

By Senator Thrasher

8-00868-12

2012900__

1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 121.0515, 125.27, 253.036, 258.501, 259.035, 259.036,
 4 259.037, 259.101, 259.105, 259.10521, 260.0142,
 5 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016,
 6 373.591, 379.226, 403.7071, 479.16, 581.1843, 589.01,
 7 589.011, 589.012, 589.04, 589.06, 589.07, 589.071,
 8 589.08, 589.081, 589.09, 589.10, 589.101, 589.11,
 9 589.12, 589.13, 589.14, 589.15, 589.16, 589.18,
 10 589.19, 589.20, 589.21, 589.26, 589.27, 589.275,
 11 589.277, 589.28, 589.29, 589.30, 589.31, 589.32,
 12 589.33, 589.34, 590.01, 590.015, 590.02, 590.081,
 13 590.091, 590.125, 590.14, 590.16, 590.25, 590.33,
 14 590.34, 590.35, 590.42, 591.17, 591.18, 591.19,
 15 591.20, 591.24, 591.25, 633.115, 633.821, and 790.15,
 16 F.S., to conform to the directive of the Legislature
 17 in section 12 of chapter 2011-56, Laws of Florida, to
 18 prepare a reviser's bill for introduction at a
 19 subsequent session of the Legislature which replaces
 20 all statutory references to the Division of Forestry
 21 with the term "Florida Forest Service"; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Paragraph (b) of subsection (3) of section
 27 121.0515, Florida Statutes, is amended to read:

28 121.0515 Special Risk Class.—

29 (3) CRITERIA.—A member, to be designated as a special risk

8-00868-12

2012900

30 member, must meet the following criteria:

31 (b) Effective October 1, 1978, the member must be employed
32 as a firefighter and be certified, or required to be certified,
33 in compliance with s. 633.35 and be employed solely within the
34 fire department of a local government employer or an agency of
35 state government with firefighting responsibilities. In
36 addition, the member's duties and responsibilities must include
37 on-the-scene fighting of fires; as of October 1, 2001, fire
38 prevention or firefighter training; as of October 1, 2001,
39 direct supervision of firefighting units, fire prevention, or
40 firefighter training; or as of July 1, 2001, aerial firefighting
41 surveillance performed by fixed-wing aircraft pilots employed by
42 the Florida Forest Service ~~Division of Forestry~~ of the
43 Department of Agriculture and Consumer Services; or the member
44 must be the supervisor or command officer of a member or members
45 who have such responsibilities. Administrative support
46 personnel, including, but not limited to, those whose primary
47 duties and responsibilities are in accounting, purchasing,
48 legal, and personnel, are not included. All periods of
49 creditable service in fire prevention or firefighter training,
50 or as the supervisor or command officer of a member or members
51 who have such responsibilities, and for which the employer paid
52 the special risk contribution rate, are included;

53 Section 2. Section 125.27, Florida Statutes, is amended to
54 read:

55 125.27 Countywide forest fire protection; authority of the
56 Florida Forest Service ~~Division of Forestry~~; state funding;
57 county fire control assessments; disposition; equipment
58 donations.-

8-00868-12

2012900__

59 (1) The Florida Forest Service ~~Division of Forestry~~ of the
60 Department of Agriculture and Consumer Services and the board of
61 county commissioners of each county in this state shall enter
62 into agreements for the establishment and maintenance of
63 countywide fire protection of all forest and wild lands within
64 said county, with the total cost of such fire protection being
65 funded by state and federal funds. Each county shall, under the
66 terms of such agreements, be assessed each fiscal year, as its
67 share of the cost of providing such fire protection, a sum in
68 dollars equal to the total forest and wild land acreage of the
69 county, as determined by the Florida Forest Service ~~Division of~~
70 ~~Forestry~~, multiplied by 7 cents. The forest and wild lands
71 acreage included in such agreements shall be reviewed each year
72 by the contracting parties and the number of forest and wild
73 land acres and the annual fire control assessment adjusted so as
74 to reflect the current forest acreage of the county. In the
75 event the Florida Forest Service ~~division~~ and the county
76 commissioners do not agree, the Board of Trustees of the
77 Internal Improvement Trust Fund shall make such acreage
78 determination. All fire control assessments received by the
79 Florida Forest Service ~~Division of Forestry~~ from the several
80 counties under agreements made pursuant to this section shall be
81 deposited as follows:

82 (a) An amount equal to the total forest land and wild land
83 acreage of the counties, multiplied by 4 cents, shall be
84 distributed to the Incidental Trust Fund of the Florida Forest
85 Service ~~Division of Forestry~~; and

86 (b) An amount equal to the total forest land and wild land
87 acreage of the counties, multiplied by 3 cents, shall be

8-00868-12

2012900__

88 distributed to the General Revenue Fund.

89 (2) The Florida Forest Service ~~Division of Forestry~~ may
90 include provisions in the agreements authorized in this section,
91 or execute separate or supplemental agreements with the several
92 counties, county agencies, or municipalities, to provide
93 communication services and other services directly related to
94 fire protection within the county, other than forest fire
95 control, on a cost reimbursable basis only, provided the
96 rendering of such services does not hinder or impede in any way
97 the Florida Forest Service's ~~division's~~ ability to accomplish
98 its primary function with respect to forest fire control.

99 (3) The Department of Agriculture and Consumer Services may
100 lease, loan, or otherwise make available, without charge, to
101 state, county, and local governmental entities that have
102 fire/rescue responsibilities, new or used fire protection
103 equipment, vehicles, or supplies, which shall include all such
104 items received from public or private entities. The department,
105 and those private or public entities providing at no cost, or de
106 minimis cost, such items for loan or lease through the
107 department, shall not be held liable for civil damages resulting
108 from use or possession of such items. Private or public entities
109 that donate fire/rescue equipment, vehicles, or supplies
110 directly to state, county, or local governmental entities having
111 fire/rescue responsibilities shall not be held liable for civil
112 damages resulting from use or possession of such items.

113 Section 3. Section 253.036, Florida Statutes, is amended to
114 read:

115 253.036 Forest management.—All land management plans
116 described in s. 253.034(5) which are prepared for parcels larger

8-00868-12

2012900

117 than 1,000 acres shall contain an analysis of the multiple-use
118 potential of the parcel, which analysis shall include the
119 potential of the parcel to generate revenues to enhance the
120 management of the parcel. The lead agency shall prepare the
121 analysis, which shall contain a component or section prepared by
122 a qualified professional forester which assesses the feasibility
123 of managing timber resources on the parcel for resource
124 conservation and revenue generation purposes through a
125 stewardship ethic that embraces sustainable forest management
126 practices if the lead management agency determines that the
127 timber resource management is not in conflict with the primary
128 management objectives of the parcel. For purposes of this
129 section, practicing sustainable forest management means meeting
130 the needs of the present without compromising the ability of
131 future generations to meet their own needs by practicing a land
132 stewardship ethic which integrates the reforestation, managing,
133 growing, nurturing, and harvesting of trees for useful products
134 with the conservation of soil, air and water quality, wildlife
135 and fish habitat, and aesthetics. The Legislature intends that
136 each lead management agency, whenever practicable and cost
137 effective, use the services of the Florida Forest Service
138 ~~Division of Forestry~~ of the Florida Department of Agriculture
139 and Consumer Services or other qualified private sector
140 professional forester in completing such feasibility assessments
141 and implementing timber resource management. The Legislature
142 further intends that the lead management agency develop a
143 memorandum of agreement with the Florida Forest Service ~~Division~~
144 ~~of Forestry~~ to provide for full reimbursement for any services
145 provided for the feasibility assessments or timber resource

8-00868-12

2012900

146 management. All additional revenues generated through multiple-
147 use management or compatible secondary use management shall be
148 returned to the lead agency responsible for such management and
149 shall be used to pay for management activities on all
150 conservation, preservation, and recreation lands under the
151 agency's jurisdiction. In addition, such revenue shall be
152 segregated in an agency trust fund and shall remain available to
153 the agency in subsequent fiscal years to support land management
154 appropriations.

155 Section 4. Paragraph (a) of subsection (7) of section
156 258.501, Florida Statutes, is amended to read:

157 258.501 Myakka River; wild and scenic segment.—

158 (7) MANAGEMENT COORDINATING COUNCIL.—

159 (a) Upon designation, the department shall create a
160 permanent council to provide interagency and intergovernmental
161 coordination in the management of the river. The coordinating
162 council shall be composed of one representative appointed from
163 each of the following: the department, the Department of
164 Transportation, the Fish and Wildlife Conservation Commission,
165 the Department of Community Affairs, the Florida Forest Service
166 ~~Division of Forestry~~ of the Department of Agriculture and
167 Consumer Services, the Division of Historical Resources of the
168 Department of State, the Tampa Bay Regional Planning Council,
169 the Southwest Florida Water Management District, the Southwest
170 Florida Regional Planning Council, Manatee County, Sarasota
171 County, Charlotte County, the City of Sarasota, the City of
172 North Port, agricultural interests, environmental organizations,
173 and any others deemed advisable by the department.

174 Section 5. Paragraph (b) of subsection (1) of section

8-00868-12

2012900__

175 259.035, Florida Statutes, is amended to read:

176 259.035 Acquisition and Restoration Council.—

177 (1) There is created the Acquisition and Restoration
178 Council.

179 (b) The four remaining appointees shall be composed of the
180 Secretary of Environmental Protection, the director of the
181 Florida Forest Service ~~Division of Forestry~~ of the Department of
182 Agriculture and Consumer Services, the executive director of the
183 Fish and Wildlife Conservation Commission, and the director of
184 the Division of Historical Resources of the Department of State,
185 or their respective designees.

186 Section 6. Paragraph (a) of subsection (1) of section
187 259.036, Florida Statutes, is amended to read:

188 259.036 Management review teams.—

189 (1) To determine whether conservation, preservation, and
190 recreation lands titled in the name of the Board of Trustees of
191 the Internal Improvement Trust Fund are being managed for the
192 purposes for which they were acquired and in accordance with a
193 land management plan adopted pursuant to s. 259.032, the board
194 of trustees, acting through the Department of Environmental
195 Protection, shall cause periodic management reviews to be
196 conducted as follows:

197 (a) The department shall establish a regional land
198 management review team composed of the following members:

199 1. One individual who is from the county or local community
200 in which the parcel or project is located and who is selected by
201 the county commission in the county which is most impacted by
202 the acquisition.

203 2. One individual from the Division of Recreation and Parks

8-00868-12

2012900__

204 of the department.

205 3. One individual from the Florida Forest Service Division
206 ~~of Forestry~~ of the Department of Agriculture and Consumer
207 Services.

208 4. One individual from the Fish and Wildlife Conservation
209 Commission.

210 5. One individual from the department's district office in
211 which the parcel is located.

212 6. A private land manager mutually agreeable to the state
213 agency representatives.

214 7. A member of the local soil and water conservation
215 district board of supervisors.

216 8. A member of a conservation organization.

217 Section 7. Subsection (1) of section 259.037, Florida
218 Statutes, is amended to read:

219 259.037 Land Management Uniform Accounting Council.—

220 (1) The Land Management Uniform Accounting Council is
221 created within the Department of Environmental Protection and
222 shall consist of the director of the Division of State Lands,
223 the director of the Division of Recreation and Parks, the
224 director of the Office of Coastal and Aquatic Managed Areas, and
225 the director of the Office of Greenways and Trails of the
226 Department of Environmental Protection; the director of the
227 Florida Forest Service Division ~~of Forestry~~ of the Department of
228 Agriculture and Consumer Services; the executive director of the
229 Fish and Wildlife Conservation Commission; and the director of
230 the Division of Historical Resources of the Department of State,
231 or their respective designees. Each state agency represented on
232 the council shall have one vote. The chair of the council shall

8-00868-12

2012900

233 rotate annually in the foregoing order of state agencies. The
234 agency of the representative serving as chair of the council
235 shall provide staff support for the council. The Division of
236 State Lands shall serve as the recipient of and repository for
237 the council's documents. The council shall meet at the request
238 of the chair.

239 Section 8. Paragraph (e) of subsection (3) and subsection
240 (5) of section 259.101, Florida Statutes, are amended to read:

241 259.101 Florida Preservation 2000 Act.—

242 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs
243 of issuance, the costs of funding reserve accounts, and other
244 costs with respect to the bonds, the proceeds of bonds issued
245 pursuant to this act shall be deposited into the Florida
246 Preservation 2000 Trust Fund created by s. 375.045. In fiscal
247 year 2000-2001, for each Florida Preservation 2000 program
248 described in paragraphs (a)-(g), that portion of each program's
249 total remaining cash balance which, as of June 30, 2000, is in
250 excess of that program's total remaining appropriation balances
251 shall be redistributed by the department and deposited into the
252 Save Our Everglades Trust Fund for land acquisition. For
253 purposes of calculating the total remaining cash balances for
254 this redistribution, the Florida Preservation 2000 Series 2000
255 bond proceeds, including interest thereon, and the fiscal year
256 1999-2000 General Appropriations Act amounts shall be deducted
257 from the remaining cash and appropriation balances,
258 respectively. The remaining proceeds shall be distributed by the
259 Department of Environmental Protection in the following manner:

260 (e) Two and nine-tenths percent to the Florida Forest
261 Service ~~Division of Forestry~~ of the Department of Agriculture

8-00868-12

2012900

262 and Consumer Services to fund the acquisition of state forest
263 inholdings and additions pursuant to s. 589.07.

