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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the Department of Agriculture and  
Consumer Services; amending s. 253.034, F.S.;  
requiring public hearings relating to the development  
of land management plans to be held in any one, rather  
than each, county affected by such plans; amending s.  
259.1052, F.S.; providing for Lee County to retain  
ownership and assume responsibility for management of  
a specified portion of the Babcock Crescent B Ranch  
Florida Forever acquisition; requiring certain  
activities on the property to be compatible with  
working ranch and agricultural activities;  
establishing the Department of Agriculture and  
Consumer Services as the lead agency responsible for  
managing the Babcock Crescent B Ranch; repealing s.  
259.10521, F.S., relating to the citizen support  
organization for the Babcock Crescent B Ranch and use  
of the ranch property; amending s. 259.1053, F.S.;  
deleting and revising provisions of the Babcock  
Preserve Ranch Act to conform to the termination or  
expiration of the management agreement and the  
dissolution of Babcock Ranch, Inc.; revising  
definitions; providing legislative findings; creating  
the Babcock Ranch Advisory Group; providing for the  
department to manage and operate the preserve;  
requiring certain fees to be deposited into the  
Incidental Trust Fund of the Florida Forest Service of



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28 the Department of Agriculture and Consumer Services,  
29 subject to appropriation; directing the Fish and  
30 Wildlife Conservation Commission, in cooperation with  
31 the department, to establish, implement, and  
32 administer certain activities and fees; requiring such  
33 fees to be deposited into the State Game Trust Fund of  
34 the Fish and Wildlife Conservation Commission and used  
35 for specified purposes; authorizing the Board of  
36 Trustees of the Internal Improvement Trust Fund to  
37 negotiate and enter into certain agreements and grant  
38 certain privileges, leases, concessions, and permits;  
39 providing for certain funds to revert to the  
40 Incidental Trust Fund of the Florida Forest Service  
41 upon dissolution of the Babcock Ranch Advisory Group;  
42 amending s. 388.261, F.S.; revising provisions for the  
43 distribution and use of state funds for local mosquito  
44 control programs; amending s. 388.271, F.S.; revising  
45 the date by which mosquito control districts must  
46 submit their certified budgets for approval by the  
47 department; amending s. 487.160, F.S.; deleting  
48 provisions requiring the department to conduct a  
49 survey and compile a report on restricted-use  
50 pesticides; amending s. 534.083, F.S.; deleting  
51 permitting requirements for livestock haulers;  
52 amending s. 570.07, F.S.; clarifying the authority of  
53 the department to regulate certain open burning;  
54 creating s. 570.087, F.S.; providing legislative  
55 findings; requiring the Department of Agriculture and  
56 Consumer Services to enter into a memorandum of



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57 agreement with the Fish and Wildlife Conservation  
58 Commission for the purpose of developing voluntary  
59 best management practices for this state's  
60 agricultural industry; allowing for pilot projects;  
61 providing that the department has rulemaking authority  
62 for these purposes; requiring that rules provide for a  
63 notice of intent to implement these practices;  
64 emphasizing that implementation of the best management  
65 practices created pursuant to this section is  
66 voluntary; restricting the adoption or enforcement of  
67 any law regarding the best management practices  
68 created pursuant to this section; creating s. 570.64,  
69 F.S.; establishing the duties of the Division of Food,  
70 Nutrition, and Wellness within the department;  
71 providing for a director of the division; amending s.  
72 570.902, F.S.; clarifying the applicability of  
73 definitions relating to certain designated programs  
74 and direct-support organizations; amending s. 570.903,  
75 F.S.; authorizing the department to establish direct-  
76 support organizations for museums and other programs  
77 of the department; deleting provisions that limit the  
78 establishment of direct-support organizations to  
79 particular museums and programs; deleting provisions  
80 authorizing direct-support organizations to enter into  
81 certain contracts or agreements; clarifying provisions  
82 prohibiting specified entities from receiving  
83 commissions, fees, or financial benefits in connection  
84 with the sale or exchange of real property and  
85 historical objects; providing for the termination of



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86 agreements between the department and direct-support  
87 organizations; providing for the distribution of  
88 certain assets; deleting provisions requiring the  
89 department to establish certain procedures relating to  
90 museum artifacts and records; amending s. 576.051,  
91 F.S.; authorizing the department to establish certain  
92 criteria for fertilizer sampling and analysis;  
93 amending s. 576.061, F.S.; requiring the department to  
94 adopt rules establishing certain investigational  
95 allowances for fertilizer deficiencies; providing a  
96 date by which such allowances are effective and other  
97 allowances are repealed; amending s. 576.181, F.S.;  
98 revising the department's authority to adopt rules  
99 establishing certain criteria for fertilizer analysis;  
100 amending s. 585.61, F.S.; deleting provisions for the  
101 establishment of an animal disease diagnostic  
102 laboratory in Suwannee County; amending s. 586.10,  
103 F.S.; authorizing apiary inspectors to be certified  
104 beekeepers under certain conditions; amending s.  
105 586.15, F.S.; authorizing the Department of  
106 Agriculture and Consumer Services to collect certain  
107 costs to be deposited into the General Inspection  
108 Trust Fund; amending s. 589.02, F.S.; deleting annual  
109 and special meeting requirements for the Florida  
110 Forestry Council; amending s. 589.19, F.S.;  
111 establishing the Operation Outdoor Freedom Program  
112 within the Florida Forest Service to replace  
113 provisions for the designation of specified hunt areas  
114 in state forests for wounded veterans and



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115 servicemembers; providing purpose and intent of the  
116 program; providing eligibility requirements for  
117 program participation; providing exceptions from  
118 eligibility requirements for certain activities;  
119 providing for deposit and use of funds donated to the  
120 program; limiting the liability of private landowners  
121 who provide land for designation as hunting sites for  
122 purposes of the program; amending s. 589.30, F.S.;  
123 revising references to certain Florida Forest Service  
124 personnel titles; amending s. 590.02, F.S.;  
125 authorizing the Florida Forest Service to allow  
126 certain types of burning; specifying that sovereign  
127 immunity applies to certain planning level activities;  
128 deleting provisions relating to the composition and  
129 duties of the Florida Forest Training Center advisory  
130 council; prohibiting government entities from banning  
131 certain types of burning; authorizing the service to  
132 delegate authority to special districts to manage  
133 certain types of burning; revising such authority  
134 delegated to counties and municipalities; amending s.  
135 590.11, F.S.; revising the prohibition on leaving  
136 certain recreational fires unattended, to which  
137 penalties apply; amending s. 590.125, F.S.; revising  
138 and providing definitions relating to open burning  
139 authorized by the Florida Forest Service; revising  
140 requirements for noncertified and certified burning;  
141 limiting the liability of the service and certain  
142 persons related to certain burns; amending s. 590.25,  
143 F.S.; revising provisions relating to criminal



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144 penalties for obstructing the prevention, detection,  
145 or suppression of wildfires; creating chapter 595,  
146 F.S., to establish the Florida School Food and  
147 Nutrition Act; creating s. 595.401, F.S.; providing a  
148 short title; creating s. 595.402, F.S.; providing  
149 definitions; creating s. 595.403, F.S.; declaring  
150 state policy relating to school food and nutrition  
151 services; transferring, renumbering, and amending ss.  
152 570.98 and 570.981, F.S., relating to school food and  
153 nutrition services and the Florida Farm Fresh Schools  
154 Program; revising the department's duties and  
155 responsibilities for administering such services and  
156 program; revising requirements for school districts  
157 and sponsors; transferring, renumbering, and amending  
158 s. 570.982, F.S., relating to the children's summer  
159 nutrition program; clarifying provisions; transferring  
160 and renumbering s. 570.072, F.S., relating to  
161 commodity distribution; creating s. 595.501, F.S.;  
162 providing certain penalties; transferring,  
163 renumbering, and amending s. 570.983, F.S., relating  
164 to the Food and Nutrition Services Trust Fund;  
165 conforming a cross-reference; transferring and  
166 renumbering s. 570.984, F.S., relating to the Healthy  
167 Schools for Healthy Lives Council; amending s.  
168 1001.42, F.S.; requiring district school boards to  
169 perform duties relating to school lunch programs as  
170 required by the department's rules; amending s.  
171 1003.453, F.S.; requiring each school district to  
172 electronically submit a revised local school wellness



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173 policy to the Department of Agriculture and Consumer  
174 Services and a revised physical education policy to  
175 the Department of Education; repealing ss. 487.0615,  
176 570.382, 570.97, and 590.50, F.S., relating to the  
177 Pesticide Review Council, Arabian horse racing and the  
178 Arabian Horse Council, the Gertrude Maxwell Save a Pet  
179 Direct-Support Organization, and permits for the sale  
180 of cypress products, respectively; amending ss.  
181 487.041, 550.2625, and 550.2633, F.S.; conforming  
182 provisions; providing for the disbursement of  
183 specified funds; providing an effective date.

184

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

186

187 Section 1. Paragraph (f) of subsection (5) of section  
188 253.034, Florida Statutes, is amended to read:

189 253.034 State-owned lands; uses.—

190 (5) Each manager of conservation lands shall submit to the  
191 Division of State Lands a land management plan at least every 10  
192 years in a form and manner prescribed by rule by the board and  
193 in accordance with the provisions of s. 259.032. Each manager of  
194 conservation lands shall also update a land management plan  
195 whenever the manager proposes to add new facilities or make  
196 substantive land use or management changes that were not  
197 addressed in the approved plan, or within 1 year of the addition  
198 of significant new lands. Each manager of nonconservation lands  
199 shall submit to the Division of State Lands a land use plan at  
200 least every 10 years in a form and manner prescribed by rule by  
201 the board. The division shall review each plan for compliance



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202 with the requirements of this subsection and the requirements of  
203 the rules established by the board pursuant to this section. All  
204 land use plans, whether for single-use or multiple-use  
205 properties, shall include an analysis of the property to  
206 determine if any significant natural or cultural resources are  
207 located on the property. Such resources include archaeological  
208 and historic sites, state and federally listed plant and animal  
209 species, and imperiled natural communities and unique natural  
210 features. If such resources occur on the property, the manager  
211 shall consult with the Division of State Lands and other  
212 appropriate agencies to develop management strategies to protect  
213 such resources. Land use plans shall also provide for the  
214 control of invasive nonnative plants and conservation of soil  
215 and water resources, including a description of how the manager  
216 plans to control and prevent soil erosion and soil or water  
217 contamination. Land use plans submitted by a manager shall  
218 include reference to appropriate statutory authority for such  
219 use or uses and shall conform to the appropriate policies and  
220 guidelines of the state land management plan. Plans for managed  
221 areas larger than 1,000 acres shall contain an analysis of the  
222 multiple-use potential of the property, which analysis shall  
223 include the potential of the property to generate revenues to  
224 enhance the management of the property. Additionally, the plan  
225 shall contain an analysis of the potential use of private land  
226 managers to facilitate the restoration or management of these  
227 lands. In those cases where a newly acquired property has a  
228 valid conservation plan that was developed by a soil and  
229 conservation district, such plan shall be used to guide  
230 management of the property until a formal land use plan is





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231 completed.

232 (f) In developing land management plans, at least one  
233 public hearing shall be held in any one ~~each~~ affected county.

234 Section 2. Subsections (3), (4), and (5) of section  
235 259.1052, Florida Statutes, are amended to read:

236 259.1052 Babcock Crescent B Ranch Florida Forever  
237 acquisition; conditions for purchase.-

238 (3) The Legislature recognizes that the acquisition of the  
239 state's portion of the Babcock Crescent B Ranch represents a  
240 unique opportunity to assist in preserving the largest private  
241 and undeveloped single-ownership tract of land in Charlotte  
242 County. The Legislature further recognizes Lee County as a  
243 partner in the acquisition of the ranch. Upon the termination or  
244 expiration of the management agreement, Lee County will retain  
245 ownership and assume responsibility for management of the Lee  
246 County portion of the acquisition. Lee County and the lead  
247 manager may enter into an agreement for management of the Lee  
248 County property.

249 (4) This section authorizes the acquisition of the state's  
250 portion of the Babcock Crescent B Ranch in order to protect and  
251 preserve for future generations the scientific, scenic,  
252 historic, and natural values of the ranch, including rivers and  
253 ecosystems; to protect and preserve the archaeological,  
254 geological, and cultural resources of the ranch; to provide for  
255 species recovery; and to provide opportunities for public  
256 recreation compatible with the working ranch and agricultural  
257 activities conducted on the property.

258 (5) The Florida Forest Service of Fish and Wildlife  
259 Conservation Commission and the Department of Agriculture and



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260 Consumer Services shall, with the cooperation of the Fish and  
261 Wildlife Conservation Commission, be the lead managing agency  
262 ~~agencies~~ responsible for the management of Babcock Crescent B  
263 Ranch.

264 Section 3. Section 259.10521, Florida Statutes, is  
265 repealed.

266 Section 4. Section 259.1053, Florida Statutes, is amended  
267 to read:

268 259.1053 Babcock Ranch Preserve; ~~Babcock Ranch, Inc.;~~  
269 ~~creation; membership; organization; meetings.-~~

270 (1) SHORT TITLE.-This section may be cited as the "Babcock  
271 Ranch Preserve Act."

272 (2) DEFINITIONS.-As used in this section, the term:

273 (a) "Babcock Ranch Preserve" and "preserve" mean the lands  
274 and facilities acquired in the purchase of the Babcock Crescent  
275 B Ranch, as provided in s. 259.1052.

276 ~~(b) "Babcock Ranch, Inc.," and "corporation" mean the not-~~  
277 ~~for-profit corporation created under this section to operate and~~  
278 ~~manage the Babcock Ranch Preserve as a working ranch.~~

279 ~~(c) "Board of directors" means the governing board of the~~  
280 ~~not-for-profit corporation created under this section.~~

281 (b) ~~(d)~~ "Commission" means the Fish and Wildlife  
282 Conservation Commission.

283 (c) ~~(e)~~ "Commissioner" means the Commissioner of  
284 Agriculture.

285 (d) ~~(f)~~ "Department" means the Department of Agriculture and  
286 Consumer Services.

287 (e) ~~(g)~~ "Executive director" means the Executive Director of  
288 the Fish and Wildlife Conservation Commission.



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289        ~~(f)-(h)~~ "Financially self-sustaining" means having  
290 management and operation expenditures not more than the revenues  
291 collected from fees and other receipts for resource use and  
292 development and from interest and invested funds.

293        (g) "Florida Forest Service" means the Florida Forest  
294 Service of the Department of Agriculture and Consumer Services.

