

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

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;

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

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

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

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 appropriation; providing an  
 183 effective date.

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

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

189 14.24 Florida Commission on the Status of Women.—

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

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

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197 20.14 Department of Agriculture and Consumer Services.—  
 198 There is created a Department of Agriculture and Consumer  
 199 Services.

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

202 ~~(f) Dairy Industry.~~

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

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

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

221 Section 4. Paragraph (b) of subsection (2) of section  
 222 253.02, Florida Statutes, is amended to read:

223 253.02 Board of trustees; powers and duties.—

224 (2)



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

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

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

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

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

253           b. Avoiding significant wildlife habitat, wetlands, or  
 254 other valuable natural resources to the maximum extent  
 255 practicable; or

256           c. Avoiding interference with active land management  
 257 practices, such as prescribed burning.

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

281 best use value at the time of purchase, whichever is greater.  
 282 When determining such use of funds, priority shall be given to  
 283 parcels identified as inholdings and additions to public lands  
 284 and lands on a Florida Forever land acquisition list.

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

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

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

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

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

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

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309 ~~state requires the prior approval of the commissioner or the~~  
310 ~~commissioner's designee.~~

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

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

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

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

335 482.071 Licenses.—

336 (4) A licensee may not operate a pest control business

337 without carrying the required insurance coverage. Each person  
 338 making application for a pest control business license or  
 339 renewal thereof must furnish to the department a certificate of  
 340 insurance that meets the requirements for minimum financial  
 341 responsibility for bodily injury and property damage consisting  
 342 of:

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

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

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

351 482.072 Pest control customer contact centers.-

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

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

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365        (b) The department shall establish a fee of at least \$600,  
366 but not more than \$1,000, for the issuance of a customer contact  
367 center license and a fee of at least \$600, but not more than  
368 \$1,000, for renewal of a customer contact center license.  
369 However, until rules for renewal fees are adopted, the initial  
370 licensing fee and renewal fee are each \$600. The department  
371 shall establish a grace period, not to exceed 30 calendar days  
372 after the license's anniversary renewal date, and shall assess a  
373 late fee of \$150, in addition to the renewal fee, for a license  
374 that is renewed after the grace period.

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

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

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

391        (f) The department may deny a license or refuse to renew a  
392 license if the applicant or licensee, or one or more of the

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

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

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

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

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

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

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

420 Section 10. Section 482.157, Florida Statutes, is created

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421 to read:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

473 (6) Any licensee that performs wood-destroying organism  
474 inspections in accordance with subsection (1) must meet minimum  
475 financial responsibility in the form of errors and omissions  
476 (professional liability) insurance coverage or bond in an amount

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477 no less than \$500,000 ~~\$50,000~~ in the aggregate and \$250,000  
 478 ~~\$25,000~~ per occurrence, or demonstrate that the licensee has  
 479 equity or net worth of no less than \$500,000 ~~\$100,000~~ as  
 480 determined by generally accepted accounting principles  
 481 substantiated by a certified public accountant's review or  
 482 certified audit. The licensee must show proof of meeting this  
 483 requirement at the time of license application or renewal  
 484 thereof.

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

487 482.243 Pest Control Enforcement Advisory Council.—

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

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

496 487.041 Registration.—

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

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505 accordance with the rules of the department. The registrant  
506 shall file with the department a statement including:

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

509 2. The name of the brand of pesticide.

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

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

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

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

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533 department's Internet website for registration of pesticide  
 534 product brands.

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

537 487.0615 Pesticide Review Council.—

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

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

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

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

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

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561            527.22 Florida Propane Gas Education, Safety, and Research  
562 Council established; membership; duties and responsibilities.—

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

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

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

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

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

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

580            (28) For purposes of pollution control and the prevention  
581 of wildfires ~~purposes~~, to regulate open burning connected with  
582 ~~rural~~ land-clearing, agricultural, or forestry operations, ~~7~~  
583 ~~except fires for cold or frost protection.~~

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

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

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589           (9) Members of each advisory committee shall receive no  
 590 compensation for their services, ~~but shall be entitled to~~  
 591 ~~reimbursement for per diem and travel expenses as provided in s.~~  
 592 ~~112.061.~~

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

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

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

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

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617 department shall be conducted as a unit in which every employee,  
 618 including each division director, is assigned a definite  
 619 workload, and there shall exist between division directors a  
 620 spirit of cooperative effort to accomplish the work of the  
 621 department.