264

265 Local governments may use federal grants or loans, private
266 donations, or environmental mitigation funds, including
267 environmental mitigation funds required pursuant to s. 338.250,
268 for any part or all of any local match required for the purposes
269 described in this subsection. Bond proceeds allocated pursuant
270 to paragraph (c) may be used to purchase lands on the priority
271 lists developed pursuant to s. 259.035. Title to lands purchased
272 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
273 vested in the Board of Trustees of the Internal Improvement
274 Trust Fund. Title to lands purchased pursuant to paragraph (c)
275 may be vested in the Board of Trustees of the Internal
276 Improvement Trust Fund. The board of trustees shall hold title
277 to land protection agreements and conservation easements that
278 were or will be acquired pursuant to s. 380.0677, and the
279 Southwest Florida Water Management District and the St. Johns
280 River Water Management District shall monitor such agreements
281 and easements within their respective districts until the state
282 assumes this responsibility.

283 (5) Any funds received by the Florida Forest Service
284 ~~Division of Forestry~~ from the Preservation 2000 Trust Fund
285 pursuant to paragraph (3) (e) shall be used only to pay the cost
286 of the acquisition of lands in furtherance of outdoor recreation
287 and natural resources conservation in this state. The
288 administration and use of any funds received by the Florida
289 Forest Service ~~Division of Forestry~~ from the Preservation 2000
290 Trust Fund will be subject to such terms and conditions imposed

8-00868-12

2012900

291 thereon by the agency of the state responsible for the issuance
292 of the revenue bonds, the proceeds of which are deposited in the
293 Preservation 2000 Trust Fund, including restrictions imposed to
294 ensure that the interest on any such revenue bonds issued by the
295 state as tax-exempt revenue bonds will not be included in the
296 gross income of the holders of such bonds for federal income tax
297 purposes. All deeds or leases with respect to any real property
298 acquired with funds received by the Florida Forest Service
299 ~~Division of Forestry~~ from the Preservation 2000 Trust Fund shall
300 contain such covenants and restrictions as are sufficient to
301 ensure that the use of such real property at all times complies
302 with s. 375.051 and s. 9, Art. XII of the 1968 Constitution of
303 Florida; and shall contain reverter clauses providing for the
304 reversion of title to such property to the Board of Trustees of
305 the Internal Improvement Trust Fund or, in the case of a lease
306 of such property, providing for termination of the lease upon a
307 failure to use the property conveyed thereby for such purposes.

308 Section 9. Paragraph (f) of subsection (3) of section
309 259.105, Florida Statutes, is amended to read:

310 259.105 The Florida Forever Act.—

311 (3) Less the costs of issuing and the costs of funding
312 reserve accounts and other costs associated with bonds, the
313 proceeds of cash payments or bonds issued pursuant to this
314 section shall be deposited into the Florida Forever Trust Fund
315 created by s. 259.1051. The proceeds shall be distributed by the
316 Department of Environmental Protection in the following manner:

317 (f) One and five-tenths percent to the Florida Forest
318 Service ~~Division of Forestry~~ of the Department of Agriculture
319 and Consumer Services to fund the acquisition of state forest

8-00868-12

2012900__

320 inholdings and additions pursuant to s. 589.07, the
321 implementation of reforestation plans or sustainable forestry
322 management practices, and for capital project expenditures as
323 described in this section. At a minimum, 1 percent, and no more
324 than 10 percent, of the funds allocated for the acquisition of
325 inholdings and additions pursuant to this paragraph shall be
326 spent on capital project expenditures identified during the time
327 of acquisition which meet land management planning activities
328 necessary for public access.

329 Section 10. Paragraphs (c) and (d) of subsection (1),
330 subsection (2), and paragraph (b) of subsection (3) of section
331 259.10521, Florida Statutes, are amended to read:

332 259.10521 Citizen support organization; use of property.—

333 (1) DEFINITIONS.—For the purpose of this section, the
334 “citizen support organization” means an organization that is:

335 (c) Determined by the Fish and Wildlife Conservation
336 Commission and the Florida Forest Service ~~Division of Forestry~~
337 within the Department of Agriculture and Consumer Services to be
338 consistent with the goals of the state in acquiring the ranch
339 and in the best interests of the state; and

340 (d) Approved in writing by the Fish and Wildlife
341 Conservation Commission and the Florida Forest Service ~~Division~~
342 ~~of Forestry~~ to operate for the direct or indirect benefit of the
343 ranch and in the best interest of the state. Such approval shall
344 be given in a letter of agreement from the Fish and Wildlife
345 Conservation Commission and the Florida Forest Service ~~Division~~
346 ~~of Forestry~~. Only one citizen support organization may be
347 created to operate for the direct or indirect benefit of the
348 Babcock Crescent B Ranch.

8-00868-12

2012900__

349 (2) USE OF PROPERTY.—

350 (a) The Fish and Wildlife Conservation Commission and the
351 Florida Forest Service ~~Division of Forestry~~ may permit, without
352 charge, appropriate use of fixed property and facilities of the
353 Babcock Crescent B Ranch by a citizen support organization,
354 subject to the provisions of this section. Such use must be
355 directly in keeping with the approved purposes of the citizen
356 support organization and may not be made at times or places that
357 would unreasonably interfere with recreational opportunities for
358 the general public.

359 (b) The Fish and Wildlife Conservation Commission and the
360 Florida Forest Service ~~Division of Forestry~~ may prescribe by
361 rule any condition with which the citizen support organization
362 shall comply in order to use fixed property or facilities of the
363 ranch.

364 (c) The Fish and Wildlife Conservation Commission and the
365 Florida Forest Service ~~Division of Forestry~~ shall not permit the
366 use of any fixed property or facilities of the ranch by a
367 citizen support organization that does not provide equal
368 membership and employment opportunities to all persons
369 regardless of race, color, religion, sex, age, or national
370 origin.

371 (3) PARTNERSHIPS.—

372 (b) The Legislature may annually appropriate funds from the
373 Land Acquisition Trust Fund for use only as state matching
374 funds, in conjunction with private donations in aggregates of at
375 least \$60,000, matched by \$40,000 of state funds, for a total
376 minimum project amount of \$100,000 for capital improvement
377 facility development at the ranch at either individually

8-00868-12

2012900__

378 designated locations or for priority projects within the overall
379 ranch system. The citizen support organization may acquire
380 private donations pursuant to this section, and matching state
381 funds for approved projects may be provided in accordance with
382 this subsection. The Fish and Wildlife Conservation Commission
383 and the Florida Forest Service ~~Division of Forestry~~ are
384 authorized to properly recognize and honor a private donor by
385 placing a plaque or other appropriate designation noting the
386 contribution on project facilities or by naming project
387 facilities after the person or organization that provided
388 matching funds. The Fish and Wildlife Conservation Commission
389 and the Florida Forest Service ~~Division of Forestry~~ are
390 authorized to adopt necessary administrative rules to carry out
391 the purposes of this subsection.

392 Section 11. Paragraph (d) of subsection (1) of section
393 260.0142, Florida Statutes, is amended to read:

394 260.0142 Florida Greenways and Trails Council; composition;
395 powers and duties.—

396 (1) There is created within the department the Florida
397 Greenways and Trails Council which shall advise the department
398 in the execution of the department's powers and duties under
399 this chapter. The council shall be composed of 20 members,
400 consisting of:

401 (d) The 9 remaining members shall include:

- 402 1. The Secretary of Environmental Protection or a designee.
- 403 2. The executive director of the Fish and Wildlife
404 Conservation Commission or a designee.
- 405 3. The Secretary of Transportation or a designee.
- 406 4. The Director of the Florida Forest Service ~~Division of~~

8-00868-12

2012900

407 Forestry of the Department of Agriculture and Consumer Services
408 or a designee.

409 5. The director of the Division of Historical Resources of
410 the Department of State or a designee.

411 6. A representative of the water management districts.
412 Membership on the council shall rotate among the five districts.
413 The districts shall determine the order of rotation.

414 7. A representative of a federal land management agency.
415 The Secretary of Environmental Protection shall identify the
416 appropriate federal agency and request designation of a
417 representative from the agency to serve on the council.

418 8. A representative of the regional planning councils to be
419 appointed by the Secretary of Environmental Protection.
420 Membership on the council shall rotate among the seven regional
421 planning councils. The regional planning councils shall
422 determine the order of rotation.

423 9. A representative of local governments to be appointed by
424 the Secretary of Environmental Protection. Membership shall
425 alternate between a county representative and a municipal
426 representative.

427 Section 12. Subsection (4) of section 261.03, Florida
428 Statutes, is amended to read:

429 261.03 Definitions.—As used in this chapter, the term:
430 ~~(4) "Division" means the Florida Forest Service.~~

431 Section 13. Subsection (1) of section 261.04, Florida
432 Statutes, is amended to read:

433 261.04 Off-Highway Vehicle Recreation Advisory Committee;
434 members; appointment.—

435 (1) Effective July 1, 2003, the Off-Highway Vehicle

8-00868-12

2012900__

436 Recreation Advisory Committee is created within the Florida
437 Forest Service ~~Division of Forestry~~ and consists of nine
438 members, all of whom are appointed by the Commissioner of
439 Agriculture. The appointees shall include one representative of
440 the Department of Agriculture and Consumer Services, one
441 representative of the Department of Highway Safety and Motor
442 Vehicles, one representative of the Department of Environmental
443 Protection's Office of Greenways and Trails, one representative
444 of the Fish and Wildlife Conservation Commission, one citizen
445 with scientific expertise in disciplines relating to ecology,
446 wildlife biology, or other environmental sciences, one
447 representative of a licensed off-highway vehicle dealer, and
448 three representatives of off-highway vehicle recreation groups.
449 In making these appointments, the commissioner shall consider
450 the places of residence of the members to ensure statewide
451 representation.

452 Section 14. Section 261.06, Florida Statutes, is amended to
453 read:

454 261.06 Functions, duties, and responsibilities of the
455 department.—The following are functions, duties, and
456 responsibilities of the department through the Florida Forest
457 Service ~~division~~:

458 (1) Coordination of the planning, development,
459 conservation, and rehabilitation of state lands in and for the
460 system.

461 (2) Coordination of the management, maintenance,
462 administration, and operation of state lands in the system and
463 the provision of law enforcement and appropriate public safety
464 activities.

8-00868-12

2012900__

465 (3) Management of the trust fund and approval of the
466 advisory committee's budget recommendations.

467 (4) Implementation of the program, including the ultimate
468 approval of grant applications submitted by governmental
469 agencies or entities or nongovernmental entities.

470 (5) Coordination to help ensure compliance with
471 environmental laws and regulations of the program and lands in
472 the system.

473 (6) Implementation of the policies established by the
474 advisory committee.

475 (7) Provision of staff assistance to the advisory
476 committee.

477 (8) Preparation of plans for lands in, or proposed to be
478 included in, the system.

479 (9) Conducting surveys and the preparation of studies as
480 are necessary or desirable for implementing the program.

481 (10) Recruitment and utilization of volunteers to further
482 the program.

483 (11) Rulemaking authority to implement the provisions of
484 ss. 261.01-261.10.

485 Section 15. Section 261.12, Florida Statutes, is amended to
486 read:

487 261.12 Designated off-highway vehicle funds within the
488 Incidental Trust Fund of the Florida Forest Service ~~Division of~~
489 ~~Forestry~~ of the Department of Agriculture and Consumer
490 Services.—

491 (1) The designated off-highway vehicle funds of the trust
492 fund shall consist of deposits from the following sources:

493 (a) Fees paid to the Department of Highway Safety and Motor

8-00868-12

2012900__

494 Vehicles for the titling of off-highway vehicles.

495 (b) Revenues and income from any other sources required by
496 law or as appropriated by the Legislature to be deposited into
497 the trust fund as designated off-highway vehicle funds.

498 (c) Donations from private sources that are designated as
499 off-highway vehicle funds.

500 (d) Interest earned on designated off-highway vehicle funds
501 on deposit in the trust fund.

502 (2) Designated off-highway vehicle funds in the trust fund
503 shall be available for recommended allocation by the Off-Highway
504 Vehicle Recreation Advisory Committee and the Department of
505 Agriculture and Consumer Services and upon annual appropriation
506 by the Legislature, exclusively for the following:

507 (a) Implementation of the Off-Highway Vehicle Recreation
508 Program by the Department of Agriculture and Consumer Services,
509 which includes personnel and other related expenses;
510 administrative and operating expenses; expenses related to
511 safety, training, rider education programs, management,
512 maintenance, and rehabilitation of lands in the Off-Highway
513 Vehicle Recreation Program's system of lands and trails; and, if
514 funds are available, acquisition of lands to be included in the
515 system and the management, maintenance, and rehabilitation of
516 such lands.

