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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 requiring the reimbursement of members of the
5 Florida Commission on the Status of Women for per diem and
6 travel expenses; amending s. 20.14, F.S.; deleting a
7 provision establishing the Division of Dairy within the
8 department; amending s. 215.981, F.S.; exempting certain
9 direct-support organizations and citizen support
10 organizations for the department from obtaining an
11 independent audit; requiring the department to establish
12 accounting and financial management guidelines for such
13 organizations and annually review the operations and
14 finances of a selected number of such organizations;
15 amending s. 253.02, F.S.; providing for the grantee of
16 easements for electrical transmission to pay the lead
17 manager of the state-owned lands or, when there is no lead
18 manager, the Department of Environmental Protection if
19 suitable replacement uplands cannot be identified;
20 amending s. 261.04, F.S.; deleting provisions requiring
21 the reimbursement of members of the Off-Highway Vehicle
22 Recreation Advisory Committee for per diem and travel
23 expenses; amending s. 472.007, F.S.; deleting provisions
24 requiring compensation of members and former members of
25 the Board of Professional Surveyors and Mappers for
26 performing certain duties and reimbursement of members for
27 per diem and travel expenses; amending s. 482.051, F.S.;
28 providing additional methods for pest control licensees to

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29 | give certain emergency notice to the Department of
30 | Agriculture and Consumer Services before performing
31 | general fumigation; amending s. 482.071, F.S.; revising
32 | the minimum bodily injury and property damage insurance
33 | coverage required for pest control businesses; creating s.
34 | 482.072, F.S.; providing for licensure by the department
35 | of pest control customer contact centers; providing
36 | application requirements; providing for fees, licensure
37 | renewal, licensure expiration, transfer of licenses, and
38 | penalties; creating s. 482.157, F.S.; providing for
39 | limited certification of commercial wildlife trappers;
40 | providing requirements for certification, examination, and
41 | fees; limiting the scope of work permitted by
42 | certificateholders; clarifying that licensees who practice
43 | accepted pest control methods are immune from liability
44 | for violating laws prohibiting cruelty to animals;
45 | providing for applicability; amending s. 482.226, F.S.;
46 | revising the minimum financial responsibility requirements
47 | for licensees that perform wood-destroying organism
48 | inspections; amending s. 482.243, F.S.; deleting
49 | provisions relating to the reimbursement of members of the
50 | Pest Control Enforcement Advisory Council for expenses;
51 | amending s. 487.041, F.S.; providing that registration,
52 | supplemental, and late fees related to the registration of
53 | pesticide brands with the department are nonrefundable;
54 | providing requirements for label revisions of pesticide
55 | brands; providing requirements for label revisions that
56 | must be reviewed by the United States Environmental

57 Protection Agency; requiring payments of pesticide
58 registration fees to be submitted electronically by a date
59 certain; amending s. 487.0615, F.S.; deleting provisions
60 requiring the reimbursement of members of the Pesticide
61 Review Council for per diem and travel expenses; amending
62 s. 500.70, F.S.; requiring certain persons who produce,
63 harvest, pack, or repack tomatoes to register each
64 location of a tomato farm, tomato greenhouse, tomato
65 packinghouse, or tomato repacker by a specified date;
66 authorizing the department to set a registration fee;
67 requiring that funds collected be deposited into the
68 General Inspection Trust Fund; amending ss. 527.22 and
69 559.9221, F.S.; deleting provisions authorizing the
70 reimbursement of members of the Florida Propane Gas
71 Education, Safety, and Research Council and the Motor
72 Vehicle Repair Advisory Council for per diem and travel
73 expenses; amending s. 570.07, F.S.; revising the powers
74 and duties of the department relating to pollution control
75 and the prevention of wildfires; amending s. 570.0705,
76 F.S.; deleting provisions requiring the reimbursement for
77 per diem and travel expenses of members of certain ad hoc
78 advisory committees appointed by the Commissioner of
79 Agriculture; amending s. 570.074, F.S.; renaming the
80 Office of Water Coordination and revising its policy
81 jurisdiction; amending s. 570.18, F.S., to conform;
82 amending s. 570.23, F.S.; deleting provisions requiring
83 the reimbursement of members of the State Agricultural
84 Advisory Council for per diem and travel expenses;

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85 | amending s. 570.29, F.S.; deleting a provision
86 | establishing the Division of Dairy Industry within the
87 | department; amending ss. 570.38 and 570.382, F.S.;
88 | deleting provisions requiring the reimbursement of members
89 | of the Animal Industry Technical Council and the Arabian
90 | Horse Council for per diem and travel expenses; repealing
91 | ss. 570.40 and 570.41, F.S., relating to the powers and
92 | duties of the Division of Dairy within the department and
93 | the qualifications and duties of the division's director;
94 | amending s. 570.42, F.S.; deleting provisions requiring
95 | the reimbursement of members of the Dairy Industry
96 | Technical Council for per diem and travel expenses;
97 | amending s. 570.50, F.S.; requiring the Division of Food
98 | Safety within the department to inspect certain dairy
99 | farms and plants, perform certain analyses and tests, and
100 | enforce certain rules and provisions of law; amending s.
101 | 570.543, F.S.; deleting provisions requiring the
102 | reimbursement of members of the Florida Consumers' Council
103 | for per diem and travel expenses; amending s. 570.954,
104 | F.S.; removing the requirement that the department
105 | coordinate with and solicit the expertise of the state
106 | energy office when developing the farm-to-fuel initiative;
107 | amending ss. 571.28, 573.112, 576.091, 580.151, 581.186,
108 | and 586.161, F.S.; deleting provisions requiring the
109 | reimbursement of members of the Florida Agricultural
110 | Promotional Campaign Advisory Council, certain ad hoc
111 | advisory councils appointed to advise the department
112 | concerning the issuance of marketing orders, the

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113 Fertilizer Technical Council, the Commercial Feed
114 Technical Council, the Endangered Plant Advisory Council,
115 and the Honeybee Technical Council for per diem and travel
116 expenses; amending s. 590.015, F.S.; revising and
117 providing definitions for purposes of forest protection;
118 amending s. 590.02, F.S.; authorizing forest operations
119 administrators to be certified as forestry firefighters;
120 providing the status of Selected Exempt Service to an
121 aviation manager and the Division of Forestry's training
122 coordinator; granting the department certain exclusive
123 authority over the Florida Building Code; authorizing the
124 department to retain, transfer, warehouse, bid, destroy,
125 scrap, or dispose of certain surplus equipment and
126 vehicles; authorizing the department to retain any moneys
127 received from the disposition of certain state-owned
128 equipment and vehicles; providing that moneys received may
129 be used for the acquisition of certain exchange and
130 surplus equipment and all necessary operating expenditures
131 related to the equipment; requiring the department to
132 maintain records of the accounts into which the money is
133 deposited; granting the department exclusive authority to
134 require and issue authorizations for broadcast burning,
135 agricultural pile burning, and silvicultural pile burning;
136 preempting other governmental entities from adopting laws,
137 regulations, rules, or policies pertaining to broadcast
138 burning, agricultural pile burning, or silvicultural pile
139 burning unless an emergency order has been declared;
140 authorizing the department to delegate its authority to a