295        ~~(i) "Management and operating expenditures" means expenses~~  
296 ~~of the corporation, including, but not limited to, salaries and~~  
297 ~~benefits of officers and staff, administrative and operating~~  
298 ~~expenses, costs of improvements to and maintenance of lands and~~  
299 ~~facilities of the Babcock Ranch Preserve, and other similar~~  
300 ~~expenses. Such expenditures shall be made from revenues~~  
301 ~~generated from the operation of the ranch and not from funds~~  
302 ~~appropriated by the Legislature except as provided in this~~  
303 ~~section.~~

304        ~~(j) "Member" means a person appointed to the board of~~  
305 ~~directors of the not-for-profit corporation created under this~~  
306 ~~section.~~

307        ~~(h)-(k)~~ "Multiple use" means the management of all of the  
308 renewable surface resources of the Babcock Ranch Preserve to  
309 best meet the needs of the public, including the use of the land  
310 for some or all of the renewable surface resources or related  
311 services over areas large enough to allow for periodic  
312 adjustments in use to conform to the changing needs and  
313 conditions of the preserve while recognizing that a portion of  
314 the land will be used for some of the renewable surface  
315 resources available on that land. The goal of multiple use is  
316 the harmonious and coordinated management of the renewable  
317 surface resources without impairing the productivity of the land



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318 and considering the relative value of the renewable surface  
319 resources, and not necessarily a combination of uses to provide  
320 the greatest monetary return or the greatest unit output.

321 (i)~~(1)~~ "Sustained yield of the renewable surface resources"  
322 means the achievement and maintenance of a high level of annual  
323 or regular periodic output of the various renewable surface  
324 resources of the preserve without impairing the productivity of  
325 the land.

326 (3) CREATION OF BABCOCK RANCH PRESERVE.—

327 (a) Upon the date of acquisition of the Babcock Crescent B  
328 Ranch, there is created the Babcock Ranch Preserve, which shall  
329 be managed in accordance with the purposes and requirements of  
330 this section.

331 (b) The preserve is established to protect and preserve the  
332 environmental, agricultural, scientific, scenic, geologic,  
333 watershed, fish, wildlife, historic, cultural, and recreational  
334 values of the preserve, and to provide for the multiple use and  
335 sustained yield of the renewable surface resources within the  
336 preserve consistent with this section.

337 (c) The Legislature recognizes that the Babcock Crescent B  
338 Ranch will need a variety of facilities to enhance its public  
339 use and potential. The need for such facilities may exceed the  
340 ability of the state to provide such facilities in a timely  
341 manner with funds available. The Legislature finds it to be in  
342 the public interest to provide incentives for partnerships with  
343 public or private organizations with the intent of producing  
344 additional revenue to help enhance the use and potential of the  
345 ranch Babcock Ranch, Inc., and its officers and employees shall  
346 participate in the management of the Babcock Ranch Preserve in



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347 ~~an advisory capacity only until the management agreement~~  
348 ~~referenced in paragraph (11)(a) is terminated or expires.~~

349 (d) ~~Nothing in This section does not shall~~ preclude Babcock  
350 Ranch, Inc., ~~prior to assuming management and operation of the~~  
351 ~~preserve and thereafter, from allowing~~ the use of common  
352 varieties of mineral materials such as sand, stone, and gravel  
353 for construction and maintenance of roads and facilities within  
354 the preserve.

355 (e) ~~Nothing in This section does not affect shall be~~  
356 ~~construed as affecting~~ the constitutional responsibilities of  
357 the commission in the exercise of its regulatory and executive  
358 power with respect to wild animal life and freshwater aquatic  
359 life, including the regulation of hunting, fishing, and trapping  
360 within the preserve.

361 (f) ~~Nothing in This section does not shall be construed to~~  
362 ~~interfere with or prevent the implementation of ability of~~  
363 ~~Babcock Ranch, Inc., to implement~~ agricultural practices  
364 authorized by the agricultural land use designations established  
365 in the local comprehensive plans of either Charlotte County or  
366 Lee County as those plans apply to the Babcock Ranch Preserve.

367 (g) ~~To clarify the responsibilities of the lead managing~~  
368 ~~agencies and the not for profit corporation created under this~~  
369 ~~section, the lead managing agencies are directed to establish a~~  
370 ~~range of resource protection values for the Babcock Ranch~~  
371 ~~Preserve, and the corporation shall establish operational~~  
372 ~~parameters to conduct the business of the ranch within the range~~  
373 ~~of values. The corporation shall establish a range of~~  
374 ~~operational values for conducting the business of the ranch, and~~  
375 ~~the lead managing agencies providing ground support to the ranch~~



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376 ~~outside of each agency's jurisdictional responsibilities shall~~  
377 ~~establish management parameters within that range of values.~~

378 (g) ~~(h)~~ Nothing in This section does not shall preclude the  
379 maintenance and use of roads and trails or the relocation of  
380 roads in existence on the effective date of this section, or the  
381 construction, maintenance, and use of new trails, or any  
382 motorized access necessary for the administration of the land  
383 contained within the preserve, including motorized access  
384 necessary for emergencies involving the health or safety of  
385 persons within the preserve.

386 ~~(i) The Division of State Lands of the Department of~~  
387 ~~Environmental Protection shall perform staff duties and~~  
388 ~~functions for Babcock Ranch, Inc., the not-for-profit~~  
389 ~~corporation created under this section, until such time as the~~  
390 ~~corporation organizes to elect officers, file articles of~~  
391 ~~incorporation, and exercise its powers and duties.~~

392 (4) ~~CREATION OF BABCOCK RANCH ADVISORY GROUP, INC.-~~

393 (a) The purpose of the Babcock Ranch Advisory Group is to  
394 assist the department by providing guidance and advice  
395 concerning the management and stewardship of the Babcock Ranch  
396 Preserve.

397 (b) The Babcock Ranch Advisory Group shall be comprised of  
398 nine members appointed to 5-year terms by the commissioner as  
399 follows:

400 1. One member with experience in sustainable management of  
401 forest lands for commodity purposes.

402 2. One member with experience in financial management,  
403 budget and program analysis, and small business operations.

404 3. One member with experience in the management of game and



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405 nongame wildlife and fish populations, including hunting,  
406 fishing, and other recreational activities.

407 4. One member with experience in domesticated livestock  
408 management, production, and marketing, including range  
409 management and livestock business management.

410 5. One member with experience in agriculture operations or  
411 forestry management.

412 6. One member with experience in hunting, fishing, nongame  
413 species management, or wildlife habitat management, restoration,  
414 and conservation.

415 7. One member who is a private landowner.

416 8. One member who is a resident of Lee County with  
417 experience in land conservation and management.

418 9. One member who is a resident of Charlotte County and  
419 active in an organization involved with the activities of the  
420 ranch.

421  
422 Vacancies will be filled in the same manner that the original  
423 appointment was made. A member appointed to fill a vacancy shall  
424 serve for the remainder of that term.

425 (c) Members of the Babcock Ranch Advisory Group shall:

426 1. Elect a chair and vice chair from among the group  
427 members.

428 2. Meet regularly as determined by the director of the  
429 Florida Forest Service.

430 3. Serve without compensation or reimbursement for travel  
431 and per diem expenses.

432 ~~(a) Subject to filing articles of incorporation, there is~~  
433 ~~created a not-for-profit corporation, to be known as Babcock~~



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434 ~~Ranch, Inc., which shall be registered, incorporated, organized,~~  
435 ~~and operated in compliance with the provisions of chapter 617,~~  
436 ~~and which shall not be a unit or entity of state government. For~~  
437 ~~purposes of sovereign immunity, the corporation shall be a~~  
438 ~~corporation primarily acting as an instrumentality of the state~~  
439 ~~but otherwise shall not be an agency within the meaning of s.~~  
440 ~~20.03(11) or a unit or entity of state government.~~

441 ~~(b) The corporation is organized on a nonstock basis and~~  
442 ~~shall operate in a manner consistent with its public purpose and~~  
443 ~~in the best interest of the state.~~

444 ~~(c) Meetings and records of the corporation, its directors,~~  
445 ~~advisory committees, or similar groups created by the~~  
446 ~~corporation, including any not-for-profit subsidiaries, are~~  
447 ~~subject to the public records provisions of chapter 119 and the~~  
448 ~~public meetings and records provisions of s. 286.011.~~

449 ~~(5) APPLICABILITY OF SECTION. In any conflict between a~~  
450 ~~provision of this section and a provision of chapter 617, the~~  
451 ~~provisions of this section shall prevail.~~

452 ~~(6) PURPOSE. The purpose of Babcock Ranch, Inc., is to~~  
453 ~~provide management and administrative services for the preserve,~~  
454 ~~to establish and implement management policies that will achieve~~  
455 ~~the purposes and requirements of this section, to cooperate with~~  
456 ~~state agencies to further the purposes of the preserve, and to~~  
457 ~~establish the administrative and accounting procedures for the~~  
458 ~~operation of the corporation.~~

459 ~~(7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY. The corporation~~  
460 ~~shall be governed by a nine-member board of directors who shall~~  
461 ~~be appointed by the Board of Trustees of the Internal~~  
462 ~~Improvement Trust Fund; the executive director of the~~





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463 ~~commission; the Commissioner of Agriculture; the Babcock Florida~~  
464 ~~Company, a corporation registered to do business in the state,~~  
465 ~~or its successors or assigns; the Charlotte County Board of~~  
466 ~~County Commissioners; and the Lee County Board of County~~  
467 ~~Commissioners in the following manner:~~

468 ~~(a)1. The Board of Trustees of the Internal Improvement~~  
469 ~~Trust Fund shall appoint four members. One appointee shall have~~  
470 ~~expertise in domesticated livestock management, production, and~~  
471 ~~marketing, including range management and livestock business~~  
472 ~~management. One appointee shall have expertise in the management~~  
473 ~~of game and nongame wildlife and fish populations, including~~  
474 ~~hunting, fishing, and other recreational activities. One~~  
475 ~~appointee shall have expertise in the sustainable management of~~  
476 ~~forest lands for commodity purposes. One appointee shall have~~  
477 ~~expertise in financial management, budget and program analysis,~~  
478 ~~and small business operations.~~

479 ~~2. The executive director shall appoint one member with~~  
480 ~~expertise in hunting; fishing; nongame species management; or~~  
481 ~~wildlife habitat management, restoration, and conservation.~~

482 ~~3. The commissioner shall appoint one member with expertise~~  
483 ~~in agricultural operations or forestry management.~~

484 ~~4. The Babcock Florida Company, or its successors or~~  
485 ~~assigns, shall appoint one member with expertise in the~~  
486 ~~activities and management of the Babcock Ranch on the date of~~  
487 ~~acquisition of the ranch by the state as provided under s.~~  
488 ~~259.1052. This appointee shall serve on the board of directors~~  
489 ~~only until the termination of or expiration of the management~~  
490 ~~agreement attached as Exhibit "E" to that certain Agreement for~~  
491 ~~Sale and Purchase approved by the Board of Trustees of the~~



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492 ~~Internal Improvement Trust Fund on November 22, 2005, and by Lee~~  
493 ~~County, a political subdivision of the state, on November 20,~~  
494 ~~2005. Upon termination of or expiration of the management~~  
495 ~~agreement, the person serving as the head of the property~~  
496 ~~owners' association, if any, required to be created under the~~  
497 ~~agreement for sale and purchase shall serve as a member of the~~  
498 ~~board of directors of Babcock Ranch, Inc.~~

499 ~~5. The Charlotte County Board of County Commissioners shall~~  
500 ~~appoint one member who shall be a resident of the county and who~~  
501 ~~shall be active in an organization concerned with the activities~~  
502 ~~of the ranch.~~

503 ~~6. The Lee County Board of County Commissioners shall~~  
504 ~~appoint one member who shall be a resident of the county and who~~  
505 ~~shall have experience in land conservation and management. This~~  
506 ~~appointee, or a successor appointee, shall serve as a member of~~  
507 ~~the board of directors so long as the county participates in the~~  
508 ~~state land management plan.~~

509 ~~(b) All members of the board of directors shall be~~  
510 ~~appointed no later than 90 days following the initial~~  
511 ~~acquisition of the Babcock Ranch by the state, and:~~

512 ~~1. Four members initially appointed by the Board of~~  
513 ~~Trustees of the Internal Improvement Trust Fund shall each serve~~  
514 ~~a 4-year term.~~

515 ~~2. The remaining initial five appointees shall each serve a~~  
516 ~~2-year term.~~

517 ~~3. Each member appointed thereafter shall serve a 4-year~~  
518 ~~term.~~

519 ~~4. A vacancy shall be filled in the same manner in which~~  
520 ~~the original appointment was made, and a member appointed to~~



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521 ~~fill a vacancy shall serve for the remainder of that term.~~

522 ~~5. No member may serve more than 8 years in consecutive~~  
523 ~~terms.~~

524 ~~(c) With the exception of the Babcock Florida Company~~  
525 ~~appointee, no member may be an officer, director, or shareholder~~  
526 ~~in any entity that contracts with or receives funds from the~~  
527 ~~corporation or its subsidiaries.~~

528 ~~(d) No member shall vote in an official capacity upon any~~  
529 ~~measure that would inure to his or her special private gain or~~  
530 ~~loss, that he or she knows would inure to the special private~~  
531 ~~gain or loss of any principal by whom he or she is retained or~~  
532 ~~to the parent organization or subsidiary of a principal by which~~  
533 ~~he or she is retained, or that he or she knows would inure to~~  
534 ~~the special private gain or loss of a relative or business~~  
535 ~~associate of the member. Such member shall, prior to the vote~~  
536 ~~being taken, publicly state the nature of his or her interest in~~  
537 ~~the matter from which he or she is abstaining from voting and,~~  
538 ~~no later than 15 days following the date the vote occurs, shall~~  
539 ~~disclose the nature of his or her interest as a public record in~~  
540 ~~a memorandum filed with the person responsible for recording the~~  
541 ~~minutes of the meeting, who shall incorporate the memorandum in~~  
542 ~~the minutes of the meeting.~~

543 ~~(e) Each member of the board of directors is accountable~~  
544 ~~for the proper performance of the duties of office, and each~~  
545 ~~member owes a fiduciary duty to the people of the state to~~  
546 ~~ensure that funds provided in furtherance of this section are~~  
547 ~~disbursed and used as prescribed by law and contract. Any~~  
548 ~~official appointing a member may remove that member for~~  
549 ~~malfeasance, misfeasance, neglect of duty, incompetence,~~



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550 ~~permanent inability to perform official duties, unexcused~~  
551 ~~absence from three consecutive meetings of the board, arrest or~~  
552 ~~indictment for a crime that is a felony or misdemeanor involving~~  
553 ~~theft or a crime of dishonesty, or pleading nolo contendere to,~~  
554 ~~or being found guilty of, any crime.~~

555 ~~(f) Each member of the board of directors shall serve~~  
556 ~~without compensation, but shall receive travel and per diem~~  
557 ~~expenses as provided in s. 112.061 while in the performance of~~  
558 ~~his or her duties.~~

559 ~~(g) No appointee shall be an employee of any governmental~~  
560 ~~entity.~~

561 ~~(8) ORGANIZATION; MEETINGS.—~~

562 ~~(a)1. The board of directors shall annually elect a~~  
563 ~~chairperson and a vice chairperson from among the board's~~  
564 ~~members. The members may, by a vote of five of the nine board~~  
565 ~~members, remove a member from the position of chairperson or~~  
566 ~~vice chairperson prior to the expiration of his or her term as~~  
567 ~~chairperson or vice chairperson. His or her successor shall be~~  
568 ~~elected to serve for the balance of the removed chairperson's or~~  
569 ~~vice chairperson's term.~~

570 ~~2. The chairperson shall ensure that records are kept of~~  
571 ~~the proceedings of the board of directors, and is the custodian~~  
572 ~~of all books, documents, and papers filed with the board, the~~  
573 ~~minutes of meetings of the board, and the official seal of the~~  
574 ~~corporation.~~