517 (b) Approved grants to governmental agencies or entities or
518 nongovernmental entities that wish to provide or improve off-
519 highway vehicle recreation areas or trails for public use on
520 public lands, provide environmental protection and restoration
521 to affected natural areas in the system, provide enforcement of
522 applicable regulations related to the system and off-highway

8-00868-12

2012900__

523 vehicle activities, or provide education in the operation of
524 off-highway vehicles.

525 (c) Matching funds to be used to match grant funds
526 available from other sources.

527 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,
528 any balance of designated off-highway vehicle funds in the trust
529 fund at the end of any fiscal year shall remain therein and
530 shall be available for the purposes set out in this section and
531 as otherwise provided by law.

532 Section 16. Section 317.0010, Florida Statutes, is amended
533 to read:

534 317.0010 Disposition of fees.—The department shall deposit
535 all funds received under this chapter, less administrative costs
536 of \$2 per title transaction, into the Incidental Trust Fund of
537 the Florida Forest Service ~~Division of Forestry~~ of the
538 Department of Agriculture and Consumer Services.

539 Section 17. Section 317.0016, Florida Statutes, is amended
540 to read:

541 317.0016 Expedited service; applications; fees.—The
542 department shall provide, through its agents and for use by the
543 public, expedited service on title transfers, title issuances,
544 duplicate titles, recordation of liens, and certificates of
545 repossession. A fee of \$7 shall be charged for this service,
546 which is in addition to the fees imposed by ss. 317.0007 and
547 317.0008, and \$3.50 of this fee shall be retained by the
548 processing agency. All remaining fees shall be deposited in the
549 Incidental Trust Fund of the Florida Forest Service ~~Division of~~
550 ~~Forestry~~ of the Department of Agriculture and Consumer Services.
551 Application for expedited service may be made by mail or in

8-00868-12

2012900__

552 person. The department shall issue each title applied for
 553 pursuant to this section within 5 working days after receipt of
 554 the application except for an application for a duplicate title
 555 certificate covered by s. 317.0008(3), in which case the title
 556 must be issued within 5 working days after compliance with the
 557 department's verification requirements.

558 Section 18. Paragraph (h) of subsection (1) of section
 559 373.591, Florida Statutes, is amended to read:

560 373.591 Management review teams.—

561 (1) To determine whether conservation, preservation, and
 562 recreation lands titled in the names of the water management
 563 districts are being managed for the purposes for which they were
 564 acquired and in accordance with land management objectives, the
 565 water management districts shall establish land management
 566 review teams to conduct periodic management reviews. The land
 567 management review teams shall be composed of the following
 568 members:

569 (h) One individual from the Department of Agriculture and
 570 Consumer Services' Florida Forest Service ~~Division of Forestry~~.

571 Section 19. Subsection (10) of section 379.226, Florida
 572 Statutes, is amended to read:

573 379.226 Florida Territorial Waters Act; alien-owned
 574 commercial fishing vessels; prohibited acts; enforcement.—

575 (10) Harbormasters and law enforcement agencies are
 576 authorized to request assistance from the Civil Air Patrol in
 577 the surveillance of suspect vessels. Aircraft of the Florida
 578 Forest Service ~~Division of Forestry~~ of the Department of
 579 Agriculture and Consumer Services or other state or county
 580 agencies which are conveniently located and not otherwise

8-00868-12

2012900__

581 occupied may be similarly utilized.

582 Section 20. Subsection (6) of section 403.7071, Florida
583 Statutes, is amended to read:

584 403.7071 Management of storm-generated debris.—Solid waste
585 generated as a result of a storm event that is the subject of an
586 emergency order issued by the department may be managed as
587 follows:

588 (6) Local governments or their agents may conduct the
589 burning of storm-generated yard trash, other storm-generated
590 vegetative debris, or untreated wood from construction and
591 demolition debris in air-curtain incinerators without prior
592 notice to the department. Within 10 days after commencing such
593 burning, the local government shall notify the department in
594 writing describing the general nature of the materials burned;
595 the location and method of burning; and the name, address, and
596 telephone number of the representative of the local government
597 to contact concerning the work. The operator of the air-curtain
598 incinerator is subject to any requirement of the Florida Forest
599 Service ~~Division of Forestry~~ or of any other agency concerning
600 authorization to conduct open burning. Any person conducting
601 open burning of vegetative debris is also subject to such
602 requirements.

603 Section 21. Subsection (5) of section 479.16, Florida
604 Statutes, is amended to read:

605 479.16 Signs for which permits are not required.—The
606 following signs are exempt from the requirement that a permit
607 for a sign be obtained under the provisions of this chapter but
608 are required to comply with the provisions of s. 479.11(4)-(8):

609 (5) Danger or precautionary signs relating to the premises

8-00868-12

2012900__

610 on which they are located; forest fire warning signs erected
611 under the authority of the Florida Forest Service ~~Division of~~
612 ~~Forestry~~ of the Department of Agriculture and Consumer Services;
613 and signs, notices, or symbols erected by the United States
614 Government under the direction of the United States Forestry
615 Service.

616 Section 22. Subsection (7) of section 581.1843, Florida
617 Statutes, is amended to read:

618 581.1843 Citrus nursery stock propagation and production
619 and the establishment of regulated areas around citrus
620 nurseries.—

621 (7) The department shall relocate foundation source trees
622 maintained by the Division of Plant Industry from various
623 locations, including those in Dundee and Winter Haven, to
624 protective structures at the Florida Forest Service ~~Division of~~
625 ~~Forestry~~ nursery in Chiefland or to other protective sites
626 located a minimum of 10 miles from any commercial citrus grove.

627 Section 23. Section 589.01, Florida Statutes, is amended to
628 read:

629 589.01 Florida Forestry Council.—The Florida Forestry
630 Council, hereinafter called the "council," is hereby created in
631 the Florida Forest Service ~~Division of Forestry~~ of the
632 Department of Agriculture and Consumer Services. The council
633 shall be composed of five members appointed by the Department of
634 Agriculture and Consumer Services for terms of 4 years.

635 (1) There shall be one member of the council from each of
636 the following areas of forestry:

637 (a) The pulp and paper manufacturing industry.

638 (b) A forest products industry other than that described in

8-00868-12

2012900__

639 paragraph (a).

640 (c) A timber or timber products dealer.

641 (d) An individual forest landowner.

642 (e) An active member of a statewide conservation
643 organization having as one of its principal objectives the
644 conservation and development of the forest resource.

645 (2) Not fewer than two or more than three nominations shall
646 be made for each membership on the council, and any statewide
647 organization representing an area of forestry represented on the
648 council may make nominations.

649 (3) The council shall meet at the call of its chair, at the
650 request of a majority of its membership or of the Department of
651 Agriculture and Consumer Services, or at such times as may be
652 prescribed by its rules.

653 (4) A majority of the members of the council shall
654 constitute a quorum for all purposes, and an act by a majority
655 of such quorum at any meeting shall constitute an official act
656 of the council.

657 (5) The powers and duties of the council shall be as
658 follows:

659 (a) To consider and study the entire field of forestry;

660 (b) To advise, counsel, and consult with the Department of
661 Agriculture and Consumer Services and the Director of the
662 Florida Forest Service ~~Division of Forestry~~ upon request in
663 connection with the promulgation, administration, and
664 enforcement of all laws and rules relating to forestry;

665 (c) To consider all matters submitted to it by the
666 Department of Agriculture and Consumer Services or the Director
667 of the Florida Forest Service ~~Division of Forestry~~;

8-00868-12

2012900__

668 (d) To offer suggestions and recommendations to the
669 Department of Agriculture and Consumer Services and the Director
670 of the Florida Forest Service ~~Division of Forestry~~ on its own
671 initiative in regard to changes in the laws and rules relating
672 to forestry as may be deemed advisable to secure the effective
673 administration and enforcement of such laws and rules relating
674 to the work of the Florida Forest Service ~~division~~; and

675 (e) To keep a complete record of all its proceedings,
676 showing the names of the members present at each meeting and any
677 action taken by the council, and to file and maintain such
678 records in the Florida Forest Service ~~Division of Forestry~~ as a
679 public record.

680 Section 24. Section 589.011, Florida Statutes, is amended
681 to read:

682 589.011 Use of state forest lands; fees; rules.—

683 (1) The Florida Forest Service ~~Division of Forestry~~ of the
684 Department of Agriculture and Consumer Services may grant
685 privileges, permits, leases, and concessions for the use of
686 state forest lands, timber, and forest products for purposes not
687 inconsistent with the provisions of this chapter.

688 (2) The Florida Forest Service ~~Division of Forestry~~ is
689 authorized to grant easements for rights-of-way, over, across,
690 and upon state forest lands for the construction and maintenance
691 of poles and lines for the transmission and distribution of
692 electrical power, pipelines for the distribution and
693 transportation of oils and gases, and for telephone and
694 telegraphic purposes and for public roads, under such conditions
695 and limitations as the Florida Forest Service ~~division~~ may
696 impose.

8-00868-12

2012900__

697 (3) The Florida Forest Service ~~Division of Forestry~~ shall
698 have the power to set and charge reasonable fees or rent for the
699 use or operation of facilities on state forests or any lands
700 leased by or otherwise assigned to the Florida Forest Service
701 ~~division~~ for management purposes. Moneys collected from such
702 fees and rent shall be deposited into the Incidental Trust Fund
703 of the Florida Forest Service ~~division~~.

704 (4) The Florida Forest Service ~~Division of Forestry~~ may
705 adopt and enforce rules necessary for the protection,
706 utilization, occupancy, and development of state forest lands or
707 any lands leased by or otherwise assigned to the Florida Forest
708 Service ~~division~~ for management purposes. Any person violating
709 or otherwise failing to comply with any provision of this
710 subsection or rule adopted under this subsection commits a
711 noncriminal violation as defined in s. 775.08(3), punishable
712 only by fine, not to exceed \$500 per violation. Jurisdiction
713 shall be with the appropriate county court.

714 (5) The Florida Forest Service ~~Division of Forestry~~ may
715 prohibit on state forest lands, or any lands leased by or
716 otherwise assigned to the Florida Forest Service ~~division~~ for
717 management purposes, activities that interfere with management
718 objectives, create a nuisance, or pose a threat to public
719 safety. Such prohibited activities must be posted with signs not
720 more than 500 feet apart along, and at each corner of, the
721 boundaries of the land. The signs must be placed along the
722 boundary line of posted land in a manner and in such position as
723 to be clearly noticeable from outside the boundary line. A
724 person who violates the provisions of this subsection commits a
725 misdemeanor of the second degree, punishable as provided in s.

8-00868-12

2012900__

726 775.082 or s. 775.083.

727 (6) The Florida Forest Service ~~Division of Forestry~~ may
728 enter into contracts or agreements, with or without competitive
729 bidding or procurement, to make available, on a fair,
730 reasonable, and nondiscriminatory basis, property and other
731 structures under Florida Forest Service ~~division~~ control for the
732 placement of new facilities by any wireless provider of mobile
733 service as defined in 47 U.S.C. s. 153(27) or 47 U.S.C. s.
734 332(d) or any telecommunications company as defined in s. 364.02
735 when it is determined to be practical and feasible to make such
736 property or other structures available. The Florida Forest
737 Service ~~division~~ may, without adopting a rule, charge a just,
738 reasonable, and nondiscriminatory fee for the placement of the
739 facilities, payable annually, based on the fair market value of
740 space used by comparable communications facilities in the state.
741 The Florida Forest Service ~~division~~ and a wireless provider or
742 telecommunications company may negotiate the reduction or
743 elimination of a fee in consideration of services provided to
744 the Florida Forest Service ~~division~~ by the wireless provider or
745 telecommunications company. All such fees collected by the
746 Florida Forest Service ~~division~~ shall be deposited in the
747 Incidental Trust Fund.

748 Section 25. Section 589.012, Florida Statutes, is amended
749 to read:

750 589.012 Friends of Florida State Forests Program.—The
751 Friends of Florida State Forests Program is established within
752 the Department of Agriculture and Consumer Services. Its purpose
753 is to provide support and assistance for existing and future
754 programs of the Florida Forest Service ~~Division of Forestry~~.

8-00868-12

2012900__

755 These programs must be consistent with the Florida Forest
756 Service ~~division's~~ mission statement which is incorporated by
757 reference. The purpose of the program is to:

758 (1) Conduct programs and activities related to
759 environmental education, fire prevention, recreation, and forest
760 management.

761 (2) Identify and pursue methods to provide resources and
762 materials for these programs.

763 (3) Establish a statewide method to integrate these
764 resources and materials.

765 Section 26. Section 589.04, Florida Statutes, is amended to
766 read:

767 589.04 Duties of Florida Forest Service ~~division~~.—

768 (1) The Florida Forest Service ~~Division of Forestry~~ shall
769 cooperate with federal, state, and local governmental agencies,
770 nonprofit organizations, and other persons to:

771 (a) Promote and encourage forest fire protection, forest
772 environmental education, forest land stewardship, good forest
773 management, tree planting and care, forest recreation, and the
774 proper management of public lands.

775 (b) Apply for, solicit, and receive grants, funds,
776 services, equipment, and supplies from those agencies,
777 organizations, firms, and individuals.