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141 county or municipality to issue authorizations for the
142 burning of yard trash and debris from land-clearing
143 operations; amending s. 590.125, F.S.; revising and
144 providing definitions relating to open burning
145 authorizations; specifying purposes of certified
146 prescribed burning; requiring the division's authorization
147 for certified pile burning; providing pile burning
148 requirements; limiting the liability of property owners or
149 agents engaged in pile burning; providing for the
150 certification of pile burners; providing penalties for
151 violations by certified pile burners; requiring the
152 division to adopt rules to regulate certified pile
153 burning; revising notice requirements for wildfire hazard
154 reduction treatments; requiring division approval of local
155 government open burning authorization programs; providing
156 program requirements; authorizing the division to resume
157 administration of a local government's program under
158 certain circumstances; providing penalties for violations
159 of local government open burning requirements; amending s.
160 590.14, F.S.; authorizing a division employee to issue a
161 notice of violation for any division rule; authorizing the
162 division to impose an administrative fine for a violation
163 of any division rule; providing penalties for certain
164 violations; providing legislative intent; amending ss.
165 597.005 and 599.002, F.S.; deleting provisions requiring
166 the reimbursement of members of the Aquaculture Review
167 Council and the Viticulture Advisory Council for per diem
168 and travel expenses; amending s. 616.252, F.S.; providing

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169 for the appointment and term of a nonvoting youth member
 170 of the Florida State Fair Authority; deleting provisions
 171 requiring staggered terms; prohibiting the reimbursement
 172 of members of the Florida State Fair Authority for per
 173 diem and travel expenses; excluding the youth member from
 174 compensation for special or full-time service performed on
 175 behalf of the authority; amending s. 812.014, F.S.;

176 providing penalties for the theft of bee colonies of
 177 registered beekeepers; amending s. 812.015, F.S.;

178 redefining the term "farmer" to include a person who grows
 179 or produces honey; redefining the term "farm theft" to
 180 include the unlawful taking possession of equipment and
 181 associated materials used to grow or produce certain farm
 182 products; providing an effective date.

183
 184 Be It Enacted by the Legislature of the State of Florida:

185
 186 Section 1. Subsection (3) of section 14.24, Florida
 187 Statutes, is amended to read:

188 14.24 Florida Commission on the Status of Women.—
 189 (3) Members of the commission shall serve without
 190 compensation, ~~but shall be reimbursed for per diem and travel~~
 191 ~~expenses in accordance with s. 112.061.~~

192 Section 2. Paragraphs (g) through (m) of subsection (2) of
 193 section 20.14, Florida Statutes, are redesignated as paragraphs
 194 (f) through (l), respectively, and present paragraph (f) of that
 195 subsection is amended to read:

196 20.14 Department of Agriculture and Consumer Services.—

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197 | There is created a Department of Agriculture and Consumer
 198 | Services.

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

201 | ~~(f) Dairy Industry.~~

202 | Section 3. Subsection (2) of section 215.981, Florida
 203 | Statutes, is amended to read:

204 | 215.981 Audits of state agency direct-support
 205 | organizations and citizen support organizations.—

206 | (2) Notwithstanding ~~the provisions of~~ subsection (1),
 207 | direct-support organizations and citizen support organizations
 208 | for the Department of Environmental Protection or direct-support
 209 | organizations and citizen support organizations for the
 210 | Department of Agriculture and Consumer Services that are not for
 211 | profit and that have annual expenditures of less than \$300,000
 212 | are not required to have an independent audit. The respective
 213 | department shall establish accounting and financial management
 214 | guidelines for those organizations under its ~~the department's~~
 215 | jurisdiction. Each year, the respective department shall conduct
 216 | operational and financial reviews of a selected number of
 217 | direct-support organizations or citizen support organizations
 218 | that ~~which~~ fall below the audit threshold established in this
 219 | subsection.

220 | Section 4. Paragraph (b) of subsection (2) of section
 221 | 253.02, Florida Statutes, is amended to read:

222 | 253.02 Board of trustees; powers and duties.—

223 | (2)

224 | (b) The authority of the board of trustees to grant

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225 easements for rights-of-way over, across, and upon uplands the
226 title to which is vested in the board of trustees for the
227 construction and operation of electric transmission and
228 distribution facilities and related appurtenances is hereby
229 confirmed. The board of trustees may delegate to the Secretary
230 of Environmental Protection the authority to grant such
231 easements on its behalf. All easements for rights-of-way over,
232 across, and upon uplands the title to which is vested in the
233 board of trustees for the construction and operation of electric
234 transmission and distribution facilities and related
235 appurtenances which are approved by the Secretary of
236 Environmental Protection pursuant to the authority delegated by
237 the board of trustees shall meet the following criteria:

238 1. Such easements shall not prevent the use of the state-
239 owned uplands adjacent to the easement area for the purposes for
240 which such lands were acquired and shall not unreasonably
241 diminish the ecological, conservation, or recreational values of
242 the state-owned uplands adjacent to the easement area.

243 2. There is no practical and prudent alternative to
244 locating the linear facility and related appurtenances on state-
245 owned upland. For purposes of this subparagraph, the test of
246 practicality and prudence shall compare the social, economic,
247 and environmental effects of the alternatives.

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

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

252 b. Avoiding significant wildlife habitat, wetlands, or

253 | other valuable natural resources to the maximum extent
 254 | practicable; or
 255 | c. Avoiding interference with active land management
 256 | practices, such as prescribed burning.
 257 | 4. Except for easements granted as a part of a land
 258 | exchange to accomplish a recreational or conservation benefit or
 259 | other public purpose, in exchange for such easements, the
 260 | grantee pays an amount equal to the market value of the interest
 261 | acquired. In addition, for the initial grant of such easements
 262 | only, the grantee shall provide additional compensation by
 263 | vesting in the board of trustees fee simple title to other
 264 | available uplands that are 1.5 times the size of the easement
 265 | acquired by the grantee. The Secretary of Environmental
 266 | Protection shall approve the property to be acquired on behalf
 267 | of the board of trustees based on the geographic location in
 268 | relation to the land proposed to be under easement and a
 269 | determination that economic, ecological, and recreational value
 270 | is at least equivalent to the value of the lands under proposed
 271 | easement. Priority for replacement uplands shall be given to
 272 | parcels identified as inholdings and additions to public lands
 273 | and lands on a Florida Forever land acquisition list. However,
 274 | if suitable replacement uplands cannot be identified, the
 275 | grantee shall provide additional compensation for the initial
 276 | grant of such easements only by paying to the lead manager of
 277 | the state-owned lands or, when there is no lead manager, by
 278 | paying to the department an amount equal to two times the
 279 | current market value of the state-owned land or the highest and
 280 | best use value at the time of purchase, whichever is greater.

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281 When determining such use of funds, priority shall be given to
 282 parcels identified as inholdings and additions to public lands
 283 and lands on a Florida Forever land acquisition list.

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

286 261.04 Off-Highway Vehicle Recreation Advisory Committee;
 287 members; appointment.—

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

292 Section 6. Subsections (6) and (7) of section 472.007,
 293 Florida Statutes, are renumbered as subsections (5) and (6),
 294 respectively, and present subsection (5) of that section is
 295 amended to read:

296 472.007 Board of Professional Surveyors and Mappers.—There
 297 is created in the Department of Agriculture and Consumer
 298 Services the Board of Professional Surveyors and Mappers.