575 ~~(b)1. The board of directors shall meet upon the call of~~  
576 ~~the chairperson at least 3 times per year in Charlotte County or~~  
577 ~~in Lee County.~~

578 ~~2. A majority of the members of the board of directors~~



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579 ~~constitutes a quorum. Except as otherwise provided in this~~  
580 ~~section, the board of directors may take official action by a~~  
581 ~~majority of the members present at any meeting at which a quorum~~  
582 ~~is present. Members may not vote by proxy.~~

583 ~~(9) POWERS AND DUTIES.—~~

584 ~~(a) The board of directors shall adopt articles of~~  
585 ~~incorporation and bylaws necessary to govern its activities. The~~  
586 ~~adopted articles of incorporation and bylaws must be approved by~~  
587 ~~the Board of Trustees of the Internal Improvement Trust Fund~~  
588 ~~prior to filing with the Department of State.~~

589 ~~(b) The board of directors shall review and approve any~~  
590 ~~management plan developed pursuant to ss. 253.034 and 259.032~~  
591 ~~for the management of lands in the preserve prior to the~~  
592 ~~submission of that plan to the Board of Trustees of the Internal~~  
593 ~~Improvement Trust Fund for approval and implementation.~~

594 ~~(c)1. Except for the constitutional powers of the~~  
595 ~~commission as provided in s. 9, Art. IV of the State~~  
596 ~~Constitution, the board of directors shall have all necessary~~  
597 ~~and proper powers for the exercise of the authority vested in~~  
598 ~~the corporation, including, but not limited to, the power to~~  
599 ~~solicit and accept donations of funds, property, supplies, or~~  
600 ~~services from individuals, foundations, corporations, and other~~  
601 ~~public or private entities for the purposes of this section. All~~  
602 ~~funds received by the corporation shall be deposited into the~~  
603 ~~operating fund authorized under this section unless otherwise~~  
604 ~~directed by the Legislature.~~

605 ~~2. The board of directors may not increase the number of~~  
606 ~~its members.~~

607 ~~3. Except as necessary to manage and operate the preserve~~



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608 ~~as a working ranch, the corporation may not purchase, take,~~  
609 ~~receive, lease, take by gift, devise, or bequest, or otherwise~~  
610 ~~acquire, own, hold, improve, use, or otherwise deal in and with~~  
611 ~~real property, or any interest therein, wherever situated.~~

612 ~~4. The corporation may not sell, convey, mortgage, pledge,~~  
613 ~~lease, exchange, transfer, or otherwise dispose of any real~~  
614 ~~property.~~

615 ~~5. The corporation may not purchase, take, receive,~~  
616 ~~subscribe for, or otherwise acquire, own, hold, vote, use,~~  
617 ~~employ, sell, mortgage, lend, pledge, or otherwise dispose of or~~  
618 ~~otherwise use and deal in and with, shares and other interests~~  
619 ~~in, or obligations of, other domestic or foreign corporations,~~  
620 ~~whether for profit or not for profit, associations,~~  
621 ~~partnerships, or individuals, or direct or indirect obligations~~  
622 ~~of the United States, or any other government, state, territory,~~  
623 ~~government district, municipality, or any instrumentality~~  
624 ~~thereof.~~

625 ~~6. The corporation may not lend money for its corporate~~  
626 ~~purposes, invest and reinvest its funds, or take and hold real~~  
627 ~~and personal property as security for the payment of funds lent~~  
628 ~~or invested.~~

629 ~~7. The corporation may not merge with other corporations or~~  
630 ~~other business entities.~~

631 ~~8. The corporation may not enter into any contract, lease,~~  
632 ~~or other agreement related to the use of ground or surface~~  
633 ~~waters located in, on, or through the preserve without the~~  
634 ~~consent of the Board of Trustees of the Internal Improvement~~  
635 ~~Trust Fund and permits that may be required by the Department of~~  
636 ~~Environmental Protection or the appropriate water management~~



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637 ~~district under chapters 373 and 403.~~

638 ~~9. The corporation may not grant any easements in, on, or~~  
639 ~~across the preserve. Any easements to be granted for the use of,~~  
640 ~~access to, or ingress and egress across state property within~~  
641 ~~the preserve must be executed by the Board of Trustees of the~~  
642 ~~Internal Improvement Trust Fund as the owners of the state~~  
643 ~~property within the preserve. Any easements to be granted for~~  
644 ~~the use of, access to, or ingress and egress across property~~  
645 ~~within the preserve titled in the name of a local government~~  
646 ~~must be granted by the governing body of that local government.~~

647 ~~10. The corporation may not enter into any contract, lease,~~  
648 ~~or other agreement related to the use and occupancy of the~~  
649 ~~property within the preserve for a period greater than 10 years.~~

650 ~~(d) The members may, with the written approval of the~~  
651 ~~commission and in consultation with the department, designate~~  
652 ~~hunting, fishing, and trapping zones and may establish~~  
653 ~~additional periods when no hunting, fishing, or trapping shall~~  
654 ~~be permitted for reasons of public safety, administration, and~~  
655 ~~the protection and enhancement of nongame habitat and nongame~~  
656 ~~species, as defined under s. 379.101.~~

657 ~~(e) The corporation shall have the sole and exclusive right~~  
658 ~~to use the words "Babcock Ranch, Inc.," and any seal, emblem, or~~  
659 ~~other insignia adopted by the members. Without the express~~  
660 ~~written authority of the corporation, no person may use the~~  
661 ~~words "Babcock Ranch, Inc.," as the name under which that person~~  
662 ~~conducts or purports to conduct business, for the purpose of~~  
663 ~~trade or advertisement, or in any manner that may suggest any~~  
664 ~~connection with the corporation.~~

665 ~~(f) The corporation may from time to time appoint advisory~~



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666 ~~committees to further any part of this section. The advisory~~  
667 ~~committees shall be reflective of the expertise necessary for~~  
668 ~~the particular function for which the committee is created, and~~  
669 ~~may include public agencies, private entities, and not for-~~  
670 ~~profit conservation and agricultural representatives.~~

671 ~~(g) State laws governing the procurement of commodities and~~  
672 ~~services by state agencies, as provided in s. 287.057, shall~~  
673 ~~apply to the corporation.~~

674 ~~(h) The corporation and its subsidiaries must provide equal~~  
675 ~~employment opportunities for all persons regardless of race,~~  
676 ~~color, religion, gender, national origin, age, handicap, or~~  
677 ~~marital status.~~

678 ~~(10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING~~  
679 ~~REQUIREMENTS.—~~

680 ~~(a) The board of directors may establish and manage an~~  
681 ~~operating fund to address the corporation's unique cash flow~~  
682 ~~needs and to facilitate the management and operation of the~~  
683 ~~preserve as a working ranch.~~

684 ~~(b) The board of directors shall provide for an annual~~  
685 ~~financial audit of the corporate accounts and records to be~~  
686 ~~conducted by an independent certified public accountant in~~  
687 ~~accordance with rules adopted by the Auditor General under s.~~  
688 ~~11.45(8). The audit report shall be submitted no later than 3~~  
689 ~~months following the end of the fiscal year to the Auditor~~  
690 ~~General, the President of the Senate, the Speaker of the House~~  
691 ~~of Representatives, and the appropriate substantive and fiscal~~  
692 ~~committees of the Legislature. The Auditor General, the Office~~  
693 ~~of Program Policy Analysis and Government Accountability, and~~  
694 ~~the substantive or fiscal committees of the Legislature to which~~





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695 ~~legislation affecting the Babcock Ranch Preserve may be referred~~  
696 ~~shall have the authority to require and receive from the~~  
697 ~~corporation or from the independent auditor any records relative~~  
698 ~~to the operation of the corporation.~~

699 ~~(c) Not later than January 15 of each year, Babcock Ranch,~~  
700 ~~Inc., shall submit to the Board of Trustees of the Internal~~  
701 ~~Improvement Trust Fund, the President of the Senate, the Speaker~~  
702 ~~of the House of Representatives, the department, and the~~  
703 ~~commission a comprehensive and detailed report of its~~  
704 ~~operations, activities, and accomplishments for the prior year,~~  
705 ~~including information on the status of the ecological, cultural,~~  
706 ~~and financial resources being managed by the corporation, and~~  
707 ~~benefits provided by the preserve to local communities. The~~  
708 ~~report shall also include a section describing the corporation's~~  
709 ~~goals for the current year.~~

710 ~~(d) The board of directors shall prepare an annual budget~~  
711 ~~with the goal of achieving a financially self-sustaining~~  
712 ~~operation within 15 full fiscal years after the initial~~  
713 ~~acquisition of the Babcock Ranch by the state. The department~~  
714 ~~shall provide necessary assistance, including details as~~  
715 ~~necessary, to the corporation for the timely formulation and~~  
716 ~~submission of an annual legislative budget request for~~  
717 ~~appropriations, if any, to support the administration,~~  
718 ~~operation, and maintenance of the preserve. A request for~~  
719 ~~appropriations shall be submitted to the department and shall be~~  
720 ~~included in the department's annual legislative budget request.~~  
721 ~~Requests for appropriations shall be submitted to the department~~  
722 ~~in time to allow the department to meet the requirements of s.~~  
723 ~~216.023. The department may not deny a request or refuse to~~



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724 ~~include in its annual legislative budget submission a request~~  
725 ~~from the corporation for an appropriation.~~

726 ~~(c) Notwithstanding any other provision of law, all moneys~~  
727 ~~received from donations or from management of the preserve shall~~  
728 ~~be retained by the corporation in the operating fund and shall~~  
729 ~~be available, without further appropriation, for the~~  
730 ~~administration, preservation, restoration, operation and~~  
731 ~~maintenance, improvements, repairs, and related expenses~~  
732 ~~incurred with respect to properties being managed by the~~  
733 ~~corporation. Except as provided in this section, moneys received~~  
734 ~~by the corporation for the management of the preserve shall not~~  
735 ~~be subject to distribution by the state. Upon assuming~~  
736 ~~management responsibilities for the preserve, the corporation~~  
737 ~~shall optimize the generation of income based on existing~~  
738 ~~marketing conditions to the extent that activities do not~~  
739 ~~unreasonably diminish the long-term environmental, agricultural,~~  
740 ~~scenic, and natural values of the preserve, or the multiple-use~~  
741 ~~and sustained-yield capability of the land.~~

742 ~~(f) All parties in contract with the corporation and all~~  
743 ~~holders of leases from the corporation which are authorized to~~  
744 ~~occupy, use, or develop properties under the management~~  
745 ~~jurisdiction of the corporation must procure proper insurance as~~  
746 ~~is reasonable or customary to insure against any loss in~~  
747 ~~connection with the properties or with activities authorized in~~  
748 ~~the leases or contracts.~~

749 ~~(11) COMPREHENSIVE BUSINESS PLAN.—~~

750 ~~(a) A comprehensive business plan for the management and~~  
751 ~~operation of the preserve as a working ranch and amendments to~~  
752 ~~the business plan may be developed only with input from the~~



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753 ~~department and the commission, and may be implemented by Babcock~~  
754 ~~Ranch, Inc., only upon expiration of the management agreement~~  
755 ~~attached as Exhibit "E" to that certain agreement for sale and~~  
756 ~~purchase approved by the Board of Trustees of the Internal~~  
757 ~~Improvement Trust Fund on November 22, 2005, and by Lee County~~  
758 ~~on November 20, 2005.~~

759 ~~(b) Any final decision of Babcock Ranch, Inc., to adopt or~~  
760 ~~amend the comprehensive business plan or to approve any activity~~  
761 ~~related to the management of the renewable surface resources of~~  
762 ~~the preserve shall be made in sessions that are open to the~~  
763 ~~public. The board of directors shall establish procedures for~~  
764 ~~providing adequate public information and opportunities for~~  
765 ~~public comment on the proposed comprehensive business plan for~~  
766 ~~the preserve or for amendments to the comprehensive business~~  
767 ~~plan adopted by the members.~~

768 ~~(c) Not less than 2 years prior to the corporation's~~  
769 ~~assuming management and operation responsibilities for the~~  
770 ~~preserve, the corporation, with input from the commission and~~  
771 ~~the department, must begin developing the comprehensive business~~  
772 ~~plan to carry out the purposes of this section. To the extent~~  
773 ~~consistent with these purposes, the comprehensive business plan~~  
774 ~~shall provide for:~~

775 ~~1. The management and operation of the preserve as a~~  
776 ~~working ranch;~~

777 ~~2. The protection and preservation of the environmental,~~  
778 ~~agricultural, scientific, scenic, geologic, watershed, fish,~~  
779 ~~wildlife, historic, cultural, and recreational values of the~~  
780 ~~preserve;~~

781 ~~3. The promotion of high-quality hunting experiences for~~



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782 ~~the public, with emphasis on deer, turkey, and other game~~  
783 ~~species;~~

784 ~~4. Multiple use and sustained yield of renewable surface~~  
785 ~~resources within the preserve;~~

786 ~~5. Public use of and access to the preserve for recreation;~~  
787 ~~and~~

788 ~~6. The use of renewable resources and management~~  
789 ~~alternatives that, to the extent practicable, benefit local~~  
790 ~~communities and small businesses and enhance the coordination of~~  
791 ~~management objectives with those on surrounding public or~~  
792 ~~private lands. The use of renewable resources and management~~  
793 ~~alternatives should provide cost savings to the corporation~~  
794 ~~through the exchange of services, including, but not limited to,~~  
795 ~~labor and maintenance of facilities, for resources or services~~  
796 ~~provided to the corporation.~~

797 ~~(d) On or before the date on which title to the portion of~~  
798 ~~the Babcock Crescent B Ranch being purchased by the state as~~  
799 ~~provided in s. 259.1052 is vested in the Board of Trustees of~~  
800 ~~the Internal Improvement Trust Fund, Babcock Ranch Management,~~  
801 ~~LLC, a limited liability company incorporated in this state,~~  
802 ~~shall provide the commission and the department with the~~  
803 ~~management plan and business plan in place for the operation of~~  
804 ~~the ranch as of November 22, 2005, the date on which the board~~  
805 ~~of trustees approved the purchase.~~

806 ~~(5) (12) MANAGEMENT OF PRESERVE; FEES.-~~

807 (a) The department ~~corporation~~ shall assume all authority  
808 provided by this section to manage and operate the preserve as a  
809 working ranch upon the termination or expiration of the  
810 management agreement attached as Exhibit "E" to that certain



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811 Agreement for Sale and Purchase approved by the Board of  
812 Trustees of the Internal Improvement Trust Fund on November 22,  
813 2005, and by Lee County on November 20, 2005 ~~a determination by~~  
814 ~~the Board of Trustees of the Internal Improvement Trust Fund~~  
815 ~~that the corporation is able to conduct business, and that~~  
816 ~~provision has been made for essential services on the preserve,~~  
817 ~~which, to the maximum extent practicable, shall be made no later~~  
818 ~~than 60 days prior to the termination of the management~~  
819 ~~agreement referenced in paragraph (11)(a).~~

820 (b) Upon assuming management and operation of the preserve,  
821 the department ~~corporation~~ shall:

822 1. ~~With input from the commission and the department,~~  
823 Manage and operate the preserve and the uses thereof, including,  
824 but not limited to, the activities necessary to administer and  
825 operate the preserve as a working ranch; the activities  
826 necessary for the preservation and development of the land and  
827 renewable surface resources of the preserve; the activities  
828 necessary for interpretation of the history of the preserve on  
829 behalf of the public; the activities necessary for the  
830 management, public use, and occupancy of facilities and lands  
831 within the preserve; and the maintenance, rehabilitation,  
832 repair, and improvement of property within the preserve.†

833 2. Develop programs and activities relating to the  
834 management of the preserve as a working ranch.†

835 ~~3. Negotiate directly with and enter into such agreements,~~  
836 ~~leases, contracts, and other arrangements with any person, firm,~~  
837 ~~association, organization, corporation, or governmental entity,~~  
838 ~~including entities of federal, state, and local governments, as~~  
839 ~~are necessary and appropriate to carry out the purposes and~~



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840 ~~activities authorized by this section;~~

841 3.4. Establish procedures for entering into lease  
842 agreements and other agreements for the use and occupancy of the  
843 facilities of the preserve. The procedures shall ensure  
844 reasonable competition and set guidelines for determining  
845 reasonable fees, terms, and conditions for such agreements. ~~;~~ and

846 4.5. Assess reasonable fees for admission to, use of, and  
847 occupancy of the preserve to offset costs of operating the  
848 preserve as a working ranch. These fees are independent of fees  
849 assessed by the commission for the privilege of hunting,  
850 fishing, or pursuing outdoor recreational activities within the  
851 preserve, and shall be deposited into the Incidental Trust Fund  
852 of the Florida Forest Service, subject to appropriation by the  
853 Legislature operating fund established by the board of directors  
854 under the authority provided under this section.