778 (2) All grant proceeds and funds received for these
779 purposes shall be deposited in the Incidental Trust Fund.
780 Expenditures of these funds shall be for the purposes
781 established in this section.

782 (3) The Florida Forest Service ~~Division of Forestry~~ shall
783 provide direction for the multiple-use management of forest

8-00868-12

2012900__

784 lands owned by the state; serve as the lead management agency
785 for state-owned land primarily suited for forest resource
786 management; and provide to other state agencies having land
787 management responsibilities technical guidance and management
788 plan development for managing the forest resources on state-
789 owned lands managed for other objectives. Multiple-purpose use
790 shall include, but is not limited to, water-resource protection,
791 forest-ecosystems protection, natural-resource-based low-impact
792 recreation, and sustainable timber management for forest
793 products.

794 (4) The Florida Forest Service ~~Division of Forestry~~ shall
795 begin immediately an aggressive program to reforest and
796 afforest, with appropriate tree species, lands over which the
797 Florida Forest Service ~~division~~ has forest resource management
798 responsibility.

799 Section 27. Section 589.06, Florida Statutes, is amended to
800 read:

801 589.06 Warrants for payment of accounts.—Upon the
802 presentation to the Chief Financial Officer of any accounts duly
803 approved by the Florida Forest Service ~~Division of Forestry~~,
804 accompanied by such itemized vouchers or accounts as shall be
805 required by her or him, the Chief Financial Officer shall audit
806 the same and draw a warrant for the amount for which the account
807 is audited, payable out of funds to the credit of the Florida
808 Forest Service ~~division~~.

809 Section 28. Section 589.07, Florida Statutes, is amended to
810 read:

811 589.07 Florida Forest Service ~~Division~~ may acquire lands
812 for forest purposes.—The Florida Forest Service ~~Division of~~

8-00868-12

2012900__

813 ~~Forestry~~, on behalf of the state and subject to the restrictions
814 mentioned in s. 589.08, may acquire lands, suitable for state
815 forest purposes, by gift, donation, contribution, purchase, or
816 otherwise and may enter into agreements with the Federal
817 Government, or other agency, for acquiring by gift, purchase, or
818 otherwise, such lands as are, in the judgment of the Florida
819 Forest Service ~~division~~, suitable and desirable for state
820 forests. The acquisition procedures for state lands provided in
821 s. 259.041 do not apply to acquisition of land by the Florida
822 Forest Service ~~Division of Forestry~~.

823 Section 29. Section 589.071, Florida Statutes, is amended
824 to read:

825 589.071 Traffic control within state forest or Florida
826 Forest Service-assigned ~~division-assigned~~ lands.—The Florida
827 Forest Service ~~Division of Forestry~~ on behalf of the state may
828 adopt rules to control ingress, egress, and all other movement
829 of motor vehicles, bicycles, horses, and pedestrians, as well as
830 all other types of traffic, within a state forest or any lands
831 leased by or otherwise assigned to the Florida Forest Service
832 ~~division~~ for management purposes, outside of the designated
833 right-of-way of state or county-maintained roads, and may
834 designate special areas off the roadways for the operation of
835 recreational type vehicles which need not be licensed or
836 operated by licensed drivers. Any person violating or otherwise
837 failing to comply with any of the provisions of this section or
838 rules adopted pursuant hereto is guilty of a noncriminal
839 violation as defined in s. 775.08(3), punishable only by fine
840 not to exceed \$500. Jurisdiction shall be with the appropriate
841 county court.

8-00868-12

2012900__

842 Section 30. Section 589.08, Florida Statutes, is amended to
843 read:

844 589.08 Land acquisition restrictions.-

845 (1) The Florida Forest Service ~~Division of Forestry~~ shall
846 enter into no agreement for the acquisition, lease, or purchase
847 of any land or for any other purpose whatsoever which shall
848 pledge the credit of, or obligate in any manner whatsoever, the
849 state to pay any sum of money or other thing of value for such
850 purpose, and the Florida Forest Service ~~said division~~ shall not
851 in any manner or for any purpose pledge the credit of or
852 obligate the state to pay any sum of money.

853 (2) The Florida Forest Service ~~division~~ may receive, hold
854 the custody of, and exercise the control of any lands, and set
855 aside into a separate, distinct and inviolable fund, any
856 proceeds derived from the sales of the products of such lands,
857 the use thereof in any manner, or the sale of such lands save
858 the 25 percent of the proceeds to be paid into the State School
859 Fund as provided by law. The Florida Forest Service ~~division~~ may
860 use and apply such funds for the acquisition, use, custody,
861 management, development, or improvement of any lands vested in
862 or subject to the control of the Florida Forest Service
863 ~~division~~. After full payment has been made for the purchase of a
864 state forest to the Federal Government or other grantor, 15
865 percent of the gross receipts from a state forest shall be paid
866 to the fiscally constrained county or counties, as described in
867 s. 218.67(1), in which it is located in proportion to the
868 acreage located in each county for use by the county or counties
869 for school purposes.

870 Section 31. Section 589.081, Florida Statutes, is amended

8-00868-12

2012900__

871 to read:

872 589.081 Withlacoochee State Forest and Goethe State Forest;
873 payment of portion of gross receipts.—The Florida Forest Service
874 ~~Division of Forestry~~ shall pay 15 percent of the gross receipts
875 from Withlacoochee State Forest and the Goethe State Forest to
876 each fiscally constrained county, as described in s. 218.67(1),
877 in which a portion of the respective forest is located in
878 proportion to the forest acreage located in such county. The
879 funds must be equally divided between the board of county
880 commissioners and the school board of each fiscally constrained
881 county.

882 Section 32. Section 589.09, Florida Statutes, is amended to
883 read:

884 589.09 Use of lands acquired.—All lands acquired by the
885 Florida Forest Service ~~Division of Forestry~~ on behalf of the
886 state shall be in the custody of and subject to the
887 jurisdiction, management, and control of the Florida Forest
888 Service ~~said division~~, and, for such purposes and the
889 utilization and development of such land, the Florida Forest
890 Service ~~said division~~ may use the proceeds of the sale of any
891 products therefrom, the proceeds of the sale of any such lands,
892 save the 25 percent of such proceeds which shall be paid into
893 the State School Fund as required by s. 1010.71(1), and such
894 other funds as may be appropriated for use by the Florida Forest
895 Service ~~division~~, and in the opinion of the Florida Forest
896 Service ~~such division~~, available for such uses and purposes.

897 Section 33. Section 589.10, Florida Statutes, is amended to
898 read:

899 589.10 Disposition of lands.—The Florida Forest Service

8-00868-12

2012900__

900 ~~Division of Forestry~~, with the concurrence of the Board of
901 Trustees of the Internal Improvement Trust Fund and the
902 Governor, may sell, exchange, lease, or otherwise dispose of any
903 lands under its jurisdiction by the provisions of this chapter
904 when in its judgment it is advantageous to the state to do so in
905 the interest of the highest orderly development, improvement,
906 and management of the state forests and state parks. All such
907 sales, exchanges, leases, or dispositions of such lands, shall
908 be at least upon a 30-day public notice, to be given in the
909 manner deemed reasonable by the Florida Forest Service ~~division~~.

910 Section 34. Section 589.101, Florida Statutes, is amended
911 to read:

912 589.101 Blackwater River State Forest; lease of board's
913 interest in gas, oil, and other minerals.—Notwithstanding the
914 provisions of ss. 253.51-253.61, the Florida Forest Service
915 ~~Division of Forestry~~ is hereby expressly granted the authority
916 to lease its 25-percent interest in oil, gas, and other minerals
917 within the boundaries of the Blackwater River State Forest;
918 provided, however, that grants shall be made only to the lessee
919 or lessees holding the 75-percent interest in said minerals
920 retained by the United States in its conveyance to this state.
921 The concurrence of the Board of Trustees of the Internal
922 Improvement Trust Fund required by s. 589.10 shall not be
923 necessary under the provisions of this section.

924 Section 35. Section 589.11, Florida Statutes, is amended to
925 read:

926 589.11 Duties of Florida Forest Service ~~division~~ as to
927 Clarke-McNary Law.—

928 (1) The Florida Forest Service ~~Division of Forestry~~ is

8-00868-12

2012900__

929 designated and authorized as the agent of the state to cooperate
930 with the United States Secretary of Agriculture under the
931 provisions of "ss. 4 and 5, Chapter 348, 43 Statutes 654, Acts
932 of Congress, June 7, 1924, known as the Clarke-McNary Law," to
933 assist owners of farms in establishing, improving, and renewing
934 woodlots, shelterbelts, windbreaks, and other valuable forest
935 growth; in growing and renewing useful timber crops; and to
936 cooperate with the wood-using industries or other agencies,
937 governmental or otherwise, interested in proper land use, forest
938 management, and conservative forest utilization.

939 (2) As a means of providing seedling trees for the purposes
940 of this section, the Florida Forest Service ~~division~~ is
941 authorized to operate a seedling tree nursery program and to set
942 reasonable prices for the sale to the public of seedling trees.
943 Receipts from the sale of seedling trees shall be deposited into
944 the Incidental Trust Fund of the Florida Forest Service
945 ~~division~~.

946 Section 36. Section 589.12, Florida Statutes, is amended to
947 read:

948 589.12 Rules and regulations.—The Florida Forest Service
949 ~~Division of Forestry~~ may make rules and regulations and do such
950 acts and things as shall be reasonable and necessary to
951 accomplish the purposes of ss. 589.07-589.11.

952 Section 37. Section 589.13, Florida Statutes, is amended to
953 read:

954 589.13 Lien of Florida Forest Service ~~division~~ and other
955 parties, for forestry work, etc.—Liens prior in dignity to all
956 others accruing thereafter shall exist in favor of the following
957 persons, boards, firms, or corporations upon the following

8-00868-12

2012900__

958 described real estate, under the circumstances hereinafter
959 mentioned:

960 (1) The Florida Forest Service ~~Division of Forestry~~, the
961 United States Government, or other governmental authority, upon
962 all lands covered in any cooperative or other agreement entered
963 into between the landowner and the Florida Forest Service
964 ~~division~~ (which term shall embrace and include agreements with
965 the Florida Forest Service ~~Division of Forestry~~);

966 (2) The United States Government or other governmental
967 authority, for the prevention and control of woods fires and
968 other forestry work to the extent of the amounts expended by the
969 Florida Forest Service ~~such division, service,~~ or other
970 governmental authority for and on behalf of the landowner and
971 not paid by the landowner under the terms of said agreement.

972 Section 38. Section 589.14, Florida Statutes, is amended to
973 read:

974 589.14 Enforcement of lien; notice.—The Florida Forest
975 Service ~~Division of Forestry~~, United States Government, or other
976 governmental authority shall be entitled to subject said real
977 estate in equity for the value of such expenditures made by it
978 in pursuance of any such agreement, and may, at any time after
979 the expenditure thereof and after default in payment thereof by
980 the landowner in accordance with the terms of such agreement,
981 file in the office of the clerk of the circuit court of the
982 county in which the property is located, and have recorded in
983 the record of liens kept by such clerk, a notice of the
984 expenditures made in pursuance of such agreement and of default
985 of the landowner in the payment of same in accordance with the
986 terms thereof (the form of notice being provided in s. 589.15),

8-00868-12

2012900__

987 and from the date of the filing of such notice the rights of
988 purchasers or creditors of such landowner shall be subject and
989 subordinate to the claim set out in the notice.

990 Section 39. Section 589.15, Florida Statutes, is amended to
991 read:

992 589.15 Form of notice.—The said notice shall be
993 substantially as follows: It shall be in writing and shall be
994 sworn to by the duly authorized agent of the Florida Forest
995 Service ~~such division~~ or governmental authority filing same. It
996 shall state the name of the owner of said property, the nature
997 and character of the labor or services performed or to be
998 performed, an itemized statement of the expenditures made in
999 pursuance of said agreement and the value thereof, and shall
1000 also contain a description of the property covered by the said
1001 agreement and to which said services and expenditures are
1002 applicable.

1003 Section 40. Section 589.16, Florida Statutes, is amended to
1004 read:

1005 589.16 Time for filing notice of lien.—The notice of lien
1006 may be filed prior to the filing of a complaint brought to
1007 enforce said lien; provided that nothing herein contained shall
1008 prevent the filing of such notice at any time after the contract
1009 or agreement has been entered into and default made by the
1010 landowner in payment of any amount due under the contract or
1011 agreement; and suit in equity to enforce the rights of the
1012 Florida Forest Service ~~division~~ or governmental authority as
1013 provided in this chapter must be brought within 12 months from
1014 the filing of said notice of lien.

1015 Section 41. Section 589.18, Florida Statutes, is amended to

8-00868-12

2012900

1016 read:

1017 589.18 Florida Forest Service ~~Division~~ to make certain
1018 investigations.—The Florida Forest Service ~~Division of Forestry~~
1019 shall conduct investigations and make surveys to determine the
1020 areas of land in the state which are available and suitable for
1021 reforestation projects and state forests, and may recommend to
1022 the Board of Trustees of the Internal Improvement Trust Fund,
1023 any state agency, or any agency created by state law which is
1024 authorized to accept lands in the name of the state, concerning
1025 their acquisition. The Florida Forest Service ~~division~~ shall be
1026 considered as a state agency under this law.