299 ~~(5) Unless otherwise provided by law, a board member or~~
 300 ~~former board member serving on a probable cause panel must be~~
 301 ~~compensated \$50 for each day in attendance at an official~~
 302 ~~meeting of the board and for each day participating in any other~~
 303 ~~business involving the board. The board shall adopt a rule~~
 304 ~~defining the phrase "other business involving the board."~~
 305 ~~However, the phrase may not routinely be defined to include~~
 306 ~~telephone conference calls. A board member is also entitled to~~
 307 ~~reimbursement for expenses pursuant to s. 112.061. Travel out of~~
 308 ~~state requires the prior approval of the commissioner or the~~

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309 ~~commissioner's designee.~~

310 Section 7. Subsection (4) of section 482.051, Florida
 311 Statutes, is amended to read:

312 482.051 Rules.—The department has authority to adopt rules
 313 pursuant to ss. 120.536(1) and 120.54 to implement the
 314 provisions of this chapter. Prior to proposing the adoption of a
 315 rule, the department shall counsel with members of the pest
 316 control industry concerning the proposed rule. The department
 317 shall adopt rules for the protection of the health, safety, and
 318 welfare of pest control employees and the general public which
 319 require:

320 (4) That a licensee, before performing general fumigation,
 321 notify in writing the department inspector having jurisdiction
 322 over the location where the fumigation is to be performed, which
 323 notice must be received by the department inspector at least 24
 324 hours before ~~in advance of~~ the fumigation and must contain such
 325 information as the department requires. However, in an authentic
 326 and verifiable emergency, when 24 hours' advance notice
 327 ~~notification~~ is not possible, advance notice may be given by
 328 telephone, facsimile, or any form of acceptable electronic
 329 communication, ~~telegraph notice may be given;~~ but such notice
 330 must be immediately followed by written confirmation providing
 331 the required information.

332 Section 8. Subsection (4) of section 482.071, Florida
 333 Statutes, is amended to read:

334 482.071 Licenses.—

335 (4) A licensee may not operate a pest control business
 336 without carrying the required insurance coverage. Each person

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337 making application for a pest control business license or
338 renewal thereof must furnish to the department a certificate of
339 insurance that meets the requirements for minimum financial
340 responsibility for bodily injury and property damage consisting
341 of:

342 (a) Bodily injury: \$250,000 per ~~\$100,000 each~~ person and
343 \$500,000 per ~~\$300,000 each~~ occurrence; and property damage:
344 \$250,000 per ~~\$50,000 each~~ occurrence and \$500,000 ~~\$100,000~~ in
345 the aggregate; or

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

348 Section 9. Section 482.072, Florida Statutes, is created
349 to read:

350 482.072 Pest control customer contact centers.—

351 (1) The department may issue a license to a qualified
352 business to operate a customer contact center, to solicit pest
353 control business, or to provide services to customers for one or
354 more business locations licensed under s. 482.071. A person may
355 not operate a customer contact center for a pest control
356 business that is not licensed by the department.

357 (2) (a) Before operating a customer contact center, and
358 biennially thereafter, on or before an anniversary date set by
359 the department for a licensed customer contact center location,
360 the pest control business must apply to the department for a
361 license under this chapter, or a renewal thereof, for each
362 customer contact center location. An application must be
363 submitted in the format prescribed by the department.

364 (b) The department shall establish a fee of at least \$600,

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365 but not more than \$1,000, for the issuance of a customer contact
366 center license and a fee of at least \$600, but not more than
367 \$1,000, for renewal of a customer contact center license.

368 However, until rules for renewal fees are adopted, the initial
369 licensing fee and renewal fee are each \$600. The department
370 shall establish a grace period, not to exceed 30 calendar days
371 after the license's anniversary renewal date, and shall assess a
372 late fee of \$150, in addition to the renewal fee, for a license
373 that is renewed after the grace period.

374 (c) A license automatically expires 60 calendar days after
375 the anniversary renewal date unless the license is renewed
376 before that date. When a license expires, it may be reinstated
377 only upon reapplication and payment of the license renewal fee
378 and a late renewal fee.

379 (d) A license automatically expires if a licensee changes
380 the business address of its customer contact center location.
381 The department shall issue a new license upon payment of a \$250
382 fee. The new license automatically expires 60 calendar days
383 after the anniversary renewal date of the former license unless
384 the license is renewed before that date.

385 (e) The department may not issue or renew a license to
386 operate a customer contact center unless the pest control
387 business licensees for which the customer contact center
388 solicits business are owned in common by a person or business
389 entity recognized by this state.

390 (f) The department may deny a license or refuse to renew a
391 license if the applicant or licensee, or one or more of the
392 applicant's or licensee's directors, officers, owners, or

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393 general partners, are or have been directors, officers, owners,
394 or general partners of a pest control business that meets the
395 conditions in s. 482.071(2) (g).

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

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

403 (3) (a) The department shall adopt rules establishing
404 requirements and procedures for customer contact center
405 recordkeeping and monitoring to ensure compliance with this
406 section and rules adopted in accordance with this section.

407 (b) Notwithstanding any other provision of this section:

408 1. A customer contact center licensee is subject to
409 disciplinary action under s. 482.161 for a violation of this
410 section or a rule adopted under this section committed by a
411 person who solicits pest control services or provides customer
412 service in a customer contact center.

413 2. A pest control business licensee may be subject to
414 disciplinary action under s. 482.161 for a violation of this
415 section or a rule adopted under this section committed by a
416 person who solicits pest control services or provides customer
417 service in a customer contact center operated by a licensee if
418 the licensee participates in the violation.

419 Section 10. Section 482.157, Florida Statutes, is created
420 to read:

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421 482.157 Limited certification for commercial wildlife
422 management personnel.-

423 (1) The department shall establish a limited certificate
424 that authorizes a person who engages in the commercial trapping
425 of wildlife to use nonchemical methods, including traps, glue
426 boards, mechanical or electronic devices, and exclusionary
427 techniques to control rodents as defined in s. 482.021(24).

428 (2) The department shall issue a limited certificate to an
429 applicant who:

430 (a) Submits an application and examination fee of at least
431 \$150, but not more than \$300, as prescribed by the department by
432 rule;

433 (b) Passes an examination administered by the department.
434 The department shall provide the appropriate study materials for
435 the examination and make the examination readily available to
436 applicants in each county as necessary, but not less frequently
437 than quarterly; and

438 (c) Provides proof, including a certificate of insurance,
439 that the applicant has met the minimum bodily injury and
440 property damage insurance requirements in s. 482.071(4).

441 (3) An application for recertification must be made
442 annually and be accompanied by a recertification fee of at least
443 \$75, but not more than \$150, as prescribed by the department by
444 rule. The application must also be accompanied by proof of
445 completion of the required 4 classroom hours of acceptable
446 continuing education and the required proof of insurance. After
447 a grace period not exceeding 30 calendar days after the
448 recertification renewal date, the department shall assess a late

449 fee of \$50 in addition to the renewal fee. A certificate
 450 automatically expires 180 days after the recertification date if
 451 the renewal fee has not been paid. After expiration, the
 452 department shall issue a new certificate only if the applicant
 453 successfully passes a reexamination and pays the examination fee
 454 and late fee.

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

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

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

460 (c) Supervision of an uncertified person using nonchemical
 461 methods to control rodents.

462 (5) A person who is licensed under this chapter and
 463 practices accepted methods of pest control is immune from
 464 liability under s. 828.12.

465 (6) This chapter does not exempt a person from the rules,
 466 regulations, or orders of the Fish and Wildlife Conservation
 467 Commission.