855 (c) The commission, in cooperation with the department,  
856 shall:

857 1. Establish and implement public hunting and other fish  
858 and wildlife management activities. Tier I and Tier II public  
859 hunting opportunities shall be provided consistent with the  
860 management plan and the recreation master plan.

861 a. Tier I public hunting shall provide hunting  
862 opportunities similar to those offered on wildlife management  
863 areas with an emphasis on youth and family-oriented hunts.

864 b. Tier II public hunting shall be provided specifically by  
865 fee-based permitting to ensure compatibility with livestock  
866 grazing and other essential agricultural operations on the  
867 preserve.

868 2. Establish and administer permit fees for Tier II public



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869 hunting to capitalize on the value of hunting on portions of the  
870 preserve and to help ensure that the preserve is financially  
871 self-sufficient. The fees shall be deposited into the State Game  
872 Trust Fund of the Fish and Wildlife Conservation Commission to  
873 be used to offset the costs of providing public hunting and to  
874 support fish and wildlife management and other land management  
875 activities on the preserve.

876 (d) The Board of Trustees of the Internal Improvement Trust  
877 Fund or its designated agent may:

878 1. Negotiate directly with, and enter into such agreements,  
879 leases, contracts, and other arrangements with, any person,  
880 firm, association, organization, corporation, or governmental  
881 entity, including entities of federal, state, and local  
882 governments, as are necessary and appropriate to carry out the  
883 purposes and activities authorized by this section.

884 2. Grant privileges, leases, concessions, and permits for  
885 the use of land for the accommodation of visitors to the  
886 preserve; however, natural curiosities or objects of interest  
887 may not be granted, leased, or rented on terms that deny or  
888 interfere with free access to them by the public. Such grants,  
889 leases, and permits may be made and given without advertisement  
890 or securing competitive bids. Such grants, leases, or permits  
891 may not be assigned or transferred by any grantee without  
892 consent of the Board of Trustees of the Internal Improvement  
893 Trust Fund or its designated agent.

894 ~~(13) MISCELLANEOUS PROVISIONS.—~~

895 ~~(a) Except for the powers of the commissioner provided in~~  
896 ~~this section, and the powers of the commission provided in s. 9,~~  
897 ~~Art. IV of the State Constitution, the preserve shall be managed~~



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898 ~~by Babcock Ranch, Inc.~~

899 ~~(b) Officers and employees of Babcock Ranch, Inc., are~~  
900 ~~private employees. At the request of the board of directors, the~~  
901 ~~commission and the department may provide state employees for~~  
902 ~~the purpose of implementing this section. Any state employees~~  
903 ~~provided to assist the directors in implementing this section~~  
904 ~~for more than 30 days shall be provided on a reimbursable basis.~~  
905 ~~Reimbursement to the commission and the department shall be made~~  
906 ~~from the corporation's operating fund provided under this~~  
907 ~~section and not from any funds appropriated to the corporation~~  
908 ~~by the Legislature.~~

909 ~~(6) (14) DISSOLUTION OF BABCOCK RANCH ADVISORY GROUP, INC.-~~

910 ~~(a) The corporation may be dissolved only by an act of the~~  
911 ~~Legislature.~~

912 ~~(b) Upon dissolution of the corporation, the management~~  
913 ~~responsibilities provided in this section shall revert to the~~  
914 ~~commission and the department unless otherwise provided by the~~  
915 ~~Legislature under the act dissolving Babcock Ranch, Inc.~~

916 ~~(c) The Babcock Ranch Advisory Group shall terminate on~~  
917 ~~June 30, 2018. Upon dissolution of the Babcock Ranch Advisory~~  
918 ~~Group corporation, any cash balances of funds shall revert to~~  
919 ~~the Incidental Trust Fund of the Florida Forest Service General~~  
920 ~~Revenue Fund or such other state fund as may be provided under~~  
921 ~~the act dissolving Babcock Ranch, Inc.~~

922 Section 5. Subsection (2) of section 388.261, Florida  
923 Statutes, is amended to read:

924 388.261 State aid to counties and districts for arthropod  
925 control; distribution priorities and limitations.-

926 (2) Every county or district budgeting local funds to be





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927 used exclusively for the control of mosquitoes and other  
928 arthropods, under a plan submitted by the county or district and  
929 approved by the department, ~~is shall be~~ eligible to receive  
930 state funds and supplies, services, and equipment on a dollar-  
931 for-dollar matching basis to the amount of local funds budgeted.  
932 ~~If should~~ state funds appropriated by the Legislature are be  
933 insufficient to grant each county or district state funds on a  
934 dollar-for-dollar matching basis to the amount budgeted in local  
935 funds, the department shall distribute the funds as prescribed  
936 by rule. Such rules shall provide for up to 80 percent of the  
937 funds to be distributed to programs with local funds for  
938 mosquito control budgets of less than \$1 million, if the county  
939 or district meets the eligibility requirements. The funds shall  
940 be distributed as equally as possible within the category of  
941 counties pursuant to this section. The remaining funds shall be  
942 distributed as prescribed by rule among the remaining counties  
943 to support mosquito control and to support research, education,  
944 and outreach ~~prorate said state funds based on the amount of~~  
945 ~~matchable local funds budgeted for expenditure by each county or~~  
946 ~~district.~~

947 Section 6. Subsection (1) of section 388.271, Florida  
948 Statutes, is amended to read:

949 388.271 Prerequisites to participation.-

950 (1) When state funds are involved, it is the duty of the  
951 department to guide, review, approve, and coordinate the  
952 activities of all county governments and special districts  
953 receiving state funds in furtherance of the goal of integrated  
954 arthropod control. Each county or district eligible to  
955 participate hereunder may begin participation on October 1 of



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956 any year by filing with the department not later than July 15 a  
957 tentative work plan and tentative detailed work plan budget  
958 providing for the control of arthropods. Following approval of  
959 the plan and budget by the department, two copies of the  
960 county's or district's certified budget based on the approved  
961 work plan and detailed work plan budget shall be submitted to  
962 the department by not later than September 30 ~~15~~ following.  
963 State funds, supplies, and services shall be made available to  
964 such county or district by and through the department  
965 immediately upon release of funds by the Executive Office of the  
966 Governor.

967 Section 7. Section 487.160, Florida Statutes, is amended to  
968 read:

969 487.160 Records; ~~report.~~—Licensed private applicators  
970 supervising 15 or more unlicensed applicators or mixer-loaders  
971 and licensed public applicators and licensed commercial  
972 applicators shall maintain records as the department may  
973 determine by rule with respect to the application of restricted  
974 pesticides, including, but not limited to, the type and quantity  
975 of pesticide, method of application, crop treated, and dates and  
976 location of application. Other licensed private applicators  
977 shall maintain records as the department may determine by rule  
978 with respect to the date, type, and quantity of restricted-use  
979 pesticides used. Licensees shall keep records for a period of 2  
980 years from date of the application of the pesticide to which the  
981 records refer, and shall furnish to the department a copy of the  
982 records upon written request by the department. ~~Every third~~  
983 ~~year, the department shall conduct a survey and compile a report~~  
984 ~~on restricted-use pesticides in this state. This report shall~~



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985 ~~include, but not be limited to, types and quantities of~~  
986 ~~pesticides, methods of application, crops treated, and dates and~~  
987 ~~locations of application; records of persons working under~~  
988 ~~direct supervision; and reports of misuse, damage, or injury.~~

989 Section 8. Section 534.083, Florida Statutes, is amended to  
990 read:

991 534.083 Livestock hauler's permit; ~~display of permit on~~  
992 ~~vehicle; bill of lading.-~~

993 ~~(1) No person shall engage in the business of transporting~~  
994 ~~or hauling for hire livestock on any street or highway, as~~  
995 ~~defined in s. 316.003(53), without first having applied for and~~  
996 ~~obtained from the department a permit which shall expire on~~  
997 ~~December 31 of each year. The information supplied by the~~  
998 ~~applicant on the application for permit shall be certified under~~  
999 ~~oath. Cost of the permit shall be \$5 for each year or fraction~~  
1000 ~~thereof.~~

1001 ~~(2) The department shall issue a metal tag or plate to~~  
1002 ~~every person or company required to obtain a permit to transport~~  
1003 ~~or haul for hire livestock, which shall bear the serial number~~  
1004 ~~of the permit. Such a tag or plate shall be issued for each~~  
1005 ~~vehicle used by the hauler.~~

1006 ~~(3) The metal tag or plate required under this section~~  
1007 ~~shall be attached to each vehicle used for transporting or~~  
1008 ~~hauling livestock in a conspicuous place in an upright position~~  
1009 ~~on the rear of the vehicle. When livestock is transported in a~~  
1010 ~~trailer type vehicle propelled or drawn by a motor truck or~~  
1011 ~~tractor, each such trailer shall have the tag or plate attached~~  
1012 ~~to the rear of the trailer in a conspicuous place in an upright~~  
1013 ~~position, and it shall not be necessary to have a tag attached~~



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1014 ~~to the motor truck or tractor.~~

1015       ~~(4)~~ Persons engaged in the business of transporting or  
1016 hauling livestock in the state shall, upon receiving such  
1017 livestock for transportation, issue a waybill or bill of lading  
1018 for all livestock transported or hauled by them, and such  
1019 waybill or bill of lading shall accompany the shipment of  
1020 livestock, with a copy thereof being furnished to the person  
1021 delivering livestock to the hauler. The waybill or bill of  
1022 lading shall show the place of origin and destination of the  
1023 shipment, the name of the owner of the livestock, date and time  
1024 of loading, name of person or company hauling the livestock, and  
1025 the number of animals and a general description thereof. The  
1026 waybill or bill of lading shall be signed by the person  
1027 delivering the livestock to the hauler certifying that the  
1028 information contained thereon is correct.

1029       Section 9. Subsection (28) of section 570.07, Florida  
1030 Statutes, is amended to read:

1031       570.07 Department of Agriculture and Consumer Services;  
1032 functions, powers, and duties.—The department shall have and  
1033 exercise the following functions, powers, and duties:

1034       (28) For purposes of pollution control and the prevention  
1035 of wildfires, to regulate open burning connected with pile  
1036 burning as defined in s. 590.125(1) land-clearing, agricultural,  
1037 or forestry operations.

1038       Section 10. Section 570.087, Florida Statutes, is created  
1039 to read:

1040       570.087 Best management practices for wildlife.—

1041       (1) LEGISLATIVE FINDINGS.—The Fish and Wildlife  
1042 Conservation Commission and the Department of Agriculture and



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1043 Consumer Services have long recognized that agriculture provides  
1044 a valuable benefit to the conservation and management of fish  
1045 and wildlife in this state and have agreed to enter into a  
1046 memorandum of agreement to develop and adopt by rule voluntary  
1047 best management practices for this state's agriculture industry  
1048 which reflect the industry's existing contribution to the  
1049 conservation and management of freshwater aquatic life and wild  
1050 animal life in this state.

1051 (2) DEVELOPMENT.—The Department of Agriculture and Consumer  
1052 Services shall enter into a memorandum of agreement with the  
1053 Fish and Wildlife Conservation Commission for the purpose of  
1054 developing the best management practices contemplated by this  
1055 section and their application on agricultural lands within this  
1056 state. This agreement may allow for selected pilot projects in  
1057 an effort to facilitate development of best management  
1058 practices.

1059 (3) ADOPTION OF RULES.—The Department of Agriculture and  
1060 Consumer Services has rulemaking authority to adopt rules  
1061 establishing the best management practices contemplated by this  
1062 section for this state's agricultural industry. Such rules must  
1063 incorporate provisions for a notice of intent to implement the  
1064 practices and a system to assure the implementation of the  
1065 practices, including recordkeeping requirements.

1066 (4) VOLUNTARY IMPLEMENTATION.—Notwithstanding any law to  
1067 the contrary, the implementation of the best management  
1068 practices contemplated by this section is voluntary. Except as  
1069 specifically provided herein, an agency, department, district,  
1070 or any unit of local government may not adopt or enforce any  
1071 ordinance, resolution, regulation, rule, or policy regarding the



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1072 best management practices on land classified as agricultural  
1073 land pursuant to s. 193.461.

1074 Section 11. Section 570.64, Florida Statutes, is created to  
1075 read:

1076 570.64 Division of Food, Nutrition, and Wellness.—

1077 (1) The duties of the Division of Food, Nutrition, and  
1078 Wellness include, but are not limited to, administering and  
1079 enforcing the powers and responsibilities of the division  
1080 prescribed in chapter 595 and the rules adopted thereunder.

1081 (2) The director of the division shall be appointed by, and  
1082 serve at the pleasure of, the commissioner. The director shall  
1083 supervise, direct, and coordinate activities of the division,  
1084 exercise such powers and duties as authorized by the  
1085 commissioner, enforce the provisions of chapter 595 and the  
1086 rules adopted thereunder, and any other powers and duties as  
1087 authorized by the department.

1088 Section 12. Section 570.902, Florida Statutes, is amended  
1089 to read:

1090 570.902 Definitions; ss. 570.902 and 570.903.—For the  
1091 purpose of this section ~~ss. 570.902~~ and s. 570.903:

1092 (1) "Designated program" means the ~~specific~~ departmental  
1093 program which a direct-support organization has been created to  
1094 support.

1095 (2) "Direct-support organization" or "organization" means  
1096 an organization which is a Florida corporation not for profit  
1097 incorporated under the provisions of chapter 617 and approved by  
1098 the department to operate for the benefit of a museum or a  
1099 ~~specific departmental~~ program.