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

624 570.23 State Agricultural Advisory Council.—

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

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

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

637 ~~(6) Dairy Industry.~~

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

640 570.38 Animal Industry Technical Council.—

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

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645 governed by the provisions of s. 570.0705 relating to advisory  
646 committees established within the department.

647 Section 25. Paragraph (d) of subsection (3) of section  
648 570.382, Florida Statutes, is amended to read:

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

652 (3) ARABIAN HORSE COUNCIL.—

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

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

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

661 570.42 Dairy Industry Technical Council.—

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

668 Section 28. Subsections (6) and (7) are added to section  
669 570.50, Florida Statutes, to read:

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



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

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

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

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

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

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

697 570.954 Farm-to-fuel initiative.—

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

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701 ~~initiative.~~

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

704 571.28 Florida Agricultural Promotional Campaign Advisory  
705 Council.—

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

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

715 573.112 Advisory council.—

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

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

725 576.091 Fertilizer Technical Council.—

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

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

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

734 580.151 Commercial Feed Technical Council.—

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

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

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

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

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

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

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

753 586.161 Honeybee Technical Council.—

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

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

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

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

762 590.015 Definitions.—As used in this chapter, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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841 and issue authorizations for the burning of yard trash and  
 842 debris from land clearing operations in accordance with s.  
 843 590.125(6).

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

846 590.125 Open burning authorized by the division.—

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

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

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

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

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

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

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

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

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869 visible flames, smoke, or emissions exist.

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

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

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

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

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

893 (2) NONCERTIFIED BURNING.—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

984 (d) Any certified burner who violates this section commits  
985 a misdemeanor of the second degree, punishable as provided in s.  
986 775.082 or s. 775.083.

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

991 (4) CERTIFIED PILE BURNING.—

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

998 1. A certified pile burner must ensure, before ignition,  
999 that the piles are properly placed and that the content of the  
1000 piles is conducive to efficient burning.

1001 2. A certified pile burner must ensure that the piles are  
1002 properly extinguished no later than 1 hour after sunset. If the  
1003 burn is conducted in an area designated by the division as smoke  
1004 sensitive, a certified pile burner must ensure that the piles  
1005 are properly extinguished at least 1 hour before sunset.

1006 3. A written pile burning plan must be prepared before  
1007 receiving authorization from the division to burn.

1008 4. The specific consent of the landowner or his or her

1009 agent must be obtained before requesting authorization to burn.

1010 5. An authorization to burn must be obtained from the  
 1011 division or its designated agent before igniting the burn.

1012 6. There must be adequate firebreaks and sufficient  
 1013 personnel and firefighting equipment at the burn site to control  
 1014 the fire.

1015 (b) If a burn is conducted in accordance with paragraph  
 1016 (a), the property owner and his or her agent are not liable  
 1017 under s. 590.13 for damage or injury caused by the fire or  
 1018 resulting smoke, and are not in violation of subsection (2),  
 1019 unless gross negligence is proven.

1020 (c) A certified pile burner who violates this subsection  
 1021 commits a misdemeanor of the second degree, punishable as  
 1022 provided in s. 775.082 or s. 775.083.

1023 (d) The division shall adopt rules regulating certified  
 1024 pile burning. The rules shall include procedures and criteria  
 1025 for certifying and decertifying certified pile burn managers  
 1026 based on past experience, training, and record of compliance  
 1027 with this section.

1028 (5)(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
 1029 DIVISION.—The division may conduct fuel reduction initiatives,  
 1030 including, but not limited to, burning and mechanical and  
 1031 chemical treatment, on any area of wild land within the state  
 1032 which is reasonably determined to be in danger of wildfire in  
 1033 accordance with the following procedures:

1034 (a) Describe the areas that will receive fuels treatment  
 1035 to the affected local governmental entity.

1036 (b) Publish a treatment notice, including a description of

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1037 the area to be treated, in a conspicuous manner in at least one  
 1038 newspaper of general circulation in the area of the treatment  
 1039 not less than 10 days before the treatment.

1040 (c) Prepare, and send ~~the county tax collector shall~~  
 1041 ~~include with the annual tax statement,~~ a notice to be sent to  
 1042 all landowners in each area ~~township~~ designated by the division  
 1043 as a wildfire hazard area. The notice must describe particularly  
 1044 the area to be treated and the tentative date or dates of the  
 1045 treatment and must list the reasons for and the expected  
 1046 benefits from the wildfire hazard reduction.