468 Section 11. Subsection (6) of section 482.226, Florida
 469 Statutes, is amended to read:

470 482.226 Wood-destroying organism inspection report; notice
 471 of inspection or treatment; financial responsibility.—

472 (6) Any licensee that performs wood-destroying organism
 473 inspections in accordance with subsection (1) must meet minimum
 474 financial responsibility in the form of errors and omissions
 475 (professional liability) insurance coverage or bond in an amount
 476 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000

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477 | ~~\$25,000~~ per occurrence, or demonstrate that the licensee has
 478 | equity or net worth of no less than \$500,000 ~~\$100,000~~ as
 479 | determined by generally accepted accounting principles
 480 | substantiated by a certified public accountant's review or
 481 | certified audit. The licensee must show proof of meeting this
 482 | requirement at the time of license application or renewal
 483 | thereof.

484 | Section 12. Subsection (6) of section 482.243, Florida
 485 | Statutes, is amended to read:

486 | 482.243 Pest Control Enforcement Advisory Council.—

487 | (6) The meetings, powers and duties, procedures, and
 488 | ~~recordkeeping, and reimbursement of expenses of members~~ of the
 489 | council shall be in accordance with the provisions of s.
 490 | 570.0705 relating to advisory committees established within the
 491 | department.

492 | Section 13. Paragraph (a) of subsection (1) of section
 493 | 487.041, Florida Statutes, is amended, and paragraphs (h), (i),
 494 | and (j) are added to that subsection, to read:

495 | 487.041 Registration.—

496 | (1)(a) Effective January 1, 2009, each brand of pesticide,
 497 | as defined in s. 487.021, which is distributed, sold, or offered
 498 | for sale, except as provided in this section, within this state
 499 | or delivered for transportation or transported in intrastate
 500 | commerce or between points within this state through any point
 501 | outside this state must be registered in the office of the
 502 | department, and such registration shall be renewed biennially.
 503 | Emergency exemptions from registration may be authorized in
 504 | accordance with the rules of the department. The registrant

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505 shall file with the department a statement including:

506 1. The name, business mailing address, and street address
507 of the registrant.

508 2. The name of the brand of pesticide.

509 3. An ingredient statement and a complete current copy of
510 the labeling accompanying the brand of ~~the~~ pesticide, which must
511 conform to the registration, and a statement of all claims to be
512 made for it, including directions for use and a guaranteed
513 analysis showing the names and percentages by weight of each
514 active ingredient, the total percentage of inert ingredients,
515 and the names and percentages by weight of each "added
516 ingredient."

517 (h) All registration fees, including supplemental fees and
518 late fees, are nonrefundable.

519 (i) For any currently registered pesticide product brand
520 that undergoes labeling revisions during the registration
521 period, the registrant shall submit to the department a copy of
522 the revised labeling along with a cover letter detailing such
523 revisions before the sale or distribution in this state of the
524 product brand with the revised labeling. If the labeling
525 revisions require notification of an amendment review by the
526 United States Environmental Protection Agency, the registrant
527 shall submit an additional copy of the labeling marked to
528 identify those revisions.

529 (j) Effective January 1, 2013, all payments of any
530 pesticide registration fees, including supplemental fees and
531 late fees, shall be submitted electronically using the
532 department's Internet website for registration of pesticide

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533 product brands.

534 Section 14. Subsection (5) of section 487.0615, Florida
535 Statutes, is amended to read:

536 487.0615 Pesticide Review Council.—

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

540 Section 15. Subsection (6) of section 500.70, Florida
541 Statutes, is renumbered as subsection (7), and a new subsection
542 (6) is added to that section to read:

543 500.70 Tomato food safety standards; inspections;
544 penalties; tomato good agricultural practices; tomato best
545 management practices.—

546 (6) Any person who produces, harvests, packs, or repacks
547 tomatoes in this state and does not hold a food permit issued
548 under s. 500.12 shall annually register each location of a
549 tomato farm, tomato greenhouse, tomato packinghouse, or tomato
550 repacker by August 1 on a form prescribed by the department. Any
551 person who produces, harvests, packs, or repacks tomatoes at
552 more than one location may submit one registration for all such
553 locations but must provide the physical address of each
554 location. The department may set by rule an annual registration
555 fee not to exceed \$500. Moneys collected pursuant to this
556 subsection shall be deposited into the General Inspection Trust
557 Fund.

558 Section 16. Subsection (5) of section 527.22, Florida
559 Statutes, is amended to read:

560 527.22 Florida Propane Gas Education, Safety, and Research

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561 Council established; membership; duties and responsibilities.—

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

566 Section 17. Subsection (3) of section 559.9221, Florida
 567 Statutes, is amended to read:

568 559.9221 Motor Vehicle Repair Advisory Council.—The Motor
 569 Vehicle Repair Advisory Council is created to advise and assist
 570 the department in carrying out this part.

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

574 Section 18. Subsection (28) of section 570.07, Florida
 575 Statutes, is amended to read:

576 570.07 Department of Agriculture and Consumer Services;
 577 functions, powers, and duties.—The department shall have and
 578 exercise the following functions, powers, and duties:

579 (28) For purposes of pollution control and the prevention
 580 of wildfires ~~purposes~~, to regulate open burning connected with
 581 ~~rural~~ land-clearing, agricultural, or forestry operations,
 582 ~~except fires for cold or frost protection.~~

583 Section 19. Subsection (9) of section 570.0705, Florida
 584 Statutes, is amended to read:

585 570.0705 Advisory committees.—From time to time the
 586 commissioner may appoint any advisory committee to assist the
 587 department with its duties and responsibilities.

588 (9) Members of each advisory committee shall receive no

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589 compensation for their services, ~~but shall be entitled to~~
 590 ~~reimbursement for per diem and travel expenses as provided in s.~~
 591 ~~112.061.~~

592 Section 20. Section 570.074, Florida Statutes, is amended
 593 to read:

594 570.074 Department of Agriculture and Consumer Services;
 595 energy and water policy coordination.—The commissioner may
 596 create an Office of Energy and Water Coordination under the
 597 supervision of a senior manager exempt under s. 110.205 in the
 598 Senior Management Service. The commissioner may designate the
 599 bureaus and positions in the various organizational divisions of
 600 the department that report to this office relating to any matter
 601 over which the department has jurisdiction in matters relating
 602 to energy and water policy affecting agriculture, application of
 603 such policies, and coordination of such matters with state and
 604 federal agencies.

605 Section 21. Section 570.18, Florida Statutes, is amended
 606 to read:

607 570.18 Organization of departmental work.—In the
 608 assignment of functions to the ~~12~~ divisions of the department
 609 created in s. 570.29, the department shall retain within the
 610 Division of Administration, in addition to executive functions,
 611 those powers and duties enumerated in s. 570.30. The department
 612 shall organize the work of the other ~~11~~ divisions in such a way
 613 as to secure maximum efficiency in the conduct of the
 614 department. The divisions created in s. 570.29 are solely to
 615 make possible the definite placing of responsibility. The
 616 department shall be conducted as a unit in which every employee,

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617 including each division director, is assigned a definite
 618 workload, and there shall exist between division directors a
 619 spirit of cooperative effort to accomplish the work of the
 620 department.