1100 (3) "Museum" means the Florida Agricultural Museum which is



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1101 designated as the museum for agriculture and rural history of  
1102 the State of Florida.

1103 Section 13. Section 570.903, Florida Statutes, is amended  
1104 to read:

1105 570.903 Direct-support organization.—

1106 (1) The department may authorize ~~When the Legislature~~  
1107 ~~authorizes~~ the establishment of a direct-support organizations  
1108 ~~organization~~ to provide assistance, funding, and promotional  
1109 support for the museums, ~~the Florida Agriculture in the~~  
1110 ~~Classroom Program, the Florida State Collection of Arthropods,~~  
1111 ~~the Friends of the Florida State Forests Program of the Florida~~  
1112 ~~Forest Service, the Forestry Arson Alert Program,~~ and other  
1113 programs of the department. 7 The following provisions shall  
1114 govern the creation, use, powers, and duties of the direct-  
1115 support organizations ~~organization~~:

1116 (a) The department shall enter into a memorandum or letter  
1117 of agreement with the direct-support organization, which shall  
1118 specify the approval of the department, the powers and duties of  
1119 the direct-support organization, and rules with which the  
1120 direct-support organization must comply.

1121 (b) The department may authorize ~~permit~~, without charge,  
1122 appropriate use of property, facilities, and personnel of the  
1123 department by the ~~a~~ direct-support organization, ~~subject to ss.~~  
1124 ~~570.902 and 570.903.~~ The use shall be for ~~directly in keeping~~  
1125 ~~with~~ the approved purposes of the direct-support organization  
1126 and may not be made at times or places that would unreasonably  
1127 interfere with opportunities for the general public to use  
1128 department facilities ~~for established purposes.~~

1129 (c) The department shall prescribe by agreement ~~contract or~~



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1130 ~~by rule~~ conditions with which the a direct-support organization  
1131 must comply in order to use property, facilities, or personnel  
1132 of the department ~~or museum~~. Such conditions ~~rules~~ shall provide  
1133 for budget and audit review and oversight by the department.

1134 (d) The department may not authorize ~~permit~~ the use of  
1135 property, facilities, or personnel of the museum, department, or  
1136 designated program by the a direct-support organization that  
1137 does not provide equal employment opportunities to all persons  
1138 regardless of race, color, religion, sex, age, or national  
1139 origin.

1140 (2) (a) The direct-support organization may ~~shall be~~  
1141 ~~empowered to~~ conduct programs and activities; raise funds;  
1142 request and receive grants, gifts, and bequests of money;  
1143 acquire, receive, hold, invest, and administer, in its own name,  
1144 securities, funds, objects of value, or other property, real or  
1145 personal; and make expenditures to or for the direct or indirect  
1146 benefit of the museum or designated program.

1147 ~~(b) Notwithstanding the provisions of s. 287.057, the~~  
1148 ~~direct-support organization may enter into contracts or~~  
1149 ~~agreements with or without competitive bidding for the~~  
1150 ~~restoration of objects, historical buildings, and other~~  
1151 ~~historical materials or for the purchase of objects, historical~~  
1152 ~~buildings, and other historical materials which are to be added~~  
1153 ~~to the collections of the museum, or benefit the designated~~  
1154 ~~program. However, before the direct-support organization may~~  
1155 ~~enter into a contract or agreement without competitive bidding,~~  
1156 ~~the direct-support organization shall file a certification of~~  
1157 ~~conditions and circumstances with the internal auditor of the~~  
1158 ~~department justifying each contract or agreement.~~





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1159        (b)~~(e)~~ Notwithstanding the provisions of s. 287.025(1)(e),  
1160 the direct-support organization may enter into contracts to  
1161 insure property of the museum or designated programs and may  
1162 insure objects or collections on loan from others in satisfying  
1163 security terms of the lender.

1164        (3) The direct-support organization shall provide for an  
1165 annual financial audit in accordance with s. 215.981.

1166        (4) A department employee, direct-support organization or  
1167 museum employee, volunteer, or director, or ~~Neither a designated~~  
1168 ~~program or a museum, nor a nonprofit corporation trustee or~~  
1169 ~~employee~~ may not:

1170        (a) Receive a commission, fee, or financial benefit in  
1171 connection with the sale or exchange of real or personal  
1172 property or historical objects ~~or properties~~ to the direct-  
1173 support organization, the museum, or the designated program; or

1174        (b) Be a business associate of any individual, firm, or  
1175 organization involved in the sale or exchange of real or  
1176 personal property to the direct-support organization, the  
1177 museum, or the designated program.

1178        (5) All moneys received by the direct-support organization  
1179 shall be deposited into an account of the direct-support  
1180 organization and shall be used by the organization in a manner  
1181 consistent with the goals of the museum or designated program.

1182        (6) The identity of a donor or prospective donor who  
1183 desires to remain anonymous and all information identifying such  
1184 donor or prospective donor are confidential and exempt from the  
1185 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
1186 Constitution.

1187        (7) The Commissioner of Agriculture, or the commissioner's



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1188 designee, may serve on the board of trustees and the executive  
1189 committee of any direct-support organization established to  
1190 benefit the museum or any designated program.

1191 (8) The department may terminate its agreement with a  
1192 direct-support organization at any time if the department  
1193 determines that the direct-support organization no longer meets  
1194 the objectives of this section ~~The department shall establish by~~  
1195 ~~rule archival procedures relating to museum artifacts and~~  
1196 ~~records. The rules shall provide procedures which protect the~~  
1197 ~~museum's artifacts and records equivalent to those procedures~~  
1198 ~~which have been established by the Department of State under~~  
1199 ~~chapters 257 and 267.~~

1200 (9) Upon termination of the direct-support organization,  
1201 the assets of the direct-support organization shall be  
1202 distributed pursuant to its articles of incorporation or by-laws  
1203 or, if not provided for, to the department.

1204 Section 14. Subsection (3) of section 576.051, Florida  
1205 Statutes, is amended to read:

1206 576.051 Inspection, sampling, analysis.—

1207 (3) The official analysis shall be made from the official  
1208 sample. The department, before making the official analysis,  
1209 shall take a sufficient portion from the official sample for  
1210 check analysis and place that portion in a bottle sealed and  
1211 identified by number, date, and the preparer's initials. The  
1212 official check sample shall be kept until the analysis of the  
1213 official sample is completed. However, the licensee may obtain  
1214 upon request a portion of the official check sample. Upon  
1215 completion of the analysis of the official sample, a true copy  
1216 of the fertilizer analysis report shall be mailed to the



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1217 licensee of the fertilizer from whom the official sample was  
1218 taken and to the dealer or agent, if any, and purchaser, if  
1219 known. This fertilizer analysis report shall show all  
1220 determinations of plant nutrient and pesticides. If the official  
1221 analysis conforms with the provisions of this law, the official  
1222 check sample may be destroyed. If the official analysis does not  
1223 conform with the provisions of this law, the official check  
1224 sample shall be retained for a period of 90 days from the date  
1225 of the fertilizer analysis report of the official sample. If  
1226 within that time the licensee of the fertilizer from whom the  
1227 official sample was taken, upon receipt of the fertilizer  
1228 analysis report, makes written demand for analysis of the  
1229 official check sample by a referee chemist, a portion of the  
1230 official check sample sufficient for analysis shall be sent to a  
1231 referee chemist who is mutually acceptable to the department and  
1232 the licensee for analysis at the expense of the licensee. The  
1233 referee chemist, upon completion of the analysis, shall forward  
1234 to the department and to the licensee a fertilizer analysis  
1235 report bearing a proper identification mark or number; and the  
1236 fertilizer analysis report shall be verified by an affidavit of  
1237 the person making the analysis. If the results reported on the  
1238 fertilizer analysis report agree within the matching criteria  
1239 defined in department rule ~~checks within three-tenths of 1~~  
1240 ~~actual percent~~ with the department's analysis on each element  
1241 for which analysis was made, the mean average of the two  
1242 analyses shall be accepted as final and binding on all  
1243 concerned. However, if the referee's fertilizer analysis report  
1244 results do not agree within the matching criteria defined in  
1245 department rule with ~~shows a variation of greater than three-~~



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1246 ~~tenths of 1 actual percent from~~ the department's analysis in any  
1247 one or more elements for which an analysis was made, upon demand  
1248 of either the department or the licensee from whom the official  
1249 sample was taken, a portion of the official check sample  
1250 sufficient for analysis shall be submitted to a second referee  
1251 chemist who is mutually acceptable to the department and to the  
1252 licensee from whom the official sample was taken, at the expense  
1253 of the party or parties requesting the referee analysis. If no  
1254 demand is made for an analysis by a second referee chemist, the  
1255 department's fertilizer analysis report shall be accepted as  
1256 final and binding on all concerned. The second referee chemist,  
1257 upon completion of the analysis, shall make a fertilizer  
1258 analysis report as provided in this subsection for the first  
1259 referee chemist. The mean average of the two analyses nearest in  
1260 conformity to each other shall be accepted as final and binding  
1261 on all concerned.

1262 Section 15. Subsection (1) of section 576.061, Florida  
1263 Statutes, is amended to read:

1264 576.061 Plant nutrient investigational allowances,  
1265 deficiencies, and penalties.—

1266 (1) A commercial fertilizer is deemed deficient if the  
1267 analysis of any nutrient is below the guarantee by an amount  
1268 exceeding the investigational allowances. The department shall  
1269 adopt rules, which shall take effect on July 1, 2014, that  
1270 establish the investigational allowances used to determine  
1271 whether a fertilizer is deficient in plant food.

1272 (a) Effective July 1, 2014, this paragraph and paragraphs  
1273 (b)-(f) are repealed. Until July 1, 2014, investigational  
1274 investigational allowances are set as follows:



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1275        (b) ~~(a)~~ *Primary plant nutrients; investigational*  
1276 *allowances.*—  
1277

Guaranteed Percent	Total Nitrogen Percent	Available Phosphate Percent	Potash Percent
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94



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18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more	0.88	0.76	1.44

For guarantees not listed, calculate the appropriate value by interpolation.

(c) ~~(b)~~ Nitrogen investigational allowances.-

Nitrogen Breakdown	Investigational Allowances	
	Percent	
Nitrate nitrogen	0.40	
Ammoniacal nitrogen	0.40	



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1306

Water soluble nitrogen  
or urea nitrogen 0.40

1307

Water insoluble nitrogen 0.30

1308

1309

1310 In no case may the investigational allowance exceed 50 percent  
1311 of the amount guaranteed.

1312 (d)~~(e)~~ *Secondary and micro plant nutrients, total or*  
1313 *soluble.-*

1314

Element Investigational Allowances Percent

1315

1316

Calcium 0.2 unit+5 percent of guarantee

1317

Magnesium 0.2 unit+5 percent of guarantee

1318

Sulfur (free and combined) 0.2 unit+5 percent of guarantee

1319

Boron 0.003 unit+15 percent of guarantee

1320

Cobalt 0.0001 unit+30 percent of guarantee

1321

Chlorine 0.005 unit+10 percent of guarantee

1322

Copper 0.005 unit+10 percent of guarantee



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Iron	0.005 unit+10 percent of guarantee
Manganese	0.005 unit+10 percent of guarantee
Molybdenum	0.0001 unit+30 percent of guarantee
Sodium	0.005 unit+10 percent of guarantee
Zinc	0.005 unit+10 percent of guarantee

The maximum allowance for secondary and minor elements when calculated in accordance with this section is 1 unit (1 percent). In no case, however, may the investigational allowance exceed 50 percent of the amount guaranteed.

(e)~~(d)~~ *Liming materials and gypsum.*—

Investigational Allowances

Range Percent	Percent
0-10	0.30
Over 10-25	0.40
Over 25	0.50





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1341        (f)~~(e)~~ *Pesticides in fertilizer mixtures.*—An  
1342        investigational allowance of 25 percent of the guarantee shall  
1343        be allowed on all pesticides when added to custom blend  
1344        fertilizers.

1345        Section 16. Subsection (2) of section 576.181, Florida  
1346        Statutes, is amended to read:

1347        576.181 Administration; rules; procedure.—

1348        (2) The department may adopt rules ~~is authorized, by rule,~~  
1349        to implement, make specific, and interpret the provisions of  
1350        this chapter, and specifically to determine the composition and  
1351        uses of fertilizer as defined in this chapter, including, but  
1352        not limited to ~~without limiting the foregoing general terms,~~ the  
1353        taking and handling of samples, the establishment of  
1354        investigational allowances, deficiencies, matching criteria for  
1355        referee analysis, and penalties where not specifically provided  
1356        for in this chapter; to prohibit the sale or use in fertilizer  
1357        of any material proven to be detrimental to agriculture, public  
1358        health, or the environment, or of questionable value; to provide  
1359        for the incorporation into fertilizer of such other substances  
1360        as pesticides and proper labeling of such mixture; and to  
1361        prescribe the information which shall appear on the label other  
1362        than specifically set forth in this chapter.

1363        Section 17. Section 585.61, Florida Statutes, is amended to  
1364        read:

1365        585.61 Animal disease diagnostic laboratory ~~laboratories.~~—

1366        (1) There is ~~hereby created and~~ established an animal  
1367        disease diagnostic laboratory in Osceola County ~~and Suwannee~~  
1368        ~~County. The laboratory complex in Osceola County is designated~~  
1369        as the "Bronson Animal Disease Diagnostic Laboratory."



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1370           (2) The construction and operation of ~~all~~ the laboratory  
1371 ~~laboratories~~ established by this section shall be under the  
1372 supervision and control of the department. It shall be the duty  
1373 of the department to operate the laboratory ~~these laboratories~~  
1374 in an efficient manner so that any person who maintains animals  
1375 in this state may obtain prompt reliable diagnosis of animal  
1376 diseases, including any disease which may affect poultry eggs,  
1377 in this state, and recommendations for the control and  
1378 eradication of such diseases, to the end that diseases of  
1379 animals may be reduced and controlled, and eradicated when  
1380 possible.

1381           (3) Any person who maintains animals in the state may use  
1382 the services of the laboratory ~~laboratories~~ under the terms of  
1383 this section and the rules adopted for such use by the  
1384 department. The department shall require any user of its  
1385 services to pay a fee not to exceed \$300 for any one of the  
1386 services requested. All laboratory fees collected shall be  
1387 deposited in the Animal Industry Diagnostic Laboratory Account  
1388 within the General Inspection Trust Fund. The fees collected  
1389 shall be used to improve the diagnostic laboratory services as  
1390 provided for by the Legislature in the General Appropriations  
1391 Act.

1392           Section 18. Paragraph (f) of subsection (3) of section  
1393 586.10, Florida Statutes, is amended to read:

1394           586.10 Powers and duties of department; preemption of local  
1395 government ordinances.—

1396           (3) The department may:

1397           (f) Inspect or cause to be inspected all apiaries in the  
1398 state at such intervals as it may deem best and keep a complete,



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1399 accurate, and current list of all inspected apiaries to include  
1400 the:

- 1401 1. Name of the apiary.
- 1402 2. Name of the owner of the apiary.
- 1403 3. Mailing address of the apiary owner.
- 1404 4. Location of the apiary.
- 1405 5. Number of hives in the apiary.
- 1406 6. Pest problems associated with the apiary.
- 1407 7. Brands used by beekeepers where applicable.