1027 Section 42. Subsections (1) and (3) and paragraphs (a),
1028 (b), (c), and (e) of subsection (4) of section 589.19, Florida
1029 Statutes, are amended to read:

1030 589.19 Creation of certain state forests; naming of certain
1031 state forests.—

1032 (1) When the Board of Trustees of the Internal Improvement
1033 Trust Fund, any state agency, or any agency created by state
1034 law, authorized to accept reforestation lands in the name of the
1035 state, approves the recommendations of the Florida Forest
1036 Service ~~Division of Forestry~~ in reference to the acquisition of
1037 land and acquire such land, the said board, state agency, or
1038 agency created by state law, may formally designate and dedicate
1039 any area as a reforestation project, or state forest, and where
1040 so designated and dedicated such area shall be under the
1041 administration of the Florida Forest Service ~~division~~ which
1042 shall be authorized to manage and administer said area according
1043 to the purpose for which it was designated and dedicated.

1044 (3) The state forest managed by the Florida Forest Service

8-00868-12

2012900__

1045 ~~Division of Forestry~~ in Seminole County is to be named the
1046 Charles H. Bronson State Forest to honor Charles H. Bronson, the
1047 tenth Commissioner of Agriculture, for his distinguished
1048 contribution to this state's agriculture and natural resources.

1049 (4) (a) The Florida Forest Service ~~Division of Forestry~~
1050 shall designate one or more areas of state forests as a "Wounded
1051 Warrior Special Hunt Area" to honor wounded veterans and
1052 servicemembers. The purpose of such designated areas is to
1053 provide special outdoor recreational opportunities for eligible
1054 veterans and servicemembers.

1055 (b) The Florida Forest Service ~~division~~ shall limit guest
1056 admittance to such designated areas to any person who:

1057 1. Is an active duty member of any branch of the United
1058 States Armed Forces and has a combat-related injury as
1059 determined by his or her branch of the United States Armed
1060 Forces; or

1061 2. Is a veteran who served during a period of wartime
1062 service as defined in s. 1.01(14) or peacetime service as
1063 defined in s. 296.02 and:

1064 a. Has a service-connected disability as determined by the
1065 United States Department of Veterans Affairs; or

1066 b. Was discharged or released from military service because
1067 of a disability acquired or aggravated while serving on active
1068 duty.

1069 (c) The Florida Forest Service ~~division~~ may grant
1070 admittance to such designated areas to a person who is not an
1071 eligible veteran or servicemember for purposes of accompanying
1072 an eligible veteran or servicemember who requires the person's
1073 assistance to use such designated areas.

8-00868-12

2012900__

1074 (e) The Florida Forest Service ~~division~~ may adopt rules to
1075 administer this subsection.

1076 Section 43. Section 589.20, Florida Statutes, is amended to
1077 read:

1078 589.20 Cooperation by Florida Forest Service ~~division~~.—The
1079 Florida Forest Service ~~Division of Forestry~~ may cooperate with
1080 other state agencies, who are custodians of lands which are
1081 suitable for forestry purposes, in the designation and
1082 dedication of such lands for forestry purposes when in the
1083 opinion of the state agencies concerned such lands are suitable
1084 for these purposes and can be so administered. Upon the
1085 designation and dedication of said lands for these purposes by
1086 the agencies concerned, said lands shall be administered by the
1087 Florida Forest Service ~~division~~.

1088 Section 44. Section 589.21, Florida Statutes, is amended to
1089 read:

1090 589.21 Management to be for public interest.—All state
1091 forests and reforestation projects mentioned in this chapter
1092 shall be managed and administered by the Florida Forest Service
1093 ~~Division of Forestry~~ in the interests of the public. If the
1094 public interests are not already safeguarded and clearly defined
1095 by law or by regulations adopted by the state agencies
1096 authorized by law to administer such lands, or in the papers
1097 formally transferring said projects to the Florida Forest
1098 Service ~~division~~ for administration, then, and in that event,
1099 the Florida Forest Service ~~division~~ may define the purpose of
1100 said project. Such definition of purposes shall be construed to
1101 have the authority of law.

1102 Section 45. Section 589.26, Florida Statutes, is amended to

8-00868-12

2012900

1103 read:

1104 589.26 Dedication of state park lands for public use.—The
1105 Florida Forest Service ~~Division of Forestry~~ is authorized and
1106 empowered, from time to time, to dedicate and reserve for the
1107 use of the public all or any part of the lands heretofore or
1108 hereafter acquired by the Florida Forest Service ~~said Division~~
1109 ~~of Forestry~~ for park purposes; provided, however, that said
1110 dedication and reservation shall be subject to such rules and
1111 regulations, as to reasonable use by the public, as may be
1112 adopted by the Division of Recreation and Parks of the
1113 Department of Environmental Protection.

1114 Section 46. Section 589.27, Florida Statutes, is amended to
1115 read:

1116 589.27 Power of eminent domain; procedure.—Whenever the
1117 Florida Forest Service ~~Division of Forestry~~ shall find it
1118 necessary to acquire private property for state forests or
1119 rights-of-way for state forest roads, or for exercising any of
1120 the powers and duties authorized and prescribed by law to be
1121 exercised and performed by the Florida Forest Service ~~Division~~
1122 ~~of Forestry~~, the Florida Forest Service ~~Division of Forestry~~ is
1123 hereby empowered and authorized to exercise the right of eminent
1124 domain and to proceed to condemn said property in the same
1125 manner as provided by law for the condemnation of private
1126 property by counties.

1127 Section 47. Section 589.275, Florida Statutes, is amended
1128 to read:

1129 589.275 Planting of indigenous trees on state lands.—It is
1130 the intent of the Legislature to partially restore the character
1131 of the original domain of Florida by planting native trees on

8-00868-12

2012900__

1132 state lands, and to this end all state lands shall have a
1133 portion of such lands designated for indigenous trees, to be
1134 established and maintained by the using agency with the
1135 assistance of the Florida Forest Service ~~Division of Forestry~~ of
1136 the Department of Agriculture and Consumer Services. If the
1137 Florida Forest Service ~~division~~, or primary managing agency,
1138 determines that any state lands are unsuitable for this purpose,
1139 such lands shall be exempt from this requirement.

1140 Section 48. Subsections (1), (3), and (5) of section
1141 589.277, Florida Statutes, are amended to read:

1142 589.277 Tree planting programs.—

1143 (1) The Florida Forest Service ~~Division of Forestry~~ of the
1144 Florida Department of Agriculture and Consumer Services shall
1145 administer federal, state, and privately sponsored tree planting
1146 programs designed to assist private rural landowners and urban
1147 communities.

1148 (3) The Florida Forest Service ~~Division of Forestry~~ is
1149 authorized and directed to develop and implement guidelines and
1150 procedures under which the financial resources of the fund
1151 allocated for tree planting programs may be utilized for urban
1152 and rural reforestation.

1153 (5) The Florida Forest Service ~~Division of Forestry~~ shall
1154 assist the Department of Education in developing programs that
1155 teach the importance of trees in the urban, rural, and global
1156 environment.

1157 Section 49. Section 589.28, Florida Statutes, is amended to
1158 read:

1159 589.28 County commissions or municipalities authorized to
1160 cooperate with Florida Forest Service ~~Division of Forestry~~.—

8-00868-12

2012900__

1161 County commissions or municipalities are authorized to cooperate
1162 with the Florida Forest Service ~~Division of Forestry~~ of the
1163 Department of Agriculture and Consumer Services in providing
1164 assistance in forestry and forest-related knowledge and skills
1165 to stimulate the production of timber wealth through the proper
1166 use of forest land and to protect and improve the beauty of
1167 urban and suburban areas by helping to create in them an
1168 attractive and healthy environment through the proper use of
1169 trees and related plant associations. County commissions or
1170 municipalities are hereby authorized to appropriate funds and
1171 enter into cooperative agreements with the Florida Forest
1172 Service ~~Division of Forestry~~ under the terms and conditions set
1173 forth in ss. 589.28-589.34.

1174 Section 50. Section 589.29, Florida Statutes, is amended to
1175 read:

1176 589.29 Quality of assistance.—Any advice and assistance
1177 provided under ss. 589.28-589.34 shall be the responsibility of
1178 the State Forester and the Florida Forest Service ~~Division of~~
1179 ~~Forestry~~ and shall be conducted under the supervision of a
1180 professional forester in an efficient and competent manner by
1181 personnel who have the required education, training and
1182 experience to accomplish the objectives of these sections.

1183 Section 51. Section 589.30, Florida Statutes, is amended to
1184 read:

1185 589.30 Duty of district forester.—It shall be the duty of
1186 the district forester to direct all work in accordance with the
1187 law and regulations of the Florida Forest Service ~~Division of~~
1188 ~~Forestry~~; gather and disseminate information in the management
1189 of commercial timber, including establishment, protection and

8-00868-12

2012900__

1190 utilization; and assist in the development and use of forest
1191 lands for outdoor recreation, watershed protection, and wildlife
1192 habitat. The district forester or his or her representative
1193 shall provide encouragement and technical assistance to
1194 individuals and urban and county officials in the planning,
1195 establishment, and management of trees and plant associations to
1196 enhance the beauty of the urban and suburban environment and
1197 meet outdoor recreational needs.

1198 Section 52. Section 589.31, Florida Statutes, is amended to
1199 read:

1200 589.31 Cooperative agreement.—Before any assistance is
1201 provided under this law, the county or municipality and the
1202 Florida Forest Service Division of Forestry, through their duly
1203 constituted representatives, shall enter into a mutually
1204 satisfactory cooperative agreement covering the specific duties,
1205 and set up a budget for any fiscal period beginning July 1 and
1206 ending June 30, and the county's or municipality's share of the
1207 budget provided shall be turned over to the Florida Forest
1208 Service Division of Forestry, one-half on or before July 1, and
1209 the remainder on or before January 1, and placed in the
1210 Incidental Trust Fund of the Florida Forest Service Division of
1211 Forestry.

1212 Section 53. Section 589.32, Florida Statutes, is amended to
1213 read:

1214 589.32 Cost of providing county forestry assistance.—The
1215 cost of county forestry assistance provided under the provisions
1216 of ss. 589.28-589.34 shall be jointly determined and paid by the
1217 Florida Forest Service Division of Forestry and the county
1218 commission or municipality and shall be not less than 40 percent

8-00868-12

2012900__

1219 of the cost of the equivalent of 1 person-year of assistance.
1220 However, the county or municipality share shall not exceed the
1221 sum of \$3,000 per annum for each person-year of assistance
1222 provided.

1223 Section 54. Section 589.33, Florida Statutes, is amended to
1224 read:

1225 589.33 Expenditure of budgeted funds.—Any money budgeted
1226 for a fiscal period shall be expended by the Florida Forest
1227 Service ~~Division of Forestry~~ during the period for which it was
1228 budgeted and amounts not expended or specifically obligated by
1229 contract or other legal procedure during that period shall be
1230 available for the next fiscal period or shall be returned to the
1231 Florida Forest Service ~~Division of Forestry~~ and the county or
1232 municipality in the same proportions as appropriated. However,
1233 when 40 percent of the cost of 1 person-year of assistance
1234 equals or exceeds \$3,000, then in that event all budget balance
1235 will revert to the Florida Forest Service ~~Division of Forestry~~.

1236 Section 55. Section 589.34, Florida Statutes, is amended to
1237 read:

1238 589.34 Revocation of agreement.—Any agreement or revision
1239 thereof entered into by the Florida Forest Service ~~Division of~~
1240 ~~Forestry~~ and a county or municipality under the provisions of
1241 this law shall continue from year to year, unless written notice
1242 is given to the other party 30 days prior to July 1 of any year
1243 of the intention to discontinue the work and cancel the
1244 agreement.

1245 Section 56. Section 590.01, Florida Statutes, is amended to
1246 read:

1247 590.01 Wildfire protection.—The Florida Forest Service

8-00868-12

2012900__

1248 ~~division~~ has the primary responsibility for prevention,
1249 detection, and suppression of wildfires wherever they may occur.
1250 The Florida Forest Service ~~division~~ shall provide leadership and
1251 direction in the evaluation, coordination, allocation of
1252 resources, and monitoring of wildfire management and protection.
1253 The Florida Forest Service ~~division~~ shall promote natural
1254 resource management and fuel reduction through the use of
1255 prescribed fire and other fuel reduction measures.