621 Section 22. Subsection (2) of section 570.23, Florida
 622 Statutes, is amended to read:

623 570.23 State Agricultural Advisory Council.—

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

630 Section 23. Subsections (7) through (12) of section
 631 570.29, Florida Statutes, are renumbered as subsections (6)
 632 through (11), respectively, and present subsection (6) is
 633 amended to read:

634 570.29 Departmental divisions.—The department shall
 635 include the following divisions:

636 ~~(6) Dairy Industry.~~

637 Section 24. Subsection (2) of section 570.38, Florida
 638 Statutes, is amended to read:

639 570.38 Animal Industry Technical Council.—

640 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
 641 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 642 recordkeeping of the Animal Industry Technical Council, ~~and per~~
 643 ~~diem and reimbursement of expenses of council members,~~ shall be
 644 governed by the provisions of s. 570.0705 relating to advisory

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645 committees established within the department.

646 Section 25. Paragraph (d) of subsection (3) of section
647 570.382, Florida Statutes, is amended to read:

648 570.382 Arabian horse racing; breeders' and stallion
649 awards; Arabian Horse Council; horse registration fees; Florida
650 Arabian Horse Racing Promotion Account.—

651 (3) ARABIAN HORSE COUNCIL.—

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

656 Section 26. Sections 570.40 and 570.41, Florida Statutes,
657 are repealed.

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

660 570.42 Dairy Industry Technical Council.—

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

667 Section 28. Subsections (6) and (7) are added to section
668 570.50, Florida Statutes, to read:

669 570.50 Division of Food Safety; powers and duties.—The
670 duties of the Division of Food Safety include, but are not
671 limited to:

672 (6) Inspecting dairy farms of the state, enforcing those
 673 provisions of chapter 502 that are authorized by the department
 674 and related to the supervision of milking operations, and
 675 enforcing rules adopted under such provisions.

676 (7) Inspecting milk plants, milk product plants, and
 677 plants engaged in the manufacture and distribution of frozen
 678 desserts and frozen dessert mixes; analyzing and testing samples
 679 of milk, milk products, frozen desserts, and frozen dessert
 680 mixes collected by the division; and enforcing those provisions
 681 of chapters 502 and 503 that are authorized by the department.

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

684 570.543 Florida Consumers' Council.—The Florida Consumers'
 685 Council in the department is created to advise and assist the
 686 department in carrying out its duties.

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

694 Section 30. Subsection (3) of section 570.954, Florida
 695 Statutes, is amended to read:

696 570.954 Farm-to-fuel initiative.—

697 ~~(3) The department shall coordinate with and solicit the~~
 698 ~~expertise of the state energy office within the Department of~~
 699 ~~Environmental Protection when developing and implementing this~~

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700 ~~initiative.~~

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

703 571.28 Florida Agricultural Promotional Campaign Advisory
704 Council.—

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

712 Section 32. Subsection (6) of section 573.112, Florida
713 Statutes, is amended to read:

714 573.112 Advisory council.—

715 (6) No member or alternate member of the council shall
716 receive a salary, ~~but shall be reimbursed for travel expenses~~
717 ~~while on council business as provided in s. 112.061.~~ The
718 department may employ necessary personnel, including
719 professional and technical services personnel, and fix their
720 compensation and terms of employment and may incur expenses to
721 be paid from moneys collected as herein provided.

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

724 576.091 Fertilizer Technical Council.—

725 (3) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
726 ~~REIMBURSEMENTS.~~—The meetings, powers and duties, procedures, and
727 ~~recordkeeping, and reimbursement of expenses of members and~~

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728 ~~alternate members~~ of the council shall be in accordance with the
 729 provisions of s. 570.0705 relating to advisory committees
 730 established within the department.

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

733 580.151 Commercial Feed Technical Council.—

734 (2) POWERS AND DUTIES; PROCEDURES; RECORDS; ~~COMPENSATION.~~—

735 The meetings, powers and duties, procedures, and recordkeeping
 736 of the Commercial Feed Technical Council, ~~and per diem and~~
 737 ~~reimbursement of expenses of council members,~~ shall be governed
 738 by the provisions of s. 570.0705 relating to advisory committees
 739 established within the department.

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

742 581.186 Endangered Plant Advisory Council; organization;
 743 meetings; powers and duties.—

744 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS; ~~COMPENSATION.~~—

745 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 746 recordkeeping of the Endangered Plant Advisory Council, ~~and per~~
 747 ~~diem and reimbursement of expenses of council members,~~ shall be
 748 governed by the provisions of s. 570.0705 relating to advisory
 749 committees established within the department.

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

752 586.161 Honeybee Technical Council.—

753 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS; ~~COMPENSATION.~~—

754 ~~COMPENSATION.~~—The meetings, powers and duties, procedures, and
 755 recordkeeping of the Honeybee Technical Council, ~~and per diem~~

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

759 Section 37. Section 590.015, Florida Statutes, is amended
 760 to read:

761 590.015 Definitions.—As used in this chapter, the term:

762 (1) "Broadcast burning" means the burning of agricultural
 763 or natural vegetation by allowing fire to move across a
 764 predetermined area of land. The term does not include the
 765 burning of vegetative debris that is piled or stacked.

766 (2)~~(1)~~ "Division" means the Division of Forestry of the
 767 Department of Agriculture and Consumer Services.

768 (3)~~(2)~~ "Fire management services" means presuppression
 769 fireline plowing, prescribed burning assistance, contract
 770 prescribed burning, prescribed and wildfire management training,
 771 and other activities associated with prevention, detection, and
 772 suppression of wildfires.

773 (4)~~(3)~~ "Fuel reduction" means the application of
 774 techniques that reduce vegetative fuels, and may include
 775 prescribed burning, manual and mechanical clearing, and the use
 776 of herbicides.

777 (5) "Open burning" means any outdoor fire or open
 778 combustion of material that produces visible emissions.

779 (6)~~(4)~~ "Wildfire" means any vegetative fire that threatens
 780 to destroy life, property, or natural resources.

781 (7)~~(5)~~ "Wild land" means any public or private managed or
 782 unmanaged forest, urban/interface, pasture or range land,
 783 recreation lands, or any other land at risk of wildfire.

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784 Section 38. Paragraph (d) of subsection (1) and subsection
785 (4) of section 590.02, Florida Statutes, are amended, and
786 subsections (9) and (10) are added to that section, to read:

787 590.02 Division powers, authority, and duties; liability;
788 building structures; Florida Center for Wildfire and Forest
789 Resources Management Training.—

790 (1) The division has the following powers, authority, and
791 duties:

792 (d) To appoint center managers, forest area supervisors,
793 forestry program administrators, a forest protection bureau
794 chief, a forest protection assistant bureau chief, a field
795 operations bureau chief, deputy chiefs of field operations,
796 district managers, forest operations administrators, senior
797 forest rangers, investigators, forest rangers, firefighter
798 rotorcraft pilots, and other employees who may, at the
799 division's discretion, be certified as forestry firefighters
800 pursuant to s. 633.35(4). Other provisions of law
801 notwithstanding, center managers, district managers, forest
802 protection assistant bureau chief, aviation manager, the
803 division's training coordinator, and deputy chiefs of field
804 operations shall have Selected Exempt Service status in the
805 state personnel designation;

806 (4) (a) The department may build structures,
807 notwithstanding chapters 216 and 255, not to exceed a cost of
808 \$50,000 per structure from existing resources on forest lands,
809 federal excess property, and unneeded existing structures. These
810 structures must meet all applicable building codes.

811 (b) Notwithstanding s. 553.80(1), the department shall

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812 exclusively enforce the Florida Building Code as it pertains to
 813 wildfire and law enforcement facilities under the jurisdiction
 814 of the department.