1408

1409 Notwithstanding s. 112.313, an apiary inspector may be a  
1410 certified beekeeper as long as the inspector does not inspect  
1411 his or her own apiary.

1412 Section 19. Subsection (3) is added to section 586.15,  
1413 Florida Statutes, to read:

1414 586.15 Penalty for violation.—

1415 (3) In addition to the penalties provided in this section  
1416 and in chapter 500, the Department of Agriculture and Consumer  
1417 Services may collect costs related to enforcing prohibitions  
1418 against the adulteration or misbranding of honey. All costs  
1419 shall be deposited into the General Inspection Trust Fund.

1420 Section 20. Section 589.02, Florida Statutes, is amended to  
1421 read:

1422 589.02 Headquarters and meetings of council.—The official  
1423 headquarters of the council shall be in Tallahassee, but it may  
1424 hold meetings at such other places in the state as it may  
1425 determine by resolutions or as may be selected by a majority of  
1426 the members of the council in any call for a meeting. ~~The annual~~  
1427 ~~meeting of the council shall be held on the first Monday in~~



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1428 ~~October of each year. Special meetings may be called at any time~~  
1429 ~~by the chair or upon the written request of a majority of the~~  
1430 ~~members.~~ The council shall annually elect from its members a  
1431 chair, a vice chair, and a secretary. ~~The election shall be held~~  
1432 ~~at the annual meeting of the council.~~ A majority of the members  
1433 of the council shall constitute a quorum for such purposes.

1434 Section 21. Subsection (4) of section 589.19, Florida  
1435 Statutes, is amended to read:

1436 589.19 Creation of certain state forests; naming of certain  
1437 state forests; Operation Outdoor Freedom Program.—

1438 (4) (a) To honor the nation's disabled veterans and injured  
1439 active duty servicemembers, the Florida Forest Service shall  
1440 coordinate efforts to develop an Operation Outdoor Freedom  
1441 Program to provide hunting and other activities for eligible  
1442 veterans and servicemembers in designated state forest areas and  
1443 on designated public and private lands. The Legislature finds it  
1444 to be in the public interest for the Florida Forest Service to  
1445 develop partnerships with the Fish and Wildlife Conservation  
1446 Commission and other public and private organizations in order  
1447 to provide the needed resources and funding to make the program  
1448 successful ~~The Florida Forest Service shall designate one or~~  
1449 ~~more areas of state forests as an "Operation Outdoor Freedom~~  
1450 ~~Special Hunt Area" to honor wounded veterans and servicemembers.~~  
1451 ~~The purpose of such designated areas is to provide special~~  
1452 ~~outdoor recreational opportunities for eligible veterans and~~  
1453 ~~servicemembers.~~

1454 (b) Participation in the Operation Outdoor Freedom Program  
1455 shall be limited to Florida residents, as defined in s.  
1456 379.101(30)(b), ~~The Florida Forest Service shall limit guest~~



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~~admittance to such designated areas to any person who:~~

1. Are honorably discharged military veterans certified by the United States Department of Veterans Affairs or its predecessor or by any branch of the United States Armed Forces to be at least 30 percent permanently service-connected disabled

~~Is an active duty member of any branch of the United States Armed Forces and has a combat related injury as determined by his or her branch of the United States Armed Forces; or~~

2. Have been awarded the Military Order of the Purple Heart; or ~~Is a veteran who served during a period of wartime service as defined in s. 1.01(14) or peacetime service as defined in s. 296.02 and:~~

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

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

3. Are active duty servicemembers with a service-connected injury as determined by his or her branch of the United States Armed Forces.

Proof of eligibility under this subsection, as prescribed by the Florida Forest Service, may be required.

(c) Notwithstanding the eligibility requirements for program participation in paragraph (b), guided or unguided invitation-only activities may be conducted as part of the Operation Outdoor Freedom Program for injured or disabled veterans and injured or disabled active duty servicemembers of any branch of the United States Armed Forces in designated state



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1486 forest areas and on designated public and private lands. The  
1487 Florida Forest Service may grant admittance to ~~such~~ designated  
1488 areas and lands to a person who is not an eligible veteran or  
1489 servicemember for the sole purpose ~~purposes~~ of accompanying an  
1490 eligible veteran or servicemember who requires the person's  
1491 assistance to use such ~~designated~~ areas and lands.

1492 (d) The Florida Forest Service may cooperate with state and  
1493 federal agencies, local governments, private landowners, and  
1494 other entities in connection with the Operation Outdoor Freedom  
1495 Program. Donations to the Operation Outdoor Freedom Program  
1496 Funding required for specialized accommodations shall be  
1497 deposited into the account of ~~provided through~~ the Friends of  
1498 Florida State Forests Program created under s. 589.012 and used  
1499 for Operation Outdoor Freedom Program activities.

1500 (e)1. A private landowner who provides land for designation  
1501 and use as an Operation Outdoor Freedom Program hunting site  
1502 shall have limited liability pursuant to s. 375.251.

1503 2. A private landowner who consents to the designation and  
1504 use of land as part of the Operation Outdoor Freedom Program  
1505 without compensation shall be considered a volunteer, as defined  
1506 in s. 110.501, and shall be covered by state liability  
1507 protection pursuant to s. 768.28, including s. 768.28(9).

1508 3. This subsection does not:

1509 a. Relieve any person of liability that would otherwise  
1510 exist for deliberate, willful, or malicious injury to persons or  
1511 property.

1512 b. Create or increase the liability of any person.

1513 (f) The Legislature shall designate the second Saturday of  
1514 each November as Operation Outdoor Freedom Day.



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1515        (g) ~~(e)~~ The Florida Forest Service may adopt rules to  
1516 administer this subsection.

1517            Section 22. Section 589.30, Florida Statutes, is amended to  
1518 read:

1519            589.30 Duty of district or center manager ~~forester~~.—It  
1520 shall be the duty of the district or center manager ~~forester~~ to  
1521 direct all work in accordance with the law and regulations of  
1522 the Florida Forest Service; gather and disseminate information  
1523 in the management of commercial timber, including establishment,  
1524 protection and utilization; and assist in the development and  
1525 use of forest lands for outdoor recreation, watershed  
1526 protection, and wildlife habitat. The district or center manager  
1527 ~~forester~~ or his or her representative shall provide  
1528 encouragement and technical assistance to individuals and urban  
1529 and county officials in the planning, establishment, and  
1530 management of trees and plant associations to enhance the beauty  
1531 of the urban and suburban environment and meet outdoor  
1532 recreational needs.

1533            Section 23. Subsections (1), (2), (3), (7), and (10) of  
1534 section 590.02, Florida Statutes, are amended to read:

1535            590.02 Florida Forest Service; powers, authority, and  
1536 duties; liability; building structures; Florida Center for  
1537 Wildfire and Forest Resources Management Training.—

1538            (1) The Florida Forest Service has the following powers,  
1539 authority, and duties:

1540            (a) To enforce the provisions of this chapter;

1541            (b) To prevent, detect, and suppress, ~~and extinguish~~  
1542 wildfires wherever they may occur on public or private land in  
1543 this state and to do all things necessary in the exercise of



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1544 such powers, authority, and duties;

1545 (c) To provide firefighting crews, who shall be under the  
1546 control and direction of the Florida Forest Service and its  
1547 designated agents;

1548 (d) To appoint center managers, forest area supervisors,  
1549 forestry program administrators, a forest protection bureau  
1550 chief, a forest protection assistant bureau chief, a field  
1551 operations bureau chief, deputy chiefs of field operations,  
1552 district managers, forest operations administrators, senior  
1553 forest rangers, investigators, forest rangers, firefighter  
1554 rotorcraft pilots, and other employees who may, at the Florida  
1555 Forest Service's discretion, be certified as forestry  
1556 firefighters pursuant to s. 633.35(4). Other provisions of law  
1557 notwithstanding, center managers, district managers, forest  
1558 protection assistant bureau chief, and deputy chiefs of field  
1559 operations shall have Selected Exempt Service status in the  
1560 state personnel designation;

1561 (e) To develop a training curriculum for forestry  
1562 firefighters which must contain the basic volunteer structural  
1563 fire training course approved by the Florida State Fire College  
1564 of the Division of State Fire Marshal and a minimum of 250 hours  
1565 of wildfire training;

1566 (f) To make rules to accomplish the purposes of this  
1567 chapter;

1568 (g) To provide fire management services and emergency  
1569 response assistance and to set and charge reasonable fees for  
1570 performance of those services. Moneys collected from such fees  
1571 shall be deposited into the Incidental Trust Fund of the Florida  
1572 Forest Service; ~~and~~





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1573           (h) To require all state, regional, and local government  
1574 agencies operating aircraft in the vicinity of an ongoing  
1575 wildfire to operate in compliance with the applicable state  
1576 Wildfire Aviation Plan; and

1577           (i) To authorize broadcast burning, prescribed burning,  
1578 pile burning, and land clearing debris burning to carry out the  
1579 duties of this chapter and the rules adopted thereunder.

1580           (2) The Florida Forest Service's employees, and the  
1581 firefighting crews under their control and direction, may enter  
1582 upon any lands for the purpose of preventing, detecting, and  
1583 suppressing wildfires and investigating smoke complaints or open  
1584 burning not in compliance with authorization and to enforce the  
1585 provisions of this chapter.

1586           (3) Employees of the Florida Forest Service and of federal,  
1587 state, and local agencies, and all other persons and entities  
1588 that are under contract or agreement with the Florida Forest  
1589 Service to assist in firefighting operations as well as those  
1590 entities, called upon by the Florida Forest Service to assist in  
1591 firefighting may, in the performance of their duties, set  
1592 counterfires, remove fences and other obstacles, dig trenches,  
1593 cut firelines, use water from public and private sources, and  
1594 carry on all other customary activities in the fighting of  
1595 wildfires without incurring liability to any person or entity.  
1596 The manner in which the Florida Forest Service monitors a  
1597 smoldering wildfire, smoldering prescribed fire, or fights any  
1598 wildfire are planning level activities for which sovereign  
1599 immunity applies and is not waived.

1600           (7) The Florida Forest Service may organize, staff, equip,  
1601 and operate the Florida ~~Center for Wildfire and Forest Resources~~



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1602 ~~Management~~ Training Center. The center shall serve as a site  
1603 where fire and forest resource managers can obtain current  
1604 knowledge, techniques, skills, and theory as they relate to  
1605 their respective disciplines.

1606 (a) The center may establish cooperative efforts involving  
1607 federal, state, and local entities; hire appropriate personnel;  
1608 and engage others by contract or agreement with or without  
1609 compensation to assist in carrying out the training and  
1610 operations of the center.

1611 (b) The center shall provide wildfire suppression training  
1612 opportunities for rural fire departments, volunteer fire  
1613 departments, and other local fire response units.

1614 (c) The center will focus on curriculum related to, but not  
1615 limited to, fuel reduction, an incident management system,  
1616 prescribed burning certification, multiple-use land management,  
1617 water quality, forest health, environmental education, and  
1618 wildfire suppression training for structural firefighters.

1619 (d) The center may assess appropriate fees for food,  
1620 lodging, travel, course materials, and supplies in order to meet  
1621 its operational costs and may grant free meals, room, and  
1622 scholarships to persons and other entities in exchange for  
1623 instructional assistance.

1624 ~~(e) An advisory committee consisting of the following~~  
1625 ~~individuals or their designees must review program curriculum,~~  
1626 ~~course content, and scheduling: the director of the Florida~~  
1627 ~~Forest Service; the assistant director of the Florida Forest~~  
1628 ~~Service; the director of the School of Forest Resources and~~  
1629 ~~Conservation of the University of Florida; the director of the~~  
1630 ~~Division of Recreation and Parks of the Department of~~



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1631 ~~Environmental Protection; the director of the Division of the~~  
1632 ~~State Fire Marshal; the director of the Florida Chapter of The~~  
1633 ~~Nature Conservancy; the executive vice president of the Florida~~  
1634 ~~Forestry Association; the president of the Florida Farm Bureau~~  
1635 ~~Federation; the executive director of the Fish and Wildlife~~  
1636 ~~Conservation Commission; the executive director of a water~~  
1637 ~~management district as appointed by the Commissioner of~~  
1638 ~~Agriculture; the supervisor of the National Forests in Florida;~~  
1639 ~~the president of the Florida Fire Chief's Association; and the~~  
1640 ~~executive director of the Tall Timbers Research Station.~~

1641       (10) (a) Notwithstanding the provisions of s. 252.38, the  
1642 Florida Forest Service has exclusive authority to require and  
1643 issue authorizations for broadcast burning and agricultural and  
1644 silvicultural pile burning. An agency, commission, department,  
1645 county, municipality, or other political subdivision of the  
1646 state may not adopt or enforce laws, regulations, rules, or  
1647 policies pertaining to broadcast burning or agricultural and  
1648 silvicultural pile burning ~~unless an emergency order is declared~~  
1649 ~~in accordance with s. 252.38(3).~~

1650       (b) The Florida Forest Service may delegate to a county, ~~or~~  
1651 municipality, or special district its authority:  
1652

1652       1. As delegated by the Department of Environmental  
1653 Protection pursuant to ss. 403.061(28) and 403.081, to manage  
1654 and enforce regulations pertaining to ~~require and issue~~  
1655 ~~authorizations for the burning of yard trash and debris from~~  
1656 ~~land clearing operations~~ in accordance with s. 590.125(6).

1657       2. To manage the open burning of land clearing debris in  
1658 accordance with s. 590.125.

1659       Section 24. Subsection (1) of section 590.11, Florida



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1660 Statutes, is amended to read:

1661 590.11 Recreational fires.—

1662 (1) It is unlawful for any individual or group of  
1663 individuals to build a warming fire, bonfire, or campfire and  
1664 leave it unattended while visible flame, smoke, or emissions  
1665 exist unextinguished.

1666 Section 25. Subsections (1) and (2), paragraphs (b) and (c)  
1667 of subsection (3), and paragraph (a) of subsection (4) of  
1668 section 590.125, Florida Statutes, are amended to read:

1669 590.125 Open burning authorized by the Florida Forest  
1670 Service.—

1671 (1) DEFINITIONS.—As used in this section, the term:

1672 (a) "Certified pile burner" means an individual who  
1673 successfully completes the pile burning certification program of  
1674 the Florida Forest Service and possesses a valid pile burner  
1675 certification number.

1676 (b) "Certified pile burning" means a pile burn conducted in  
1677 accordance with a written pile burning plan by a certified pile  
1678 burner.

1679 (c) ~~(b)~~ "Certified prescribed burn manager" means an  
1680 individual who successfully completes the certified prescribed  
1681 burning program of the Florida Forest Service and possesses a  
1682 valid certification number.

1683 (d) "Certified prescribed burning" means prescribed burning  
1684 in accordance with a written prescription conducted by a  
1685 certified prescribed burn manager.

1686 (e) "Contained" means that fire and smoldering exist  
1687 entirely within established or natural firebreaks.

1688 (f) ~~(e)~~ "Completed" ~~"Extinguished"~~ means that for:



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1689           1. Broadcast burning, no continued lateral movement of fire  
1690 across the authorized area into entirely unburned fuels within  
1691 the authorized area ~~Wildland burning or certified prescribed~~  
1692 ~~burning, no spreading flames exist.~~

1693           2. Certified pile ~~Vegetative land-clearing debris~~ burning  
1694 or pile burning, no visible flames exist.

