1370 his agent. No person defined as a farm labor contractor pursuant
1371 to s. 450.28 shall be designated to act as an agent for purposes
1372 of this section.

1373 (g) "Farm theft" means the unlawful taking possession of
1374 any items that are grown or produced on land owned, rented, or
1375 leased by another person. The term also includes equipment and
1376 associated materials used to grow or produce farm products as
1377 defined in s. 823.14(3)(c).

1378 Section 47. This act shall take effect October 1, 2011.