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

819 (b) All money received from the disposition of state-owned
 820 equipment and vehicles that are used for wildland firefighting
 821 shall be retained by the department. Money received pursuant to
 822 this section is appropriated for and may be disbursed for the
 823 acquisition of exchange and surplus equipment used for wildland
 824 firefighting, and for all necessary operating expenditures
 825 related to such equipment, in the same fiscal year and the
 826 fiscal year following the disposition. The department shall
 827 maintain records of the accounts into which the money is
 828 deposited.

829 (10) (a) The division has exclusive authority to require
 830 and issue authorizations for broadcast burning and agricultural
 831 and silvicultural pile burning. An agency, commission,
 832 department, county, municipality, or other political subdivision
 833 of the state may not adopt laws, regulations, rules, or policies
 834 pertaining to broadcast burning or agricultural and
 835 silvicultural pile burning unless an emergency order is declared
 836 in accordance with s. 252.38(3).

837 (b) The division may delegate to a county or municipality
 838 its authority, as delegated by the Department of Environmental
 839 Protection pursuant to ss. 403.061(28) and 403.081, to require

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840 and issue authorizations for the burning of yard trash and
 841 debris from land clearing operations in accordance with s.
 842 590.125(6).

843 Section 39. Section 590.125, Florida Statutes, is amended
 844 to read:

845 590.125 Open burning authorized by the division.—

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

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

850 ~~"Prescribed burning" means the controlled application of fire in~~
 851 ~~accordance with a written prescription for vegetative fuels~~
 852 ~~under specified environmental conditions while following~~
 853 ~~appropriate precautionary measures that ensure that the fire is~~
 854 ~~confined to a predetermined area to accomplish the planned fire~~
 855 ~~or land-management objectives.~~

856 (b) "Certified prescribed burn manager" means an
 857 individual who successfully completes the certified prescribed
 858 burning certification program of the division and possesses a
 859 valid certification number.

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

861 1. Wildland ~~Wild land~~ burning or certified prescribed
 862 burning, and no spreading flames ~~visible flame, smoke, or~~
 863 emissions for vegetative land-clearing debris burning, exist.

864 2. Vegetative land-clearing debris burning or pile
 865 burning, no visible flames exist.

866 3. Vegetative land-clearing debris burning or pile burning
 867 in an area designated as smoke sensitive by the division, no

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868 visible flames, smoke, or emissions exist.

869 (d) "Land-clearing operation" means the uprooting or
870 clearing of vegetation in connection with the construction of
871 buildings and rights-of-way, land development, and mineral
872 operations. The term does not include the clearing of yard
873 trash.

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

878 (f) "Prescribed burning" means the controlled application
879 of fire by broadcast burning in accordance with a written
880 prescription for vegetative fuels under specified environmental
881 conditions, while following appropriate precautionary measures
882 that ensure that the fire is confined to a predetermined area to
883 accomplish the planned fire or land-management objectives.

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

887 (h) "Yard trash" means vegetative matter resulting from
888 landscaping and yard maintenance operations and other such
889 routine property cleanup activities. The term includes materials
890 such as leaves, shrub trimmings, grass clippings, brush, and
891 palm fronds.

892 (2) NONCERTIFIED BURNING.—

893 (a) Persons may be authorized to burn wild land or
894 vegetative land-clearing debris in accordance with this
895 subsection if:

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- 896 1. There is specific consent of the landowner or his or
 897 her designee;
- 898 2. Authorization has been obtained from the division or
 899 its designated agent before starting the burn;
- 900 3. There are adequate firebreaks at the burn site and
 901 sufficient personnel and firefighting equipment for the control
 902 of the fire;
- 903 4. The fire remains within the boundary of the authorized
 904 area;
- 905 5. An authorized person ~~Someone~~ is present at the burn
 906 site until the fire is extinguished;
- 907 6. The division does not cancel the authorization; and
- 908 7. The division determines that air quality and fire
 909 danger are favorable for safe burning.
- 910 (b) A person who burns wild land or vegetative land-
 911 clearing debris in a manner that violates any requirement of
 912 this subsection commits a misdemeanor of the second degree,
 913 punishable as provided in s. 775.082 or s. 775.083.
- 914 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 915 PURPOSE.—
- 916 (a) The application of prescribed burning is a land
 917 management tool that benefits the safety of the public, the
 918 environment, and the economy of the state. The Legislature finds
 919 that:
- 920 1. Prescribed burning reduces vegetative fuels within wild
 921 land areas. Reduction of the fuel load reduces the risk and
 922 severity of wildfire, thereby reducing the threat of loss of
 923 life and property, particularly in urban areas.

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924 2. Most of Florida's natural communities require periodic
925 fire for maintenance of their ecological integrity. Prescribed
926 burning is essential to the perpetuation, restoration, and
927 management of many plant and animal communities. Significant
928 loss of the state's biological diversity will occur if fire is
929 excluded from fire-dependent systems.

930 3. Forestland and rangeland constitute significant
931 economic, biological, and aesthetic resources of statewide
932 importance. Prescribed burning on forestland prepares sites for
933 reforestation, removes undesirable competing vegetation,
934 expedites nutrient cycling, and controls or eliminates certain
935 forest pathogens. On rangeland, prescribed burning improves the
936 quality and quantity of herbaceous vegetation necessary for
937 livestock production.

938 4. The state purchased hundreds of thousands of acres of
939 land for parks, preserves, wildlife management areas, forests,
940 and other public purposes. The use of prescribed burning for
941 management of public lands is essential to maintain the specific
942 resource values for which these lands were acquired.

943 5. A public education program is necessary to make
944 citizens and visitors aware of the public safety, resource, and
945 economic benefits of prescribed burning.

946 6. Proper training in the use of prescribed burning is
947 necessary to ensure maximum benefits and protection for the
948 public.

949 7. As Florida's population continues to grow, pressures
950 from liability issues and nuisance complaints inhibit the use of
951 prescribed burning. Therefore, the division is urged to maximize

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952 the opportunities for prescribed burning conducted during its
 953 daytime and nighttime authorization process.

954 (b) Certified prescribed burning pertains only to
 955 broadcast burning for purposes of silviculture, wildland fire
 956 hazard reduction, wildlife management, ecological maintenance
 957 and restoration, and range and pasture management. It must be
 958 conducted in accordance with this subsection and:

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

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

964 3. Requires that the specific consent of the landowner or
 965 his or her designee be obtained before requesting an
 966 authorization.

967 4. Requires that an authorization to burn be obtained from
 968 the division before igniting the burn.

969 5. Requires that there be adequate firebreaks at the burn
 970 site and sufficient personnel and firefighting equipment for the
 971 control of the fire.

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

975 7. Is considered to be a property right of the property
 976 owner if vegetative fuels are burned as required in this
 977 subsection.

978 (c) Neither a property owner nor his or her agent is
 979 liable pursuant to s. 590.13 for damage or injury caused by the

980 fire or resulting smoke or considered to be in violation of
 981 subsection (2) for burns conducted in accordance with this
 982 subsection unless gross negligence is proven.

983 (d) Any certified burner who violates this section commits
 984 a misdemeanor of the second degree, punishable as provided in s.
 985 775.082 or s. 775.083.