1047 (d) Consider any landowner objections to the fuels  
 1048 treatment of his or her property. The landowner may apply to the  
 1049 director of the division for a review of alternative methods of  
 1050 fuel reduction on the property. If the director or his or her  
 1051 designee does not resolve the landowner objection, the director  
 1052 shall convene a panel made up of the local forestry unit  
 1053 manager, the fire chief of the jurisdiction, and the affected  
 1054 county or city manager, or any of their designees. If the  
 1055 panel's recommendation is not acceptable to the landowner, the  
 1056 landowner may request further consideration by the Commissioner  
 1057 of Agriculture or his or her designee and shall thereafter be  
 1058 entitled to an administrative hearing pursuant to the provisions  
 1059 of chapter 120.

1060 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING  
 1061 AUTHORIZATION PROGRAMS.—

1062 (a) A county or municipality may exercise the division's  
 1063 authority, if delegated by the division under this subsection,  
 1064 to issue authorizations for the burning of yard trash or debris

1065 from land-clearing operations. A county's or municipality's  
 1066 existing or proposed open burning authorization program must:

1067 1. Be approved by the division. The division may not  
 1068 approve a program if it fails to meet the requirements of  
 1069 subsections (2) and (4) and any rules adopted under those  
 1070 subsections.

1071 2. Provide by ordinance or local law the requirements for  
 1072 obtaining and performing a burn authorization that complies with  
 1073 subsections (2) and (4) and any rules adopted under those  
 1074 subsections.

1075 3. Provide for the enforcement of the program's  
 1076 requirements.

1077 4. Provide financial, personnel, and other resources  
 1078 needed to carry out the program.

1079 (b) If the division determines that a county's or  
 1080 municipality's open burning authorization program does not  
 1081 comply with subsections (2) and (4) and any rules adopted under  
 1082 those subsections, the division shall require the county or  
 1083 municipality to take necessary corrective actions within 90 days  
 1084 after receiving notice from the division of its determination.

1085 1. If the county or municipality fails to take the  
 1086 necessary corrective actions within the required period, the  
 1087 division shall resume administration of the open burning  
 1088 authorization program in the county or municipality and the  
 1089 county or municipality shall cease administration of its  
 1090 program.

1091 2. Each county and municipality administering an open  
 1092 burning authorization program must cooperate with and assist the

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1093 division in carrying out the division's powers, duties, and  
 1094 functions.

1095 3. A person who violates the requirements of a county's or  
 1096 municipality's open burning authorization program, as provided  
 1097 by ordinance or local law enacted pursuant to this subsection,  
 1098 commits a violation of this chapter, punishable as provided in  
 1099 s. 590.14.

1100 (7)~~(5)~~ DUTIES OF AGENCIES.—The Department of Education  
 1101 shall incorporate, where feasible and appropriate, the issues of  
 1102 fuels treatment, including prescribed burning, into its  
 1103 educational materials.

1104 Section 40. Section 590.14, Florida Statutes, is amended  
 1105 to read:

1106 590.14 Notice of violation; penalties; legislative  
 1107 intent.—

1108 (1) If a division employee determines that a person has  
 1109 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
 1110 the division to administer provisions of law conferring duties  
 1111 upon the division, the division employee ~~he or she~~ may issue a  
 1112 notice of violation indicating the statute or rule violated.  
 1113 This notice will be filed with the division and a copy forwarded  
 1114 to the appropriate law enforcement entity for further action if  
 1115 necessary.

1116 (2) In addition to any penalties provided by law, any  
 1117 person who causes a wildfire or permits any authorized fire to  
 1118 escape the boundaries of the authorization or to burn past the  
 1119 time of the authorization is liable for the payment of all  
 1120 reasonable costs and expenses incurred in suppressing the fire



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1121 or \$150, whichever is greater. All costs and expenses incurred  
 1122 by the division shall be payable to the division. When such  
 1123 costs and expenses are not paid within 30 days after demand, the  
 1124 division may take proper legal proceedings for the collection of  
 1125 the costs and expenses. Those costs incurred by an agency acting  
 1126 at the division's direction are recoverable by that agency.