1256 Section 57. Subsection (2) of section 590.015, Florida
1257 Statutes, is amended to read:

1258 590.015 Definitions.—As used in this chapter, the term:

1259 ~~(2) "Division" means the Florida Forest Service.~~

1260 Section 58. Section 590.02, Florida Statutes, is amended to
1261 read:

1262 590.02 Florida Forest Service ~~Division~~ powers, authority,
1263 and duties; liability; building structures; Florida Center for
1264 Wildfire and Forest Resources Management Training.—

1265 (1) The Florida Forest Service ~~division~~ has the following
1266 powers, authority, and duties:

1267 (a) To enforce the provisions of this chapter;

1268 (b) To prevent, detect, suppress, and extinguish wildfires
1269 wherever they may occur on public or private land in this state
1270 and to do all things necessary in the exercise of such powers,
1271 authority, and duties;

1272 (c) To provide firefighting crews, who shall be under the
1273 control and direction of the Florida Forest Service ~~division~~ and
1274 its designated agents;

1275 (d) To appoint center managers, forest area supervisors,
1276 forestry program administrators, a forest protection bureau

8-00868-12

2012900__

1277 chief, a forest protection assistant bureau chief, a field
1278 operations bureau chief, deputy chiefs of field operations,
1279 district managers, forest operations administrators, senior
1280 forest rangers, investigators, forest rangers, firefighter
1281 rotorcraft pilots, and other employees who may, at the
1282 ~~division's~~ discretion of the Florida Forest Service, be
1283 certified as forestry firefighters pursuant to s. 633.35(4).
1284 Other provisions of law notwithstanding, center managers,
1285 district managers, forest protection assistant bureau chief, and
1286 deputy chiefs of field operations shall have Selected Exempt
1287 Service status in the state personnel designation;

1288 (e) To develop a training curriculum for forestry
1289 firefighters which must contain the basic volunteer structural
1290 fire training course approved by the Florida State Fire College
1291 of the Division of State Fire Marshal and a minimum of 250 hours
1292 of wildfire training;

1293 (f) To make rules to accomplish the purposes of this
1294 chapter;

1295 (g) To provide fire management services and emergency
1296 response assistance and to set and charge reasonable fees for
1297 performance of those services. Moneys collected from such fees
1298 shall be deposited into the Incidental Trust Fund of the Florida
1299 Forest Service ~~division~~; and

1300 (h) To require all state, regional, and local government
1301 agencies operating aircraft in the vicinity of an ongoing
1302 wildfire to operate in compliance with the applicable state
1303 Wildfire Aviation Plan.

1304 (2) Florida Forest Service ~~Division~~ employees, and the
1305 firefighting crews under their control and direction, may enter

8-00868-12

2012900__

1306 upon any lands for the purpose of preventing and suppressing
1307 wildfires and investigating smoke complaints or open burning not
1308 in compliance with authorization and to enforce the provisions
1309 of this chapter.

1310 (3) Employees of the Florida Forest Service ~~division~~ and of
1311 federal, state, and local agencies, and all other persons and
1312 entities that are under contract or agreement with the Florida
1313 Forest Service ~~division~~ to assist in firefighting operations as
1314 well as those entities, called upon by the Florida Forest
1315 Service ~~division~~ to assist in firefighting may, in the
1316 performance of their duties, set counterfires, remove fences and
1317 other obstacles, dig trenches, cut firelines, use water from
1318 public and private sources, and carry on all other customary
1319 activities in the fighting of wildfires without incurring
1320 liability to any person or entity.

1321 (4) (a) The department may build structures, notwithstanding
1322 chapters 216 and 255, not to exceed a cost of \$50,000 per
1323 structure from existing resources on forest lands, federal
1324 excess property, and unneeded existing structures. These
1325 structures must meet all applicable building codes.

1326 (b) Notwithstanding s. 553.80(1), the department shall
1327 exclusively enforce the Florida Building Code as it pertains to
1328 wildfire and law enforcement facilities under the jurisdiction
1329 of the department.

1330 (5) The Florida Forest Service ~~division~~ shall organize its
1331 operational units to most effectively prevent, detect, and
1332 suppress wildfires, and to that end, may employ the necessary
1333 personnel to manage its activities in each unit. The Florida
1334 Forest Service ~~division~~ may construct lookout towers, roads,

8-00868-12

2012900__

1335 bridges, firelines, and other facilities and may purchase or
1336 fabricate tools, supplies, and equipment for firefighting. The
1337 Florida Forest Service ~~division~~ may reimburse the public and
1338 private entities that it engages to assist in the suppression of
1339 wildfires for their personnel and equipment, including aircraft.

1340 (6) The Florida Forest Service ~~division~~ shall undertake
1341 privatization alternatives for fire prevention activities
1342 including constructing fire lines and conducting prescribed
1343 burns and, where appropriate, entering into agreements or
1344 contracts with the private sector to perform such activities.

1345 (7) The Florida Forest Service ~~division~~ may organize,
1346 staff, equip, and operate the Florida Center for Wildfire and
1347 Forest Resources Management Training. The center shall serve as
1348 a site where fire and forest resource managers can obtain
1349 current knowledge, techniques, skills, and theory as they relate
1350 to their respective disciplines.

1351 (a) The center may establish cooperative efforts involving
1352 federal, state, and local entities; hire appropriate personnel;
1353 and engage others by contract or agreement with or without
1354 compensation to assist in carrying out the training and
1355 operations of the center.

1356 (b) The center shall provide wildfire suppression training
1357 opportunities for rural fire departments, volunteer fire
1358 departments, and other local fire response units.

1359 (c) The center will focus on curriculum related to, but not
1360 limited to, fuel reduction, an incident management system,
1361 prescribed burning certification, multiple-use land management,
1362 water quality, forest health, environmental education, and
1363 wildfire suppression training for structural firefighters.

8-00868-12

2012900__

1364 (d) The center may assess appropriate fees for food,
1365 lodging, travel, course materials, and supplies in order to meet
1366 its operational costs and may grant free meals, room, and
1367 scholarships to persons and other entities in exchange for
1368 instructional assistance.

1369 (e) An advisory committee consisting of the following
1370 individuals or their designees must review program curriculum,
1371 course content, and scheduling: the Director of the Florida
1372 Forest Service ~~Division of Forestry~~; the Assistant Director of
1373 the Florida Forest Service ~~Division of Forestry~~; the Director of
1374 the School of Forest Resources and Conservation of the
1375 University of Florida; the Director of the Division of
1376 Recreation and Parks of the Department of Environmental
1377 Protection; the Director of the Division of the State Fire
1378 Marshal; the Director of the Florida Chapter of The Nature
1379 Conservancy; the Executive Vice President of the Florida
1380 Forestry Association; the President of the Florida Farm Bureau
1381 Federation; the Executive Director of the Fish and Wildlife
1382 Conservation Commission; the Executive Director of a Water
1383 Management District as appointed by the Commissioner of
1384 Agriculture; the Supervisor of the National Forests in Florida;
1385 the President of the Florida Fire Chief's Association; and the
1386 Executive Director of the Tall Timbers Research Station.

1387 (8) The Cross City Work Center shall be named the L. Earl
1388 Peterson Forestry Station. This is to honor Mr. L. Earl
1389 Peterson, Florida's sixth state forester, whose distinguished
1390 career in state government has spanned 44 years, and who is a
1391 native of Dixie County.

1392 (9) (a) Notwithstanding ss. 273.055 and 287.16, the

8-00868-12

2012900__

1393 department may retain, transfer, warehouse, bid, destroy, scrap,
1394 or otherwise dispose of surplus equipment and vehicles that are
1395 used for wildland firefighting.

1396 (b) All money received from the disposition of state-owned
1397 equipment and vehicles that are used for wildland firefighting
1398 shall be retained by the department. Money received pursuant to
1399 this section is appropriated for and may be disbursed for the
1400 acquisition of exchange and surplus equipment used for wildland
1401 firefighting, and for all necessary operating expenditures
1402 related to such equipment, in the same fiscal year and the
1403 fiscal year following the disposition. The department shall
1404 maintain records of the accounts into which the money is
1405 deposited.

1406 (10) (a) The Florida Forest Service ~~division~~ has exclusive
1407 authority to require and issue authorizations for broadcast
1408 burning and agricultural and silvicultural pile burning. An
1409 agency, commission, department, county, municipality, or other
1410 political subdivision of the state may not adopt laws,
1411 regulations, rules, or policies pertaining to broadcast burning
1412 or agricultural and silvicultural pile burning unless an
1413 emergency order is declared in accordance with s. 252.38(3).

1414 (b) The Florida Forest Service ~~division~~ may delegate to a
1415 county or municipality its authority, as delegated by the
1416 Department of Environmental Protection pursuant to ss.
1417 403.061(28) and 403.081, to require and issue authorizations for
1418 the burning of yard trash and debris from land clearing
1419 operations in accordance with s. 590.125(6).

1420 Section 59. Subsection (3) of section 590.081, Florida
1421 Statutes, is amended to read:

8-00868-12

2012900__

1422 590.081 Severe drought conditions; burning prohibited.—

1423 (3) It is unlawful for any person to set fire to, or cause
 1424 fire to be set to, any wild lands or to build a campfire or
 1425 bonfire or to burn trash or other debris within the designated
 1426 area of a severe drought emergency unless a written permit is
 1427 obtained from the Florida Forest Service ~~division~~ or its
 1428 designated agent.

1429 Section 60. Section 590.091, Florida Statutes, is amended
 1430 to read:

1431 590.091 Designation of railroad rights-of-way as wildfire
 1432 hazard areas.—

1433 (1) The Florida Forest Service ~~division~~ may annually
 1434 designate, on or before October 1, those railroad rights-of-way
 1435 in this state which are known wildfire hazard areas.

1436 (2) It shall be the duty of all railroad companies
 1437 operating in this state to maintain their rights-of-way
 1438 designated as provided in subsection (1), as known wildfire
 1439 hazard areas, in an approved condition as shall be prescribed by
 1440 rule of the Florida Forest Service ~~division~~ and to provide
 1441 adequate firebreaks where needed, so as to prevent fire from
 1442 igniting or spreading from rights-of-way to adjacent property.

1443 Section 61. Section 590.125, Florida Statutes, is amended
 1444 to read:

1445 590.125 Open burning authorized by the Florida Forest
 1446 Service ~~division~~.—

1447 (1) DEFINITIONS.—As used in this section, the term:

1448 (a) "Certified pile burner" means an individual who
 1449 successfully completes the ~~division's~~ pile burning certification
 1450 program of the Florida Forest Service and possesses a valid pile

8-00868-12

2012900__

1451 burner certification number.

1452 (b) "Certified prescribed burn manager" means an individual
1453 who successfully completes the certified prescribed burning
1454 program of the Florida Forest Service ~~division~~ and possesses a
1455 valid certification number.

1456 (c) "Extinguished" means that for:

1457 1. Wildland burning or certified prescribed burning, no
1458 spreading flames exist.

1459 2. Vegetative land-clearing debris burning or pile burning,
1460 no visible flames exist.

1461 3. Vegetative land-clearing debris burning or pile burning
1462 in an area designated as smoke sensitive by the Florida Forest
1463 Service ~~division~~, no visible flames, smoke, or emissions exist.

1464 (d) "Land-clearing operation" means the uprooting or
1465 clearing of vegetation in connection with the construction of
1466 buildings and rights-of-way, land development, and mineral
1467 operations. The term does not include the clearing of yard
1468 trash.

1469 (e) "Pile burning" means the burning of silvicultural,
1470 agricultural, or land-clearing and tree-cutting debris
1471 originating onsite, which is stacked together in a round or
1472 linear fashion, including, but not limited to, a windrow.

1473 (f) "Prescribed burning" means the controlled application
1474 of fire by broadcast burning in accordance with a written
1475 prescription for vegetative fuels under specified environmental
1476 conditions, while following appropriate precautionary measures
1477 that ensure that the fire is confined to a predetermined area to
1478 accomplish the planned fire or land management objectives.

1479 (g) "Prescription" means a written plan establishing the

8-00868-12

2012900__

1480 criteria necessary for starting, controlling, and extinguishing
1481 a prescribed burn.

1482 (h) "Yard trash" means vegetative matter resulting from
1483 landscaping and yard maintenance operations and other such
1484 routine property cleanup activities. The term includes materials
1485 such as leaves, shrub trimmings, grass clippings, brush, and
1486 palm fronds.

1487 (2) NONCERTIFIED BURNING.—

1488 (a) Persons may be authorized to burn wild land or
1489 vegetative land-clearing debris in accordance with this
1490 subsection if:

1491 1. There is specific consent of the landowner or his or her
1492 designee;

1493 2. Authorization has been obtained from the Florida Forest
1494 Service ~~division~~ or its designated agent before starting the
1495 burn;

1496 3. There are adequate firebreaks at the burn site and
1497 sufficient personnel and firefighting equipment for the control
1498 of the fire;

1499 4. The fire remains within the boundary of the authorized
1500 area;

1501 5. An authorized person is present at the burn site until
1502 the fire is extinguished;

1503 6. The Florida Forest Service ~~division~~ does not cancel the
1504 authorization; and

1505 7. The Florida Forest Service ~~division~~ determines that air
1506 quality and fire danger are favorable for safe burning.

1507 (b) A person who burns wild land or vegetative land-
1508 clearing debris in a manner that violates any requirement of

8-00868-12

2012900__

1509 this subsection commits a misdemeanor of the second degree,
1510 punishable as provided in s. 775.082 or s. 775.083.

1511 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1512 PURPOSE.—

1513 (a) The application of prescribed burning is a land
1514 management tool that benefits the safety of the public, the
1515 environment, and the economy of the state. The Legislature finds
1516 that:

1517 1. Prescribed burning reduces vegetative fuels within wild
1518 land areas. Reduction of the fuel load reduces the risk and
1519 severity of wildfire, thereby reducing the threat of loss of
1520 life and property, particularly in urban areas.