1695           3. Certified pile ~~Vegetative land-clearing debris~~ burning  
1696 or pile burning in an area designated as smoke sensitive by the  
1697 Florida Forest Service, no visible flames, smoke, or emissions  
1698 exist.

1699           (g) "Gross negligence" means conduct so reckless or wanting  
1700 in care that it constitutes a conscious disregard or  
1701 indifference to the life, safety, or rights of persons exposed  
1702 to such conduct.

1703           ~~(d) "Land-clearing operation" means the uprooting or~~  
1704 ~~clearing of vegetation in connection with the construction of~~  
1705 ~~buildings and rights-of-way, land development, and mineral~~  
1706 ~~operations. The term does not include the clearing of yard~~  
1707 ~~trash.~~

1708           (h)(e) "Pile burning" means the burning of silvicultural,  
1709 agricultural, or land-clearing, or and tree-cutting debris  
1710 originating onsite, which is stacked together in a round or  
1711 linear fashion, including, but not limited to, a windrow. Pile  
1712 burning authorized by the Florida Forest Service is a temporary  
1713 procedure, which operates on the same site for 6 months or less.

1714           (i) "Pile burn plan" means a written plan establishing the  
1715 method of conducting a certified pile burn.

1716           (j)(f) "Prescribed burning" means the controlled  
1717 application of fire by broadcast burning in accordance with a



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1718 ~~written prescription~~ for vegetative fuels under specified  
1719 environmental conditions, while following appropriate  
1720 ~~precautionary~~ measures to guard against the spread of fire  
1721 beyond that ensure that the fire is confined to a predetermined  
1722 area to accomplish the planned fire or land management  
1723 objectives.

1724 (k) (g) "Prescription" means a written plan establishing the  
1725 conditions and method for conducting ~~criteria necessary for~~  
1726 ~~starting, controlling, and extinguishing~~ a certified prescribed  
1727 burn.

1728 (l) "Smoldering" means the continued consumption of fuels,  
1729 which may emit flames and smoke, after a fire is contained.

1730 (m) (h) "Yard trash" means vegetative matter resulting from  
1731 landscaping and yard maintenance operations and other such  
1732 routine property cleanup activities. The term includes materials  
1733 such as leaves, shrub trimmings, grass clippings, brush, and  
1734 palm fronds.

1735 (2) NONCERTIFIED BURNING.—

1736 (a) Persons may be authorized to broadcast burn or pile  
1737 ~~burn wild land or vegetative land-clearing debris~~ in accordance  
1738 with this subsection if:

1739 1. There is specific consent of the landowner or his or her  
1740 designee;

1741 2. Authorization has been obtained from the Florida Forest  
1742 Service or its designated agent before starting the burn;

1743 3. There are adequate firebreaks at the burn site and  
1744 sufficient personnel and firefighting equipment for the  
1745 containment ~~control~~ of the fire;

1746 4. The fire remains within the boundary of the authorized



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1747 area;

1748 5. The person named responsible in the burn authorization  
1749 or a designee ~~An authorized person~~ is present at the burn site  
1750 until the fire is completed ~~extinguished~~;

1751 6. The Florida Forest Service does not cancel the  
1752 authorization; and

1753 7. The Florida Forest Service determines that air quality  
1754 and fire danger are favorable for safe burning.

1755 (b) A person who broadcast burns or pile burns ~~wild land or~~  
1756 ~~vegetative land clearing debris~~ in a manner that violates any  
1757 requirement of this subsection commits a misdemeanor of the  
1758 second degree, punishable as provided in s. 775.082 or s.  
1759 775.083.

1760 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
1761 PURPOSE.—

1762 (b) Certified prescribed burning pertains only to broadcast  
1763 burning for purposes of silviculture, wildland fire hazard  
1764 reduction, wildlife management, ecological maintenance and  
1765 restoration, and agriculture range and pasture management. It  
1766 must be conducted in accordance with this subsection and:

1767 1. May be accomplished only when a certified prescribed  
1768 burn manager is present on site with a copy of the prescription  
1769 and directly supervises the certified prescribed burn until the  
1770 burn is completed, after which the certified prescribed burn  
1771 manager is not required to be present ~~from ignition of the burn~~  
1772 ~~to its completion~~.

1773 2. Requires that a written prescription be prepared before  
1774 receiving authorization to burn from the Florida Forest Service.

1775 a. A new prescription or authorization is not required for



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1776 smoldering that occurs within the authorized burn area unless  
1777 new ignitions are conducted by the certified prescribed burn  
1778 manager.

1779 b. Monitoring the smoldering activity of a certified  
1780 prescribed burn does not require a prescription or an additional  
1781 authorization even if flames begin to spread within the  
1782 authorized burn area due to ongoing smoldering.

1783 3. Requires that the specific consent of the landowner or  
1784 his or her designee be obtained before requesting an  
1785 authorization.

1786 4. Requires that an authorization to burn be obtained from  
1787 the Florida Forest Service before igniting the burn.

1788 5. Requires that there be adequate firebreaks at the burn  
1789 site and sufficient personnel and firefighting equipment to  
1790 contain for the control of the fire within the authorized burn  
1791 area.

1792 a. Fire spreading outside the authorized burn area on the  
1793 day of the certified prescribed burn ignition does not  
1794 constitute conclusive proof of inadequate firebreaks,  
1795 insufficient personnel, or a lack of firefighting equipment.

1796 b. If the certified prescribed burn is contained within the  
1797 authorized burn area during the authorized period, a strong  
1798 rebuttable presumption shall exist that adequate firebreaks,  
1799 sufficient personnel, and sufficient firefighting equipment were  
1800 present.

1801 c. Continued smoldering of a certified prescribed burn  
1802 resulting in a subsequent wildfire does not by itself constitute  
1803 evidence of gross negligence under this section.

1804 6. Is considered to be in the public interest and does not





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1805 constitute a public or private nuisance when conducted under  
1806 applicable state air pollution statutes and rules.

1807 7. Is considered to be a property right of the property  
1808 owner if vegetative fuels are burned as required in this  
1809 subsection.

1810 (c) ~~Neither~~ A property owner or leaseholder, ~~nor~~ his or her  
1811 agent, contractor, or legally authorized designee is not liable  
1812 pursuant to s. 590.13 for damage or injury caused by the fire,  
1813 including the reignition of a smoldering, previously contained  
1814 burn, or resulting smoke or considered to be in violation of  
1815 subsection (2) for burns conducted in accordance with this  
1816 subsection, unless gross negligence is proven. The Florida  
1817 Forest Service is not liable for burns for which it issues  
1818 authorizations.

1819 (4) CERTIFIED PILE BURNING.—

1820 (a) Certified pile burning pertains to the disposal of  
1821 piled, naturally occurring debris from an agricultural,  
1822 silvicultural, ~~or temporary~~ land-clearing, or tree cutting  
1823 debris originating on site operation. A land-clearing operation  
1824 is temporary if it operates for 6 months or less. Certified pile  
1825 burning must be conducted in accordance with the following:

1826 1. A certified pile burner must ensure, before ignition,  
1827 that the piles are properly placed and that the content of the  
1828 piles is conducive to efficient burning.

1829 2. A certified pile burner must ensure that the authorized  
1830 burn is completed ~~piles are properly extinguished~~ no later than  
1831 1 hour after sunset. If the burn is conducted in an area  
1832 designated by the Florida Forest Service as smoke sensitive, a  
1833 certified pile burner must ensure that the authorized burn is



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1834 completed ~~piles are properly extinguished~~ at least 1 hour before  
1835 sunset.

1836 3. A written pile burning plan must be prepared before  
1837 receiving authorization from the Florida Forest Service to burn  
1838 and must be on site and available for inspection by a department  
1839 representative.

1840 4. The specific consent of the landowner or his or her  
1841 agent must be obtained before requesting authorization to burn.

1842 5. An authorization to burn must be obtained from the  
1843 Florida Forest Service or its designated agent before igniting  
1844 the burn.

1845 6. There must be adequate firebreaks and sufficient  
1846 personnel and firefighting equipment at the burn site to contain  
1847 the burn to the piles authorized ~~control the fire.~~

1848 Section 26. Section 590.25, Florida Statutes, is amended to  
1849 read:

1850 590.25 Penalty for ~~preventing or~~ obstructing the  
1851 prevention, detection, or suppression ~~extinguishment~~ of  
1852 wildfires.—Whoever interferes ~~shall interfere~~ with, obstructs  
1853 ~~obstruct~~ or commits ~~commit~~ any act aimed to obstruct the  
1854 prevention, detection, or suppression ~~extinguishment~~ of  
1855 wildfires by the employees of the Florida Forest Service or any  
1856 other person engaged in the prevention, detection, or  
1857 suppression ~~extinguishment~~ of a wildfire, or who damages or  
1858 destroys any equipment being used for such purpose, commits  
1859 ~~shall be guilty of~~ a felony of the third degree, punishable as  
1860 provided in s. 775.082, s. 775.083, or s. 775.084.

1861 Section 27. Chapter 595, Florida Statutes, is created,  
1862 shall consist of sections 595.401-595.701, Florida Statutes, and



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1863 shall be entitled "School Food and Nutrition Services."

1864 Section 28. Section 595.401, Florida Statutes, is created  
1865 to read:

1866 595.401 Short title.—This chapter may be cited as the  
1867 "Florida School Food and Nutrition Act."

1868 Section 29. Section 595.402, Florida Statutes, is created  
1869 to read:

1870 595.402 Definitions.—As used in this chapter, the term:

1871 (1) "Commissioner" means the Commissioner of Agriculture.

1872 (2) "Department" means the Department of Agriculture and  
1873 Consumer Services.

1874 (3) "Program" means any one or more of the school food and  
1875 nutrition service programs that the department has  
1876 responsibility over including, but not limited to, the National  
1877 School Lunch Program, the Special Milk Program, the School  
1878 Breakfast Program, the Summer Food Service Program, the Fresh  
1879 Fruit and Vegetable Program, and any other program that relates  
1880 to school nutrition.

1881 (4) "School district" means any of the 67 county school  
1882 districts, including the respective district school board.

1883 (5) "Sponsor" means any entity that is conducting a program  
1884 under a current agreement with the department.

1885 Section 30. Section 595.403, Florida Statutes, is created  
1886 to read:

1887 595.403 State policy.—The Legislature, in recognition of  
1888 the demonstrated relationship between good nutrition and the  
1889 capacity of students to develop and learn, declares that it is  
1890 the policy of the state to provide standards for school food and  
1891 nutrition services and to require each school district to



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1892 establish and maintain an appropriate school food and nutrition  
1893 service program consistent with the nutritional needs of  
1894 students. To implement that policy, the state shall provide  
1895 funds to meet the state National School Lunch Act matching  
1896 requirements. The funds provided shall be distributed in such a  
1897 manner as to comply with the requirements of the National School  
1898 Lunch Act.

1899 Section 31. Section 570.98, Florida Statutes, is  
1900 transferred, renumbered as section 595.404, Florida Statutes,  
1901 and amended to read:

1902 595.404 ~~570.98~~ School food and nutrition service program;  
1903 powers and duties of the department ~~programs.~~

1904 ~~(1)~~ The department has the following powers and duties:  
1905 ~~shall~~

1906 (1) To conduct, supervise, and administer the program ~~all~~  
1907 ~~school food and nutrition programs~~ that will be carried out  
1908 using federal or state funds, or funds from any other source.

1909 (2) To fully ~~The department shall~~ cooperate ~~fully~~ with the  
1910 United States Government and its agencies and instrumentalities  
1911 so that the department may receive the benefit of all federal  
1912 financial allotments and assistance possible to carry out the  
1913 purposes of this chapter.

1914 (3) To implement and adopt by rule, as required, federal  
1915 regulations to maximize federal assistance for the program. ~~The~~  
1916 ~~department may~~

1917 (4) To act as agent of, or contract with, the Federal  
1918 Government, another state agency, ~~or~~ any county or municipal  
1919 government, or sponsor for the administration of the program  
1920 ~~school food and nutrition programs~~, including the distribution



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1921 of funds provided by the Federal Government to support the  
1922 program school food and nutrition programs.

1923 (5) To make a reasonable effort to ensure that any school  
1924 designated as a "severe need school" receives the highest rate  
1925 of reimbursement to which it is entitled under 42 U.S.C. s. 1773  
1926 for each breakfast meal served.

1927 (6) To develop and propose legislation necessary to  
1928 implement the program, encourage the development of innovative  
1929 school food and nutrition services, and expand participation in  
1930 the program.

1931 (7) To annually allocate among the sponsors, as applicable,  
1932 funds provided from the school breakfast supplement in the  
1933 General Appropriations Act based on each district's total number  
1934 of free and reduced-price breakfast meals served.

1935 (8) To employ such persons as are necessary to perform its  
1936 duties under this chapter.

1937 (9) To adopt rules covering the administration, operation,  
1938 and enforcement of the program as well as to implement the  
1939 provisions of this chapter.

1940 (10) To adopt and implement an appeal process by rule, as  
1941 required by federal regulations, for applicants and participants  
1942 under the program, notwithstanding s. 120.569 and ss. 120.57-  
1943 120.595.

1944 (11) To assist, train, and review each sponsor in its  
1945 implementation of the program.

1946 (12) To advance funds from the program's annual  
1947 appropriation to sponsors, when requested, in order to implement  
1948 the provisions of this chapter and in accordance with federal  
1949 regulations.



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1950           Section 32. Subsections (1) through (5) of section 570.981,  
1951 Florida Statutes, are transferred, renumbered as section  
1952 595.405, Florida Statutes, and amended to read:

1953           595.405 ~~570.981~~ Program requirements for school districts  
1954 and sponsors food service programs.-

1955           ~~(1) In recognition of the demonstrated relationship between~~  
1956 ~~good nutrition and the capacity of students to develop and~~  
1957 ~~learn, it is the policy of the state to provide standards for~~  
1958 ~~school food service and to require district school boards to~~  
1959 ~~establish and maintain an appropriate private school food~~  
1960 ~~service program consistent with the nutritional needs of~~  
1961 ~~students.~~

1962           ~~(2) The department shall adopt rules covering the~~  
1963 ~~administration and operation of the school food service~~  
1964 ~~programs.~~

1965           ~~(1)(3)~~ Each school district ~~school board~~ shall consider the  
1966 recommendations of the district school superintendent and adopt  
1967 policies to provide for an appropriate food and nutrition  
1968 service program for students consistent with federal law and  
1969 department rules ~~rule~~.

1970           ~~(4) The state shall provide the state National School Lunch~~  
1971 ~~Act matching requirements. The funds provided shall be~~  
1972 ~~distributed in such a manner as to comply with the requirements~~  
1973 ~~of the National School Lunch Act.~~

1974           ~~(2)(5)(a)~~ Each school district ~~school board~~ shall implement  
1975 school breakfast programs that make breakfast meals available to  
1976 all students in each elementary school. Universal school  
1977 breakfast programs shall be offered in schools in which 80  
1978 percent or more of the students are eligible for free or



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1979 reduced-price meals. Each school shall, to the maximum extent  
1980 practicable, make breakfast meals available to students at an  
1981 alternative site location, which may include, but need not be  
1982 limited to, alternative breakfast options as described in  
1983 publications of the Food and Nutrition Service of the United  
1984 States Department of Agriculture for the federal School  
1985 Breakfast Program.