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

990 (4) CERTIFIED PILE BURNING.—

991 (a) Certified pile burning pertains to the disposal of
 992 piled, naturally occurring debris from an agricultural,
 993 silvicultural, or temporary land-clearing operation. A land-
 994 clearing operation is temporary if it operates for 6 months or
 995 less. Certified pile burning must be conducted in accordance
 996 with the following:

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

1000 2. A certified pile burner must ensure that the piles are
 1001 properly extinguished no later than 1 hour after sunset. If the
 1002 burn is conducted in an area designated by the division as smoke
 1003 sensitive, a certified pile burner must ensure that the piles
 1004 are properly extinguished at least 1 hour before sunset.

1005 3. A written pile burning plan must be prepared before
 1006 receiving authorization from the division to burn.

1007 4. The specific consent of the landowner or his or her

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1008 agent must be obtained before requesting authorization to burn.

1009 5. An authorization to burn must be obtained from the
 1010 division or its designated agent before igniting the burn.

1011 6. There must be adequate firebreaks and sufficient
 1012 personnel and firefighting equipment at the burn site to control
 1013 the fire.

1014 (b) If a burn is conducted in accordance with paragraph
 1015 (a), the property owner and his or her agent are not liable
 1016 under s. 590.13 for damage or injury caused by the fire or
 1017 resulting smoke, and are not in violation of subsection (2),
 1018 unless gross negligence is proven.

1019 (c) A certified pile burner who violates this subsection
 1020 commits a misdemeanor of the second degree, punishable as
 1021 provided in s. 775.082 or s. 775.083.

1022 (d) The division shall adopt rules regulating certified
 1023 pile burning. The rules shall include procedures and criteria
 1024 for certifying and decertifying certified pile burn managers
 1025 based on past experience, training, and record of compliance
 1026 with this section.

1027 (5)(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
 1028 DIVISION.—The division may conduct fuel reduction initiatives,
 1029 including, but not limited to, burning and mechanical and
 1030 chemical treatment, on any area of wild land within the state
 1031 which is reasonably determined to be in danger of wildfire in
 1032 accordance with the following procedures:

1033 (a) Describe the areas that will receive fuels treatment
 1034 to the affected local governmental entity.

1035 (b) Publish a treatment notice, including a description of

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1036 the area to be treated, in a conspicuous manner in at least one
 1037 newspaper of general circulation in the area of the treatment
 1038 not less than 10 days before the treatment.

1039 (c) Prepare, and send ~~the county tax collector shall~~
 1040 ~~include with the annual tax statement,~~ a notice to be sent to
 1041 all landowners in each area ~~township~~ designated by the division
 1042 as a wildfire hazard area. The notice must describe particularly
 1043 the area to be treated and the tentative date or dates of the
 1044 treatment and must list the reasons for and the expected
 1045 benefits from the wildfire hazard reduction.

1046 (d) Consider any landowner objections to the fuels
 1047 treatment of his or her property. The landowner may apply to the
 1048 director of the division for a review of alternative methods of
 1049 fuel reduction on the property. If the director or his or her
 1050 designee does not resolve the landowner objection, the director
 1051 shall convene a panel made up of the local forestry unit
 1052 manager, the fire chief of the jurisdiction, and the affected
 1053 county or city manager, or any of their designees. If the
 1054 panel's recommendation is not acceptable to the landowner, the
 1055 landowner may request further consideration by the Commissioner
 1056 of Agriculture or his or her designee and shall thereafter be
 1057 entitled to an administrative hearing pursuant to the provisions
 1058 of chapter 120.

1059 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
 1060 AUTHORIZATION PROGRAMS.—

1061 (a) A county or municipality may exercise the division's
 1062 authority, if delegated by the division under this subsection,
 1063 to issue authorizations for the burning of yard trash or debris

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1064 from land-clearing operations. A county's or municipality's
 1065 existing or proposed open burning authorization program must:

1066 1. Be approved by the division. The division may not
 1067 approve a program if it fails to meet the requirements of
 1068 subsections (2) and (4) and any rules adopted under those
 1069 subsections.

1070 2. Provide by ordinance or local law the requirements for
 1071 obtaining and performing a burn authorization that complies with
 1072 subsections (2) and (4) and any rules adopted under those
 1073 subsections.

1074 3. Provide for the enforcement of the program's
 1075 requirements.

1076 4. Provide financial, personnel, and other resources
 1077 needed to carry out the program.

1078 (b) If the division determines that a county's or
 1079 municipality's open burning authorization program does not
 1080 comply with subsections (2) and (4) and any rules adopted under
 1081 those subsections, the division shall require the county or
 1082 municipality to take necessary corrective actions within 90 days
 1083 after receiving notice from the division of its determination.

1084 1. If the county or municipality fails to take the
 1085 necessary corrective actions within the required period, the
 1086 division shall resume administration of the open burning
 1087 authorization program in the county or municipality and the
 1088 county or municipality shall cease administration of its
 1089 program.

1090 2. Each county and municipality administering an open
 1091 burning authorization program must cooperate with and assist the

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1092 division in carrying out the division's powers, duties, and
 1093 functions.

1094 3. A person who violates the requirements of a county's or
 1095 municipality's open burning authorization program, as provided
 1096 by ordinance or local law enacted pursuant to this subsection,
 1097 commits a violation of this chapter, punishable as provided in
 1098 s. 590.14.

1099 (7)~~(5)~~ DUTIES OF AGENCIES.—The Department of Education
 1100 shall incorporate, where feasible and appropriate, the issues of
 1101 fuels treatment, including prescribed burning, into its
 1102 educational materials.

1103 Section 40. Section 590.14, Florida Statutes, is amended
 1104 to read:

1105 590.14 Notice of violation; penalties; legislative
 1106 intent.—

1107 (1) If a division employee determines that a person has
 1108 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
 1109 the division to administer provisions of law conferring duties
 1110 upon the division, the division employee ~~he or she~~ may issue a
 1111 notice of violation indicating the statute or rule violated.
 1112 This notice will be filed with the division and a copy forwarded
 1113 to the appropriate law enforcement entity for further action if
 1114 necessary.

1115 (2) In addition to any penalties provided by law, any
 1116 person who causes a wildfire or permits any authorized fire to
 1117 escape the boundaries of the authorization or to burn past the
 1118 time of the authorization is liable for the payment of all
 1119 reasonable costs and expenses incurred in suppressing the fire

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1120 or \$150, whichever is greater. All costs and expenses incurred
 1121 by the division shall be payable to the division. When such
 1122 costs and expenses are not paid within 30 days after demand, the
 1123 division may take proper legal proceedings for the collection of
 1124 the costs and expenses. Those costs incurred by an agency acting
 1125 at the division's direction are recoverable by that agency.

1126 (3) The department may also impose an administrative fine,
 1127 not to exceed \$1,000 per violation of any section of chapter 589
 1128 or this chapter or violation of any rule adopted by the division
 1129 to administer provisions of law conferring duties upon the
 1130 division. The fine shall be based upon the degree of damage, the
 1131 prior violation record of the person, and whether the person
 1132 knowingly provided false information to obtain an authorization.
 1133 The fines shall be deposited in the Incidental Trust Fund of the
 1134 division.

1135 (4) A person commits a misdemeanor of the second degree,
 1136 punishable as provided in s. 775.082 or s. 775.083, if the
 1137 person:

1138 (a) Fails to comply with any rule or order adopted by the
 1139 division to administer provisions of law conferring duties upon
 1140 the division; or

1141 (b) Knowingly makes any false statement or representation
 1142 in any application, record, plan, or other document required by
 1143 this chapter or any rules adopted under this chapter.