1521 2. Most of Florida's natural communities require periodic
1522 fire for maintenance of their ecological integrity. Prescribed
1523 burning is essential to the perpetuation, restoration, and
1524 management of many plant and animal communities. Significant
1525 loss of the state's biological diversity will occur if fire is
1526 excluded from fire-dependent systems.

1527 3. Forestland and rangeland constitute significant
1528 economic, biological, and aesthetic resources of statewide
1529 importance. Prescribed burning on forestland prepares sites for
1530 reforestation, removes undesirable competing vegetation,
1531 expedites nutrient cycling, and controls or eliminates certain
1532 forest pathogens. On rangeland, prescribed burning improves the
1533 quality and quantity of herbaceous vegetation necessary for
1534 livestock production.

1535 4. The state purchased hundreds of thousands of acres of
1536 land for parks, preserves, wildlife management areas, forests,
1537 and other public purposes. The use of prescribed burning for

8-00868-12

2012900__

1538 management of public lands is essential to maintain the specific
1539 resource values for which these lands were acquired.

1540 5. A public education program is necessary to make citizens
1541 and visitors aware of the public safety, resource, and economic
1542 benefits of prescribed burning.

1543 6. Proper training in the use of prescribed burning is
1544 necessary to ensure maximum benefits and protection for the
1545 public.

1546 7. As Florida's population continues to grow, pressures
1547 from liability issues and nuisance complaints inhibit the use of
1548 prescribed burning. Therefore, the Florida Forest Service
1549 ~~division~~ is urged to maximize the opportunities for prescribed
1550 burning conducted during its daytime and nighttime authorization
1551 process.

1552 (b) Certified prescribed burning pertains only to broadcast
1553 burning for purposes of silviculture, wildland fire hazard
1554 reduction, wildlife management, ecological maintenance and
1555 restoration, and range and pasture management. It must be
1556 conducted in accordance with this subsection and:

1557 1. May be accomplished only when a certified prescribed
1558 burn manager is present on site with a copy of the prescription
1559 from ignition of the burn to its completion.

1560 2. Requires that a written prescription be prepared before
1561 receiving authorization to burn from the Florida Forest Service
1562 ~~division~~.

1563 3. Requires that the specific consent of the landowner or
1564 his or her designee be obtained before requesting an
1565 authorization.

1566 4. Requires that an authorization to burn be obtained from

8-00868-12

2012900__

1567 the Florida Forest Service ~~division~~ before igniting the burn.

1568 5. Requires that there be adequate firebreaks at the burn
1569 site and sufficient personnel and firefighting equipment for the
1570 control of the fire.

1571 6. Is considered to be in the public interest and does not
1572 constitute a public or private nuisance when conducted under
1573 applicable state air pollution statutes and rules.

1574 7. Is considered to be a property right of the property
1575 owner if vegetative fuels are burned as required in this
1576 subsection.

1577 (c) Neither a property owner nor his or her agent is liable
1578 pursuant to s. 590.13 for damage or injury caused by the fire or
1579 resulting smoke or considered to be in violation of subsection
1580 (2) for burns conducted in accordance with this subsection
1581 unless gross negligence is proven.

1582 (d) Any certified burner who violates this section commits
1583 a misdemeanor of the second degree, punishable as provided in s.
1584 775.082 or s. 775.083.

1585 (e) The Florida Forest Service ~~division~~ shall adopt rules
1586 for the use of prescribed burning and for certifying and
1587 decertifying certified prescribed burn managers based on their
1588 past experience, training, and record of compliance with this
1589 section.

1590 (4) CERTIFIED PILE BURNING.—

1591 (a) Certified pile burning pertains to the disposal of
1592 piled, naturally occurring debris from an agricultural,
1593 silvicultural, or temporary land-clearing operation. A land-
1594 clearing operation is temporary if it operates for 6 months or
1595 less. Certified pile burning must be conducted in accordance

8-00868-12

2012900__

1596 with the following:

1597 1. A certified pile burner must ensure, before ignition,
1598 that the piles are properly placed and that the content of the
1599 piles is conducive to efficient burning.

1600 2. A certified pile burner must ensure that the piles are
1601 properly extinguished no later than 1 hour after sunset. If the
1602 burn is conducted in an area designated by the Florida Forest
1603 Service ~~division~~ as smoke sensitive, a certified pile burner
1604 must ensure that the piles are properly extinguished at least 1
1605 hour before sunset.

1606 3. A written pile burning plan must be prepared before
1607 receiving authorization from the Florida Forest Service ~~division~~
1608 to burn.

1609 4. The specific consent of the landowner or his or her
1610 agent must be obtained before requesting authorization to burn.

1611 5. An authorization to burn must be obtained from the
1612 Florida Forest Service ~~division~~ or its designated agent before
1613 igniting the burn.

1614 6. There must be adequate firebreaks and sufficient
1615 personnel and firefighting equipment at the burn site to control
1616 the fire.

1617 (b) If a burn is conducted in accordance with paragraph
1618 (a), the property owner and his or her agent are not liable
1619 under s. 590.13 for damage or injury caused by the fire or
1620 resulting smoke, and are not in violation of subsection (2),
1621 unless gross negligence is proven.

1622 (c) A certified pile burner who violates this subsection
1623 commits a misdemeanor of the second degree, punishable as
1624 provided in s. 775.082 or s. 775.083.

8-00868-12

2012900__

1625 (d) The Florida Forest Service ~~division~~ shall adopt rules
1626 regulating certified pile burning. The rules shall include
1627 procedures and criteria for certifying and decertifying
1628 certified pile burn managers based on past experience, training,
1629 and record of compliance with this section.

1630 (5) WILDFIRE HAZARD REDUCTION TREATMENT BY THE FLORIDA
1631 FOREST SERVICE ~~DIVISION~~.—The Florida Forest Service ~~division~~ may
1632 conduct fuel reduction initiatives, including, but not limited
1633 to, burning and mechanical and chemical treatment, on any area
1634 of wild land within the state which is reasonably determined to
1635 be in danger of wildfire in accordance with the following
1636 procedures:

1637 (a) Describe the areas that will receive fuels treatment to
1638 the affected local governmental entity.

1639 (b) Publish a treatment notice, including a description of
1640 the area to be treated, in a conspicuous manner in at least one
1641 newspaper of general circulation in the area of the treatment
1642 not less than 10 days before the treatment.

1643 (c) Prepare and send a notice to all landowners in each
1644 area designated by the Florida Forest Service ~~division~~ as a
1645 wildfire hazard area. The notice must describe particularly the
1646 area to be treated and the tentative date or dates of the
1647 treatment and must list the reasons for and the expected
1648 benefits from the wildfire hazard reduction.

1649 (d) Consider any landowner objections to the fuels
1650 treatment of his or her property. The landowner may apply to the
1651 director of the Florida Forest Service ~~division~~ for a review of
1652 alternative methods of fuel reduction on the property. If the
1653 director or his or her designee does not resolve the landowner

8-00868-12

2012900__

1654 objection, the director shall convene a panel made up of the
1655 local forestry unit manager, the fire chief of the jurisdiction,
1656 and the affected county or city manager, or any of their
1657 designees. If the panel's recommendation is not acceptable to
1658 the landowner, the landowner may request further consideration
1659 by the Commissioner of Agriculture or his or her designee and
1660 shall thereafter be entitled to an administrative hearing
1661 pursuant to the provisions of chapter 120.

1662 (6) FLORIDA FOREST SERVICE ~~DIVISION~~ APPROVAL OF LOCAL
1663 GOVERNMENT OPEN BURNING AUTHORIZATION PROGRAMS.—

1664 (a) A county or municipality may exercise the ~~division's~~
1665 authority of the Florida Forest Service, if delegated by the
1666 Florida Forest Service ~~division~~ under this subsection, to issue
1667 authorizations for the burning of yard trash or debris from
1668 land-clearing operations. A county's or municipality's existing
1669 or proposed open burning authorization program must:

1670 1. Be approved by the Florida Forest Service ~~division~~. The
1671 Florida Forest Service ~~division~~ may not approve a program if it
1672 fails to meet the requirements of subsections (2) and (4) and
1673 any rules adopted under those subsections.

1674 2. Provide by ordinance or local law the requirements for
1675 obtaining and performing a burn authorization that complies with
1676 subsections (2) and (4) and any rules adopted under those
1677 subsections.

1678 3. Provide for the enforcement of the program's
1679 requirements.

1680 4. Provide financial, personnel, and other resources needed
1681 to carry out the program.

1682 (b) If the Florida Forest Service ~~division~~ determines that

8-00868-12

2012900__

1683 a county's or municipality's open burning authorization program
1684 does not comply with subsections (2) and (4) and any rules
1685 adopted under those subsections, the Florida Forest Service
1686 ~~division~~ shall require the county or municipality to take
1687 necessary corrective actions within 90 days after receiving
1688 notice from the Florida Forest Service ~~division~~ of its
1689 determination.

1690 1. If the county or municipality fails to take the
1691 necessary corrective actions within the required period, the
1692 Florida Forest Service ~~division~~ shall resume administration of
1693 the open burning authorization program in the county or
1694 municipality and the county or municipality shall cease
1695 administration of its program.

1696 2. Each county and municipality administering an open
1697 burning authorization program must cooperate with and assist the
1698 Florida Forest Service ~~division~~ in carrying out the ~~division's~~
1699 powers, duties, and functions of the Florida Forest Service.

1700 3. A person who violates the requirements of a county's or
1701 municipality's open burning authorization program, as provided
1702 by ordinance or local law enacted pursuant to this subsection,
1703 commits a violation of this chapter, punishable as provided in
1704 s. 590.14.

1705 (7) DUTIES OF AGENCIES.—The Department of Education shall
1706 incorporate, where feasible and appropriate, the issues of fuels
1707 treatment, including prescribed burning, into its educational
1708 materials.

1709 Section 62. Subsections (1), (2), (3), and (4) of section
1710 590.14, Florida Statutes, are amended to read:

1711 590.14 Notice of violation; penalties; legislative intent.—

8-00868-12

2012900__

1712 (1) If a Florida Forest Service ~~division~~ employee
1713 determines that a person has violated chapter 589, this chapter,
1714 or any rule adopted by the Florida Forest Service ~~division~~ to
1715 administer provisions of law conferring duties upon the Florida
1716 Forest Service ~~division~~, the Florida Forest Service ~~division~~
1717 employee may issue a notice of violation indicating the statute
1718 or rule violated. This notice will be filed with the Florida
1719 Forest Service ~~division~~ and a copy forwarded to the appropriate
1720 law enforcement entity for further action if necessary.

1721 (2) In addition to any penalties provided by law, any
1722 person who causes a wildfire or permits any authorized fire to
1723 escape the boundaries of the authorization or to burn past the
1724 time of the authorization is liable for the payment of all
1725 reasonable costs and expenses incurred in suppressing the fire
1726 or \$150, whichever is greater. All costs and expenses incurred
1727 by the Florida Forest Service ~~division~~ shall be payable to the
1728 Florida Forest Service ~~division~~. When such costs and expenses
1729 are not paid within 30 days after demand, the Florida Forest
1730 Service ~~division~~ may take proper legal proceedings for the
1731 collection of the costs and expenses. Those costs incurred by an
1732 agency acting at the ~~division's~~ direction of the Florida Forest
1733 Service are recoverable by that agency.

1734 (3) The department may also impose an administrative fine,
1735 not to exceed \$1,000 per violation of any section of chapter 589
1736 or this chapter or violation of any rule adopted by the Florida
1737 Forest Service ~~division~~ to administer provisions of law
1738 conferring duties upon the Florida Forest Service ~~division~~. The
1739 fine shall be based upon the degree of damage, the prior
1740 violation record of the person, and whether the person knowingly

8-00868-12

2012900__

1741 provided false information to obtain an authorization. The fines
1742 shall be deposited in the Incidental Trust Fund of the Florida
1743 Forest Service ~~division~~.

1744 (4) A person commits a misdemeanor of the second degree,
1745 punishable as provided in s. 775.082 or s. 775.083, if the
1746 person:

1747 (a) Fails to comply with any rule or order adopted by the
1748 Florida Forest Service ~~division~~ to administer provisions of law
1749 conferring duties upon it ~~the division~~; or

1750 (b) Knowingly makes any false statement or representation
1751 in any application, record, plan, or other document required by
1752 this chapter or any rules adopted under this chapter.

1753 Section 63. Section 590.16, Florida Statutes, is amended to
1754 read:

1755 590.16 Rewards.—The Florida Forest Service ~~division~~, in its
1756 discretion, may offer and pay rewards for information leading to
1757 the arrest and conviction of any person who violates any
1758 provision of this chapter.