1986 (3) ~~(b)~~ Each school district must annually set prices for  
1987 breakfast meals at rates that, combined with federal  
1988 reimbursements and state allocations, are sufficient to defray  
1989 costs of school breakfast programs without requiring allocations  
1990 from the district's operating funds, except if the district  
1991 school board approves lower rates.

1992 (4) ~~(e)~~ Each school district ~~school board~~ is encouraged to  
1993 provide universal-free school breakfast meals to all students in  
1994 each elementary, middle, and high school. Each school district  
1995 ~~school board~~ shall approve or disapprove a policy, after  
1996 receiving public testimony concerning the proposed policy at two  
1997 or more regular meetings, which makes universal-free school  
1998 breakfast meals available to all students in each elementary,  
1999 middle, and high school in which 80 percent or more of the  
2000 students are eligible for free or reduced-price meals.

2001 (5) ~~(d)~~ Each elementary, middle, and high school shall make  
2002 a breakfast meal available if a student arrives at school on the  
2003 ~~school~~ bus less than 15 minutes before the first bell rings and  
2004 shall allow the student at least 15 minutes to eat the  
2005 breakfast.

2006 (6) ~~(e)~~ Each school district shall annually provide to all  
2007 students in each elementary, middle, and high school information



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2008 prepared by the district's food service administration regarding  
2009 its school breakfast programs. The information shall be  
2010 communicated through school announcements and written notices  
2011 ~~notice~~ sent to all parents.

2012 (7) ~~(f)~~ A school district ~~school board~~ may operate a  
2013 breakfast program providing for food preparation at the school  
2014 site or in central locations with distribution to designated  
2015 satellite schools or any combination thereof.

2016 (8) Each sponsor shall complete all corrective action plans  
2017 required by the department or a federal agency to be in  
2018 compliance with the program.

2019 ~~(g) The commissioner shall make every reasonable effort to~~  
2020 ~~ensure that any school designated as a "severe need school"~~  
2021 ~~receives the highest rate of reimbursement to which it is~~  
2022 ~~entitled under 42 U.S.C. s. 1773 for each breakfast meal served.~~

2023 ~~(h) The department shall annually allocate among the school~~  
2024 ~~districts funds provided from the school breakfast supplement in~~  
2025 ~~the General Appropriations Act based on each district's total~~  
2026 ~~number of free and reduced-price breakfast meals served.~~

2027 Section 33. Subsection (6) of section 570.981, Florida  
2028 Statutes, is transferred, renumbered as section 595.406, Florida  
2029 Statutes, and amended to read:

2030 595.406 ~~570.981~~ Florida Farm Fresh Schools Program ~~School~~  
2031 ~~food service programs.-~~

2032 ~~(6) The Legislature, recognizing that school children need~~  
2033 ~~nutritious food not only for healthy physical and intellectual~~  
2034 ~~development but also to combat diseases related to poor~~  
2035 ~~nutrition and obesity, establishes the Florida Farm Fresh~~  
2036 ~~Schools Program within the department. The program shall comply~~





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2037 ~~with the regulations of the National School Lunch Program and~~  
2038 ~~require:~~

2039 (1)(a) In order to implement the Florida Farm Fresh Schools  
2040 Program, the department shall ~~to~~ develop policies pertaining to  
2041 school food services which encourage:

2042 (a)1. Sponsors ~~School districts~~ to buy fresh and high-  
2043 quality foods grown in this state when feasible.

2044 (b)2. Farmers in this state to sell their products to  
2045 sponsors, school districts, and schools.

2046 (c)3. Sponsors ~~School districts and schools~~ to demonstrate  
2047 a preference for competitively priced organic food products.

2048 (d)(b) Sponsors ~~School districts and schools~~ to make  
2049 reasonable efforts to select foods based on a preference for  
2050 those that have maximum nutritional content.

2051 (2)(c) The department shall ~~to~~ provide outreach, guidance,  
2052 and training to sponsors ~~school districts,~~ schools, school food  
2053 service directors, parent and teacher organizations, and  
2054 students about the benefit ~~benefits~~ of fresh food products from  
2055 farms in this state.

2056 Section 34. Section 570.982, Florida Statutes, is  
2057 transferred, renumbered as section 595.407, Florida Statutes,  
2058 and amended to read:

2059 595.407 ~~570.982~~ Children's summer nutrition program.—

2060 (1) This section may be cited as the "Ms. Willie Ann Glenn  
2061 Act."

2062 (2) Each school district ~~school board~~ shall develop a plan  
2063 to sponsor a summer nutrition program to operate sites in the  
2064 school district as follows:

2065 (a) Within 5 miles of at least one elementary school at



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2066 which 50 percent or more of the students are eligible for free  
2067 or reduced-price school meals and for the duration of 35  
2068 consecutive days. ~~and~~

2069 (b) ~~Except as operated pursuant to paragraph (a),~~ Within 10  
2070 miles of each elementary school at which 50 percent or more of  
2071 the students are eligible for free or reduced-price school  
2072 meals, except as operated pursuant to paragraph (a).

2073 (3) (a) A school district ~~school board~~ may be exempt from  
2074 sponsoring a summer nutrition program pursuant to this section.  
2075 A school district ~~school board~~ seeking such exemption must  
2076 include the issue on an agenda at a regular or special school  
2077 district ~~school board~~ meeting that is publicly noticed, provide  
2078 residents an opportunity to participate in the discussion, and  
2079 vote on whether to be exempt from this section. The school  
2080 district ~~school board~~ shall notify the department commissioner  
2081 within 10 days after it decides to become exempt from this  
2082 section.

2083 (b) Each year, the school district ~~school board~~ shall  
2084 reconsider its decision to be exempt from the provisions of this  
2085 section and shall vote on whether to continue the exemption from  
2086 sponsoring a summer nutrition program. The school district  
2087 ~~school board~~ shall notify the department commissioner within 10  
2088 days after each subsequent year's decision to continue the  
2089 exemption.

2090 (c) If a school district ~~school board~~ elects to be exempt  
2091 from sponsoring a summer nutrition program under this section,  
2092 the school district ~~school board~~ may encourage not-for-profit  
2093 entities to sponsor the program. If a not-for-profit entity  
2094 chooses to sponsor the summer nutrition program but fails to



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2095 perform with regard to the program, ~~the district school board,~~  
2096 the school district, and the department are not required to  
2097 continue the program and shall be held harmless from any  
2098 liability arising from the discontinuation of the summer  
2099 nutrition program.

2100 (4) The superintendent of schools may collaborate with  
2101 municipal and county governmental agencies and private, not-for-  
2102 profit leaders in implementing the plan. Although schools have  
2103 proven to be the optimal site for a summer nutrition program,  
2104 any not-for-profit entity may serve as a site or sponsor. By  
2105 April 15 of each year, each school district with a summer  
2106 nutrition program shall report to the department the district's  
2107 summer nutrition program sites in compliance with this section.

2108 (5) The department shall provide to each school district  
2109 ~~school board~~ by February 15 of each year a list of local  
2110 organizations that have filed letters of intent to participate  
2111 in the summer nutrition program in order that a school district  
2112 may ~~school board is able to~~ determine how many sites are needed  
2113 to serve the children and where to place each site.

2114 Section 35. Section 570.072, Florida Statutes, is  
2115 transferred and renumbered as section 595.408, Florida Statutes.

2116 Section 36. Section 595.501, Florida Statutes, is created  
2117 to read:

2118 595.501 Penalties.—Any person, sponsor, or school district  
2119 that violates any provision of this chapter or any rule adopted  
2120 thereunder or otherwise does not comply with the program is  
2121 subject to a suspension or revocation of their agreement, loss  
2122 of reimbursement, or a financial penalty in accordance with  
2123 federal or state law or both. This section does not restrict the



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2124 applicability of any other law.

2125 Section 37. Section 570.983, Florida Statutes, is  
2126 transferred, renumbered as section 595.601, Florida Statutes,  
2127 and amended to read:

2128 595.601 ~~570.983~~ Food and Nutrition Services Trust Fund.—  
2129 Chapter 99-37, Laws of Florida, recreated the Food and Nutrition  
2130 Services Trust Fund to record revenue and disbursements of  
2131 Federal Food and Nutrition funds received by the department as  
2132 authorized in s. 595.405 ~~570.981~~.

2133 Section 38. Section 570.984, Florida Statutes, is  
2134 transferred and renumbered as section 595.701, Florida Statutes,  
2135 to read:

2136 595.701 ~~570.984~~ Healthy Schools for Healthy Lives Council.—

2137 (1) There is created within the Department of Agriculture  
2138 and Consumer Services the Healthy Schools for Healthy Lives  
2139 Council, which shall consist of 11 members appointed by the  
2140 Commissioner of Agriculture. The council shall advise the  
2141 department on matters relating to nutritional standards and the  
2142 prevention of childhood obesity, nutrition education,  
2143 anaphylaxis, and other needs to further the development of the  
2144 various school nutrition programs.

2145 (2) The meetings, powers, duties, procedures, and  
2146 recordkeeping of the Healthy Schools for Healthy Lives Council  
2147 shall be governed by s. 570.0705, relating to advisory  
2148 committees established within the department.

2149 Section 39. Subsection (16) of section 1001.42, Florida  
2150 Statutes, is amended to read:

2151 1001.42 Powers and duties of district school board.—The  
2152 district school board, acting as a board, shall exercise all



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2153 powers and perform all duties listed below:

2154 (16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities and  
2155 exercise such powers and perform such duties as may be assigned  
2156 to it by law or as may be required by rules of the Department of  
2157 Agriculture and Consumer Services ~~State Board of Education~~ or,  
2158 as in the opinion of the district school board, are necessary to  
2159 ensure school lunch services, consistent with needs of students;  
2160 effective and efficient operation of the program; and the proper  
2161 articulation of the school lunch program with other phases of  
2162 education in the district.

2163 Section 40. Subsection (1) of section 1003.453, Florida  
2164 Statutes, is amended to read:

2165 1003.453 School wellness and physical education policies;  
2166 nutrition guidelines.—

2167 (1) Each school district shall electronically submit ~~to the~~  
2168 ~~Department of Education a copy of its~~ local school wellness  
2169 policy to the Department of Agriculture and Consumer Services ~~as~~  
2170 ~~required by the Child Nutrition and WIC Reauthorization Act of~~  
2171 ~~2004 and a copy of its~~ physical education policy required under  
2172 s. 1003.455 to the Department of Education. Each school district  
2173 shall annually review its local school wellness policy and  
2174 physical education policy and provide a procedure for public  
2175 input and revisions. In addition, each school district shall  
2176 provide its revised local school ~~send an updated copy of its~~  
2177 wellness policy and revised physical education policy to the  
2178 applicable department ~~and to the Department of Agriculture and~~  
2179 ~~Consumer Services~~ when a change or revision is made.

2180 Section 41. Sections 487.0615, 570.382, 570.97, and 590.50,  
2181 Florida Statutes, are repealed.



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2182           Section 42. Subsection (5) of section 487.041, Florida  
2183 Statutes, is amended to read:

2184           487.041 Registration.—

2185           ~~(5) The department shall provide summary information to the~~  
2186 ~~Pesticide Review Council regarding applications for registration~~  
2187 ~~of those pesticides for which data received in the registration~~  
2188 ~~process indicate that the pesticide, when used according to~~  
2189 ~~label instructions and precautions, may have a significant~~  
2190 ~~potential for adverse effects on human health or the~~  
2191 ~~environment. The council shall be kept apprised of the status of~~  
2192 ~~these applications while under review and of the final action by~~  
2193 ~~the Commissioner of Agriculture regarding the registration of~~  
2194 ~~these pesticides.~~

2195           Section 43. Paragraph (b) of subsection (8) of section  
2196 550.2625, Florida Statutes, is amended to read:

2197           550.2625 Horseracing; minimum purse requirement, Florida  
2198 breeders' and owners' awards.—

2199           (8)

2200           ~~(b) The division shall deposit these collections to the~~  
2201 ~~credit of the General Inspection Trust Fund in a special account~~  
2202 ~~to be known as the "Florida Arabian Horse Racing Promotion~~  
2203 ~~Account." The Department of Agriculture and Consumer Services~~  
2204 ~~shall administer the funds and adopt suitable and reasonable~~  
2205 ~~rules for the administration thereof. The moneys in the Florida~~  
2206 ~~Arabian Horse Racing Promotion Account shall be allocated solely~~  
2207 ~~for supplementing and augmenting purses and prizes and for the~~  
2208 ~~general promotion of owning and breeding of racing Arabian~~  
2209 ~~horses in this state; and the moneys may not be used to defray~~  
2210 ~~any expense of the Department of Agriculture and Consumer~~



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2211 ~~Services in the administration of this chapter, except that the~~  
2212 ~~moneys generated by Arabian horse registration fees received~~  
2213 ~~pursuant to s. 570.382 may be used as provided in paragraph~~  
2214 ~~(5)(b) of that section.~~

2215 Section 44. Paragraphs (b) and (c) of subsection (2) of  
2216 section 550.2633, Florida Statutes, are amended to read:

2217 550.2633 Horseracing; distribution of abandoned interest in  
2218 or contributions to pari-mutuel pools.—

2219 (2) All moneys or other property which has escheated to and  
2220 become the property of the state as provided herein and which is  
2221 held by a permitholder authorized to conduct pari-mutuel pools  
2222 in this state shall be paid annually by the permitholder to the  
2223 recipient designated in this subsection within 60 days after the  
2224 close of the race meeting of the permitholder. Section 550.1645  
2225 notwithstanding, the moneys shall be paid by the permitholder as  
2226 follows:

2227 (b) ~~Except as provided in paragraph (c),~~ Funds from quarter  
2228 horse races shall be paid to the Florida Quarter Horse Breeders  
2229 and Owners Association and shall be allocated solely for  
2230 supplementing and augmenting purses and prizes and for the  
2231 general promotion of owning and breeding of racing quarter  
2232 horses in this state, as provided for in s. 550.2625.

2233 ~~(c) Funds for Arabian horse races conducted under a quarter~~  
2234 ~~horse racing permit shall be deposited into the General~~  
2235 ~~Inspection Trust Fund in a special account to be known as the~~  
2236 ~~"Florida Arabian Horse Racing Promotion Account" and shall be~~  
2237 ~~used for the payment of breeders' awards and stallion awards as~~  
2238 ~~provided for in s. 570.382.~~

2239 Section 45. In order to effectuate the repeal of s. 570.97,



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2240 Florida Statutes, and to honor the wishes of the donor, for the  
2241 2013-2014 fiscal year, the sum of \$59,239 in nonrecurring funds  
2242 is appropriated to the Department of Agriculture and Consumer  
2243 Services in the expenses appropriation category for deposit in  
2244 the General Inspection Trust Fund to be used by the Division of  
2245 Animal Industry for disbursement to Florida Animal Friend, Inc.  
2246       Section 46. This act shall take effect upon becoming a law.