1127 (3) The department may also impose an administrative fine,  
 1128 not to exceed \$1,000 per violation of any section of chapter 589  
 1129 or this chapter or violation of any rule adopted by the division  
 1130 to administer provisions of law conferring duties upon the  
 1131 division. The fine shall be based upon the degree of damage, the  
 1132 prior violation record of the person, and whether the person  
 1133 knowingly provided false information to obtain an authorization.  
 1134 The fines shall be deposited in the Incidental Trust Fund of the  
 1135 division.

1136 (4) A person commits a misdemeanor of the second degree,  
 1137 punishable as provided in s. 775.082 or s. 775.083, if the  
 1138 person:

1139 (a) Fails to comply with any rule or order adopted by the  
 1140 division to administer provisions of law conferring duties upon  
 1141 the division; or

1142 (b) Knowingly makes any false statement or representation  
 1143 in any application, record, plan, or other document required by  
 1144 this chapter or any rules adopted under this chapter.

1145 (5) It is the intent of the Legislature that a penalty  
 1146 imposed by a court under subsection (4) be of a severity that  
 1147 ensures immediate and continued compliance with this section.

1148 (6)-(4) The penalties provided in this section shall extend

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1149 to both the actual violator and the person or persons, firm, or  
 1150 corporation causing, directing, or permitting the violation.

1151 Section 41. Subsection (4) of section 597.005, Florida  
 1152 Statutes, is amended to read:

1153 597.005 Aquaculture Review Council.—

1154 ~~(4) EXPENSES; PER DIEM. Members of the council shall~~  
 1155 ~~receive expenses and per diem for travel, including attendance~~  
 1156 ~~at meetings, as allowed state officers and employees pursuant to~~  
 1157 ~~s. 112.061.~~

1158 Section 42. Subsection (2) of section 599.002, Florida  
 1159 Statutes, is amended to read:

1160 599.002 Viticulture Advisory Council.—

1161 (2) The meetings, powers and duties, procedures, and  
 1162 recordkeeping of the Viticulture Advisory Council, ~~and per diem~~  
 1163 ~~and reimbursement of expenses of council members,~~ shall be  
 1164 governed by the provisions of s. 570.0705 relating to advisory  
 1165 committees established within the department.

1166 Section 43. Paragraph (a) of subsection (1) and subsection  
 1167 (3) of section 616.252, Florida Statutes, are amended to read:

1168 616.252 Florida State Fair Authority; membership; number,  
 1169 terms, compensation.—

1170 (1)(a) The authority shall be composed of 22 ~~21~~ members.  
 1171 The Commissioner of Agriculture, or her or his designee, shall  
 1172 serve as a voting member. There shall also be a member who is  
 1173 the member of the Board of County Commissioners of Hillsborough  
 1174 County representing the county commission district in which the  
 1175 Florida State Fairgrounds is located, who shall serve as a  
 1176 voting member. There shall also be an appointed youth member who

1177 is an active member of the Florida Future Farmers of America or  
 1178 a 4-H Club, who shall serve as a nonvoting member. The  
 1179 Commissioner of Agriculture shall appoint each other member of  
 1180 the authority. Each member appointed by the Commissioner of  
 1181 Agriculture shall serve at the pleasure of the Commissioner of  
 1182 Agriculture. The term of each member appointed by the  
 1183 Commissioner of Agriculture shall be 4 years, but the term of  
 1184 the nonvoting youth member shall be for 1 year ~~except, to~~  
 1185 ~~provide staggered terms, 9 of the members shall be initially~~  
 1186 ~~appointed for a 2-year term and 10 of the members shall be~~  
 1187 ~~initially appointed for a 3-year term.~~ Members may be appointed  
 1188 for more than one term. Any vacancy shall be filled for the  
 1189 remainder of the unexpired term pursuant to the method provided  
 1190 in this section for appointment. Six of the members may be from  
 1191 Hillsborough County. The Commissioner of Agriculture shall  
 1192 appoint and set the compensation of an executive director. The  
 1193 executive director shall serve at the pleasure of the  
 1194 Commissioner of Agriculture.

1195 (3) Members of the authority are ~~shall~~ not be entitled to  
 1196 compensation for their services as members and may not, ~~but~~  
 1197 ~~shall~~ be reimbursed for travel expenses. Except for the  
 1198 nonvoting youth member, each member ~~as provided in s. 112.061~~  
 1199 ~~and~~ may be compensated for any special or full-time service  
 1200 performed in the authority's ~~its~~ behalf as officers or agents of  
 1201 the authority.