1144 (5) It is the intent of the Legislature that a penalty
 1145 imposed by a court under subsection (4) be of a severity that
 1146 ensures immediate and continued compliance with this section.

1147 (6)~~(4)~~ The penalties provided in this section shall extend

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1148 to both the actual violator and the person or persons, firm, or
 1149 corporation causing, directing, or permitting the violation.

1150 Section 41. Subsection (4) of section 597.005, Florida
 1151 Statutes, is amended to read:

1152 597.005 Aquaculture Review Council.—

1153 ~~(4) EXPENSES; PER DIEM. Members of the council shall~~
 1154 ~~receive expenses and per diem for travel, including attendance~~
 1155 ~~at meetings, as allowed state officers and employees pursuant to~~
 1156 ~~s. 112.061.~~

1157 Section 42. Subsection (2) of section 599.002, Florida
 1158 Statutes, is amended to read:

1159 599.002 Viticulture Advisory Council.—

1160 (2) The meetings, powers and duties, procedures, and
 1161 recordkeeping of the Viticulture Advisory Council, ~~and per diem~~
 1162 ~~and reimbursement of expenses of council members,~~ shall be
 1163 governed by the provisions of s. 570.0705 relating to advisory
 1164 committees established within the department.

1165 Section 43. Paragraph (a) of subsection (1) and subsection
 1166 (3) of section 616.252, Florida Statutes, are amended to read:

1167 616.252 Florida State Fair Authority; membership; number,
 1168 terms, compensation.—

1169 (1)(a) The authority shall be composed of 22 ~~21~~ members.
 1170 The Commissioner of Agriculture, or her or his designee, shall
 1171 serve as a voting member. There shall also be a member who is
 1172 the member of the Board of County Commissioners of Hillsborough
 1173 County representing the county commission district in which the
 1174 Florida State Fairgrounds is located, who shall serve as a
 1175 voting member. There shall also be an appointed youth member who

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1176 is an active member of the Florida Future Farmers of America or
 1177 a 4-H Club, who shall serve as a nonvoting member. The
 1178 Commissioner of Agriculture shall appoint each other member of
 1179 the authority. Each member appointed by the Commissioner of
 1180 Agriculture shall serve at the pleasure of the Commissioner of
 1181 Agriculture. The term of each member appointed by the
 1182 Commissioner of Agriculture shall be 4 years, but the term of
 1183 the nonvoting youth member shall be for 1 year ~~except, to~~
 1184 ~~provide staggered terms, 9 of the members shall be initially~~
 1185 ~~appointed for a 2-year term and 10 of the members shall be~~
 1186 ~~initially appointed for a 3-year term.~~ Members may be appointed
 1187 for more than one term. Any vacancy shall be filled for the
 1188 remainder of the unexpired term pursuant to the method provided
 1189 in this section for appointment. Six of the members may be from
 1190 Hillsborough County. The Commissioner of Agriculture shall
 1191 appoint and set the compensation of an executive director. The
 1192 executive director shall serve at the pleasure of the
 1193 Commissioner of Agriculture.

1194 (3) Members of the authority are ~~shall~~ not be entitled to
 1195 compensation for their services as members and may not, ~~but~~
 1196 ~~shall~~ be reimbursed for travel expenses. Except for the
 1197 nonvoting youth member, each member ~~as provided in s. 112.061~~
 1198 ~~and~~ may be compensated for any special or full-time service
 1199 performed in the authority's ~~its~~ behalf as officers or agents of
 1200 the authority.

1201 Section 44. Paragraph (c) of subsection (2) of section
 1202 812.014, Florida Statutes, is amended to read:

1203 812.014 Theft.—

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- 1204 (2)
- 1205 (c) It is grand theft of the third degree and a felony of
- 1206 the third degree, punishable as provided in s. 775.082, s.
- 1207 775.083, or s. 775.084, if the property stolen is:
- 1208 1. Valued at \$300 or more, but less than \$5,000.
 - 1209 2. Valued at \$5,000 or more, but less than \$10,000.
 - 1210 3. Valued at \$10,000 or more, but less than \$20,000.
 - 1211 4. A will, codicil, or other testamentary instrument.
 - 1212 5. A firearm.
 - 1213 6. A motor vehicle, except as provided in paragraph (a).
 - 1214 7. Any commercially farmed animal, including any animal of
 - 1215 the equine, bovine, or swine class~~7~~ or other grazing animal; a
 - 1216 bee colony of a registered beekeeper;~~7~~ and ~~including~~ aquaculture
 - 1217 species raised at a certified aquaculture facility. If the
 - 1218 property stolen is aquaculture species raised at a certified
 - 1219 aquaculture facility, then a \$10,000 fine shall be imposed.
 - 1220 8. Any fire extinguisher.
 - 1221 9. Any amount of citrus fruit consisting of 2,000 or more
 - 1222 individual pieces of fruit.
 - 1223 10. Taken from a designated construction site identified
 - 1224 by the posting of a sign as provided for in s. 810.09(2)(d).
 - 1225 11. Any stop sign.
 - 1226 12. Anhydrous ammonia.

1227

1228 However, if the property is stolen within a county that is

1229 subject to a state of emergency declared by the Governor under

1230 chapter 252, the property is stolen after the declaration of

1231 emergency is made, and the perpetration of the theft is

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1232 facilitated by conditions arising from the emergency, the
 1233 offender commits a felony of the second degree, punishable as
 1234 provided in s. 775.082, s. 775.083, or s. 775.084, if the
 1235 property is valued at \$5,000 or more, but less than \$10,000, as
 1236 provided under subparagraph 2., or if the property is valued at
 1237 \$10,000 or more, but less than \$20,000, as provided under
 1238 subparagraph 3. As used in this paragraph, the term "conditions
 1239 arising from the emergency" means civil unrest, power outages,
 1240 curfews, voluntary or mandatory evacuations, or a reduction in
 1241 the presence of or the response time for first responders or
 1242 homeland security personnel. For purposes of sentencing under
 1243 chapter 921, a felony offense that is reclassified under this
 1244 paragraph is ranked one level above the ranking under s.
 1245 921.0022 or s. 921.0023 of the offense committed.

1246 Section 45. Paragraphs (f) and (g) of subsection (1) of
 1247 section 812.015, Florida Statutes, are amended to read:

1248 812.015 Retail and farm theft; transit fare evasion;
 1249 mandatory fine; alternative punishment; detention and arrest;
 1250 exemption from liability for false arrest; resisting arrest;
 1251 penalties.—

1252 (1) As used in this section:

1253 (f) "Farmer" means a person who is engaging in the growing
 1254 or producing of farm produce, milk products, honey, eggs, or
 1255 meat, either part time or full time, for personal consumption or
 1256 for sale and who is the owner or lessee of the land or a person
 1257 designated in writing by the owner or lessee to act as her or
 1258 his agent. No person defined as a farm labor contractor pursuant
 1259 to s. 450.28 shall be designated to act as an agent for purposes

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1260 | of this section.

1261 | (g) "Farm theft" means the unlawful taking possession of
1262 | any items that are grown or produced on land owned, rented, or
1263 | leased by another person. The term includes the unlawful taking
1264 | possession of equipment and associated materials used to grow or
1265 | produce farm products as defined in s. 823.14(3)(c).

1266 | Section 46. This act shall take effect July 1, 2011.