1759 Section 64. Section 590.25, Florida Statutes, is amended to
1760 read:

1761 590.25 Penalty for preventing or obstructing extinguishment
1762 of wildfires.—Whoever shall interfere with, obstruct or commit
1763 any act aimed to obstruct the extinguishment of wildfires by the
1764 employees of the Florida Forest Service ~~division~~ or any other
1765 person engaged in the extinguishment of a wildfire, or who
1766 damages or destroys any equipment being used for such purpose,
1767 shall be guilty of a felony of the third degree, punishable as
1768 provided in s. 775.082, s. 775.083, or s. 775.084.

1769 Section 65. Section 590.33, Florida Statutes, is amended to

8-00868-12

2012900__

1770 read:

1771 590.33 State compact administrator; compact advisory
1772 committee.—In pursuance of art. III of the compact, the director
1773 of the Florida Forest Service ~~division~~ shall act as compact
1774 administrator for Florida of the Southeastern Interstate Forest
1775 Fire Protection Compact during his or her term of office as
1776 director, and his or her successor as compact administrator
1777 shall be his or her successor as director of the Florida Forest
1778 Service ~~division~~. As compact administrator, he or she shall be
1779 an ex officio member of the advisory committee of the
1780 Southeastern Interstate Forest Fire Protection Compact, and
1781 chair ex officio of the Florida members of the advisory
1782 committee. There shall be four members of the Southeastern
1783 Interstate Forest Fire Protection Compact Advisory Committee
1784 from Florida. Two of the members from Florida shall be members
1785 of the Legislature of Florida, one from the Senate designated by
1786 the President of the Senate and one from the House of
1787 Representatives designated by the Speaker of the House of
1788 Representatives, and the terms of any such members shall
1789 terminate at the time they cease to hold legislative office, and
1790 their successors as members shall be named in like manner. The
1791 Governor shall appoint the other two members from Florida, one
1792 of whom shall be associated with forestry or forest products
1793 industries. The terms of such members shall be 3 years and such
1794 members shall hold office until their respective successors
1795 shall be appointed and qualified. Vacancies occurring in the
1796 office of such members from any reason or cause shall be filled
1797 by appointment by the Governor for the unexpired term. The
1798 director of the Florida Forest Service ~~division~~ as compact

8-00868-12

2012900__

1799 administrator for Florida may delegate, from time to time, to
1800 any deputy or other subordinate in his or her department or
1801 office, the power to be present and participate, including
1802 voting as his or her representative or substitute at any meeting
1803 of or hearing by or other proceeding of the compact
1804 administrators or of the advisory committee. The terms of each
1805 of the initial four memberships, whether appointed at said time
1806 or not, shall begin upon the date upon which the compact shall
1807 become effective in accordance with art. II of said compact. Any
1808 member of the advisory committee may be removed from office by
1809 the Governor upon charges and after a hearing.

1810 Section 66. Section 590.34, Florida Statutes, is amended to
1811 read:

1812 590.34 State compact administrator and compact advisory
1813 committee members; powers; aid from other state agencies.—There
1814 is hereby granted to the director of the Florida Forest Service
1815 ~~division~~, as compact administrator and chair ex officio of the
1816 Florida members of the advisory committee, and to the members
1817 from Florida of the advisory committee all the powers provided
1818 for in the compact and all the powers necessary or incidental to
1819 the carrying out of the compact in every particular. All
1820 officers of Florida are hereby authorized and directed to do all
1821 things falling within their respective provinces and
1822 jurisdiction necessary or incidental to the carrying out of the
1823 compact in every particular; it being hereby declared to be the
1824 policy of the state to perform and carry out the said compact
1825 and to accomplish the purposes thereof. All officers, bureaus,
1826 departments, and persons of and in the state government or
1827 administration of the state are hereby authorized and directed

8-00868-12

2012900__

1828 at convenient times and upon request of the compact
1829 administrator or of the advisory committee to furnish
1830 information data relating to the purposes of the compact
1831 possessed by them or any of them to the compact administrator of
1832 the advisory committee. They are further authorized to aid the
1833 compact administrator or the advisory committee by loan of
1834 personnel, equipment, or other means in carrying out the
1835 purposes of the compact.

1836 Section 67. Section 590.35, Florida Statutes, is amended to
1837 read:

1838 590.35 Construction of ss. 590.31-590.34.—Any powers herein
1839 granted to the Florida Forest Service ~~division~~ shall be regarded
1840 as in aid of and supplemental to and in no case a limitation
1841 upon any of the powers vested in the Florida Forest Service
1842 ~~division~~ by other laws of Florida or by the laws of the States
1843 of Alabama, Georgia, Kentucky, Mississippi, North Carolina,
1844 South Carolina, Tennessee, Virginia, and West Virginia or by the
1845 Congress or the terms of the compact.

1846 Section 68. Subsections (1) and (2) of section 590.42,
1847 Florida Statutes, are amended to read:

1848 590.42 Federally funded fire protection assistance
1849 programs.—

1850 (1) The Florida Forest Service ~~Division of Forestry~~ of the
1851 Department of Agriculture and Consumer Services may enter into
1852 agreements with the Secretary of Agriculture of the United
1853 States in order to participate in the Federal Rural Community
1854 Fire Protection Program authorized by Pub. L. No. 92-419,
1855 whereby the Federal Government provides financial assistance to
1856 the states on a matching basis of up to 50 percent of

8-00868-12

2012900__

1857 expenditures for such purposes.

1858 (2) With respect to the formulation of projects relating to
1859 fire protection of livestock, wildlife, crops, pastures,
1860 orchards, rangeland, woodland, farmsteads, or other
1861 improvements, and other values in rural areas, for which such
1862 federal matching funds are available, any participating county
1863 or fire department may contribute to the nonfederal matching
1864 share and may also contribute such other nonfederal cooperation
1865 as may be deemed necessary by the Florida Forest Service
1866 ~~division~~.

1867 Section 69. Subsection (6) of section 591.17, Florida
1868 Statutes, is amended to read:

1869 591.17 Community forests; definitions.—The terms
1870 hereinafter used, unless the text clearly indicates a different
1871 meaning, shall be as follows:

1872 ~~(6) The term "division" shall mean the Division of Forestry~~
1873 ~~of the Department of Agriculture and Consumer Services.~~

1874 Section 70. Section 591.18, Florida Statutes, is amended to
1875 read:

1876 591.18 Community forests; purchase or establishment.—All
1877 counties, cities, towns, or school districts, through their
1878 governing boards, are hereby empowered to establish, from lands
1879 owned by such county, city, town, or school district in fee
1880 simple, or to acquire by purchase or gift, lands at present
1881 covered with forest or tree growth, or suitable for the growth
1882 of trees, and to administer the same under the direction of the
1883 Florida Forest Service ~~Division of Forestry~~, in accordance with
1884 the practice and principles of scientific forestry, for the
1885 benefit of the said counties, cities, towns, or school

8-00868-12

2012900__

1886 districts. Such tracts may be of any size suitable for the
 1887 purpose but must be located within the county embracing the
 1888 county, city, town, or school district, provided that it shall
 1889 be requisite for the governing board availing itself of the
 1890 provisions of this law to submit to the Florida Forest Service
 1891 ~~Division of Forestry~~, and secure its approval of the area and
 1892 location of any lands proposed to be acquired or used for the
 1893 purposes of county, city, town, or school district forests.

1894 Section 71. Section 591.19, Florida Statutes, is amended to
 1895 read:

1896 591.19 Community forests; tax delinquent lands.—The
 1897 Department of Revenue, the Board of Trustees of the Internal
 1898 Improvement Trust Fund, counties, cities, towns, school
 1899 districts, or any other public agency holding fee simple or tax
 1900 certificate lands are hereby empowered to, and may, upon
 1901 application to them, transfer title of fee simple lands not in
 1902 other public use to any county, city, town, or school district
 1903 for forest purposes as described under this law, provided such
 1904 lands are approved by the Florida Forest Service ~~Division of~~
 1905 ~~Forestry~~ for this purpose.

1906 Section 72. Section 591.20, Florida Statutes, is amended to
 1907 read:

1908 591.20 Community forests; forestry committee.—The governing
 1909 board of any county, city, town, or school district desiring to
 1910 establish community forests after enactment of this law shall
 1911 appoint a forestry committee, consisting of three members, as
 1912 follows: one member of governing board, one member from the
 1913 Florida Forest Service ~~Division of Forestry~~ to be designated by
 1914 the Florida Forest Service ~~division~~, and one taxpayer of the

8-00868-12

2012900

1915 county, city, town, or school district not a member of the
1916 governing board. The first two members of such committee shall
1917 hold office until replaced in their respective official
1918 positions. The third member shall hold office for 3 years. Any
1919 vacancy shall be filled at the first regular session of the
1920 governing board after the vacancy occurs. The president of the
1921 committee shall be selected by the three members for a 1-year
1922 term at their first regular meeting. The representative of the
1923 Florida Forest Service ~~Division of Forestry~~ shall not serve as
1924 an officer of the committee nor be responsible for making
1925 reports. All members shall serve without compensation, but shall
1926 be reimbursed for travel expenses as provided in s. 112.061.

1927 Section 73. Section 591.24, Florida Statutes, is amended to
1928 read:

1929 591.24 Community forests; fiscal reports.—A fiscal year
1930 report of expenditures, income, sales, development and
1931 management shall be made by the forestry committee to the
1932 governing board of the county, city, town, or school district,
1933 and a copy sent to the Florida Forest Service ~~Division of~~
1934 ~~Forestry~~. All reports shall be audited by the regular auditor of
1935 the county, city, town, or school district.

1936 Section 74. Section 591.25, Florida Statutes, is amended to
1937 read:

1938 591.25 Community forests; fire protection, etc.—All lands
1939 entered or acquired under the provisions of this law shall be
1940 protected at all times from wildfire and shall be kept and
1941 maintained as a permanent public forest except as hereinafter
1942 provided. The timber growing thereon shall be cut in accordance
1943 with forestry methods approved by the Florida Forest Service

8-00868-12

2012900__

1944 ~~Division of Forestry~~ and in such a manner as to perpetuate
1945 succeeding stands of trees. All such forest lands shall be open
1946 to the use of the public for recreational purposes so far as
1947 such recreational purposes do not interfere with, or prevent the
1948 use of, such lands to the best advantage as a public forest as
1949 determined by the forestry committee.

1950 Section 75. Paragraph (b) of subsection (1) and paragraph
1951 (b) of subsection (2) of section 633.115, Florida Statutes, are
1952 amended to read:

1953 633.115 Fire and Emergency Incident Information Reporting
1954 Program; duties; fire reports.—

1955 (1)

1956 (b) The Division of State Fire Marshal shall consult with
1957 the Florida Forest Service ~~Division of Forestry~~ of the
1958 Department of Agriculture and Consumer Services and the Bureau
1959 of Emergency Medical Services of the Department of Health to
1960 coordinate data, ensure accuracy of the data, and limit
1961 duplication of efforts in data collection, analysis, and
1962 reporting.

1963 (2) The Fire and Emergency Incident Information System
1964 Technical Advisory Panel is created within the Division of State
1965 Fire Marshal. The panel shall advise, review, and recommend to
1966 the State Fire Marshal with respect to the requirements of this
1967 section. The membership of the panel shall consist of the
1968 following 15 members:

1969 (b) One member from the Florida Forest Service ~~Division of~~
1970 ~~Forestry~~ of the Department of Agriculture and Consumer Services,
1971 appointed by the ~~division~~ director of the Florida Forest
1972 Service.

8-00868-12

2012900__

1973 Section 76. Paragraph (e) of subsection (6) of section
 1974 633.821, Florida Statutes, is amended to read:

1975 633.821 Workplace safety.—

1976 (6)

1977 (e) This subsection does not apply to wildland or
 1978 prescribed live fire training exercises sanctioned by the
 1979 Florida Forest Service ~~Division of Forestry~~ of the Department of
 1980 Agriculture and Consumer Services or the National Wildfire
 1981 Coordinating Group.

1982 Section 77. Subsection (1) of section 790.15, Florida
 1983 Statutes, is amended to read:

1984 790.15 Discharging firearm in public.—

1985 (1) Except as provided in subsection (2) or subsection (3),
 1986 any person who knowingly discharges a firearm in any public
 1987 place or on the right-of-way of any paved public road, highway,
 1988 or street or whosoever knowingly discharges any firearm over the
 1989 right-of-way of any paved public road, highway, or street or
 1990 over any occupied premises is guilty of a misdemeanor of the
 1991 first degree, punishable as provided in s. 775.082 or s.
 1992 775.083. This section does not apply to a person lawfully
 1993 defending life or property or performing official duties
 1994 requiring the discharge of a firearm or to a person discharging
 1995 a firearm on public roads or properties expressly approved for
 1996 hunting by the Fish and Wildlife Conservation Commission or
 1997 Florida Forest Service ~~Division of Forestry~~.

1998 Reviser's note.—Amended pursuant to the directive to the
 1999 Division of Statutory Revision in s. 12, ch. 2011-56, Laws
 2000 of Florida, to prepare a reviser's bill for introduction at
 2001 a subsequent session of the Legislature which replaces all

8-00868-12

2012900__

2002 statutory references to the Division of Forestry with the
2003 term "Florida Forest Service."
2004 Section 78. This act shall take effect on the 60th day
2005 after adjournment sine die of the session of the Legislature in
2006 which enacted.