1202 Section 44. Paragraph (c) of subsection (2) of section  
 1203 812.014, Florida Statutes, is amended to read:

1204 812.014 Theft.—

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- 1205 (2)
- 1206 (c) It is grand theft of the third degree and a felony of
- 1207 the third degree, punishable as provided in s. 775.082, s.
- 1208 775.083, or s. 775.084, if the property stolen is:
- 1209 1. Valued at \$300 or more, but less than \$5,000.
  - 1210 2. Valued at \$5,000 or more, but less than \$10,000.
  - 1211 3. Valued at \$10,000 or more, but less than \$20,000.
  - 1212 4. A will, codicil, or other testamentary instrument.
  - 1213 5. A firearm.
  - 1214 6. A motor vehicle, except as provided in paragraph (a).
  - 1215 7. Any commercially farmed animal, including any animal of
  - 1216 the equine, bovine, or swine class~~7~~ or other grazing animal; a
  - 1217 bee colony of a registered beekeeper;~~7~~ and ~~including~~ aquaculture
  - 1218 species raised at a certified aquaculture facility. If the
  - 1219 property stolen is aquaculture species raised at a certified
  - 1220 aquaculture facility, then a \$10,000 fine shall be imposed.
  - 1221 8. Any fire extinguisher.
  - 1222 9. Any amount of citrus fruit consisting of 2,000 or more
  - 1223 individual pieces of fruit.
  - 1224 10. Taken from a designated construction site identified
  - 1225 by the posting of a sign as provided for in s. 810.09(2)(d).
  - 1226 11. Any stop sign.
  - 1227 12. Anhydrous ammonia.

1228

1229 However, if the property is stolen within a county that is

1230 subject to a state of emergency declared by the Governor under

1231 chapter 252, the property is stolen after the declaration of

1232 emergency is made, and the perpetration of the theft is

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1233 facilitated by conditions arising from the emergency, the  
 1234 offender commits a felony of the second degree, punishable as  
 1235 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
 1236 property is valued at \$5,000 or more, but less than \$10,000, as  
 1237 provided under subparagraph 2., or if the property is valued at  
 1238 \$10,000 or more, but less than \$20,000, as provided under  
 1239 subparagraph 3. As used in this paragraph, the term "conditions  
 1240 arising from the emergency" means civil unrest, power outages,  
 1241 curfews, voluntary or mandatory evacuations, or a reduction in  
 1242 the presence of or the response time for first responders or  
 1243 homeland security personnel. For purposes of sentencing under  
 1244 chapter 921, a felony offense that is reclassified under this  
 1245 paragraph is ranked one level above the ranking under s.  
 1246 921.0022 or s. 921.0023 of the offense committed.

1247 Section 45. Paragraphs (f) and (g) of subsection (1) of  
 1248 section 812.015, Florida Statutes, are amended to read:

1249 812.015 Retail and farm theft; transit fare evasion;  
 1250 mandatory fine; alternative punishment; detention and arrest;  
 1251 exemption from liability for false arrest; resisting arrest;  
 1252 penalties.—

1253 (1) As used in this section:

1254 (f) "Farmer" means a person who is engaging in the growing  
 1255 or producing of farm produce, milk products, honey, eggs, or  
 1256 meat, either part time or full time, for personal consumption or  
 1257 for sale and who is the owner or lessee of the land or a person  
 1258 designated in writing by the owner or lessee to act as her or  
 1259 his agent. No person defined as a farm labor contractor pursuant  
 1260 to s. 450.28 shall be designated to act as an agent for purposes

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1261 of this section.

1262 (g) "Farm theft" means the unlawful taking possession of  
1263 any items that are grown or produced on land owned, rented, or  
1264 leased by another person. The term includes the unlawful taking  
1265 possession of equipment and associated materials used to grow or  
1266 produce farm products as defined in s. 823.14(3)(c).

1267 Section 46. The sum of \$744,000 in nonrecurring funds is  
1268 appropriated to the Department of Agriculture and Consumer  
1269 Services from the Florida Forever Trust Fund for the 2011-2012  
1270 fiscal year in the Fixed Capital Outlay-Agency Managed-Land  
1271 Management appropriation category pursuant to s. 259.105(3)(f),  
1272 Florida Statutes.

1273 Section 47. This act shall take effect July 1, 2011.