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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2013	.	
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The Committee on Appropriations (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the
Division of State Lands a land management plan at least every 10
years in a form and manner prescribed by rule by the board and
in accordance with the provisions of s. 259.032. Each manager of
conservation lands shall also update a land management plan



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13 whenever the manager proposes to add new facilities or make
14 substantive land use or management changes that were not
15 addressed in the approved plan, or within 1 year of the addition
16 of significant new lands. Each manager of nonconservation lands
17 shall submit to the Division of State Lands a land use plan at
18 least every 10 years in a form and manner prescribed by rule by
19 the board. The division shall review each plan for compliance
20 with the requirements of this subsection and the requirements of
21 the rules established by the board pursuant to this section. All
22 land use plans, whether for single-use or multiple-use
23 properties, shall include an analysis of the property to
24 determine if any significant natural or cultural resources are
25 located on the property. Such resources include archaeological
26 and historic sites, state and federally listed plant and animal
27 species, and imperiled natural communities and unique natural
28 features. If such resources occur on the property, the manager
29 shall consult with the Division of State Lands and other
30 appropriate agencies to develop management strategies to protect
31 such resources. Land use plans shall also provide for the
32 control of invasive nonnative plants and conservation of soil
33 and water resources, including a description of how the manager
34 plans to control and prevent soil erosion and soil or water
35 contamination. Land use plans submitted by a manager shall
36 include reference to appropriate statutory authority for such
37 use or uses and shall conform to the appropriate policies and
38 guidelines of the state land management plan. Plans for managed
39 areas larger than 1,000 acres shall contain an analysis of the
40 multiple-use potential of the property, which analysis shall
41 include the potential of the property to generate revenues to



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42 enhance the management of the property. Additionally, the plan
43 shall contain an analysis of the potential use of private land
44 managers to facilitate the restoration or management of these
45 lands. In those cases where a newly acquired property has a
46 valid conservation plan that was developed by a soil and
47 conservation district, such plan shall be used to guide
48 management of the property until a formal land use plan is
49 completed.

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

52 Section 2. Subsections (3), (4), and (5) of section
53 259.1052, Florida Statutes, are amended to read:

54 259.1052 Babcock Crescent B Ranch Florida Forever
55 acquisition; conditions for purchase.-

56 (3) The Legislature recognizes that the acquisition of the
57 state's portion of the Babcock Crescent B Ranch represents a
58 unique opportunity to assist in preserving the largest private
59 and undeveloped single-ownership tract of land in Charlotte
60 County. The Legislature further recognizes Lee County as a
61 partner in the acquisition of the ranch. Upon the termination or
62 expiration of the management agreement, Lee County will retain
63 ownership and assume responsibility for management of the Lee
64 County portion of the acquisition. Lee County and the lead
65 manager may enter into an agreement for management of the Lee
66 County property.

67 (4) This section authorizes the acquisition of the state's
68 portion of the Babcock Crescent B Ranch in order to protect and
69 preserve for future generations the scientific, scenic,
70 historic, and natural values of the ranch, including rivers and



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71 ecosystems; to protect and preserve the archaeological,
72 geological, and cultural resources of the ranch; to provide for
73 species recovery; and to provide opportunities for public
74 recreation compatible with the working ranch and agricultural
75 activities conducted on the property.

76 (5) The Florida Forest Service of ~~Fish and Wildlife~~
77 Conservation Commission and the Department of Agriculture and
78 Consumer Services shall, with the cooperation of the Fish and
79 Wildlife Conservation Commission, be the lead managing agency
80 agencies responsible for the management of Babcock Crescent B
81 Ranch.

82 Section 3. Subsection (1), paragraph (a) of subsection (2),
83 and paragraph (a) of subsection (3) of section 259.10521,
84 Florida Statutes, are amended to read:

85 259.10521 Citizen support organization; use of property.—

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

88 (a) A Florida corporation not for profit incorporated under
89 the provisions of chapter 617 and approved by the Department of
90 State;

91 (b) Organized and operated to conduct programs and
92 activities in the best interest of the state; raise funds;
93 request and receive grants, gifts, and bequests of money;
94 acquire, receive, hold, invest, and administer, in its own name,
95 securities, funds, objects of value, or other property, real or
96 personal; and make expenditures to or for the direct or indirect
97 benefit of the Babcock ~~Crescent B Ranch~~ Preserve;

98 (c) Determined by the Fish and Wildlife Conservation
99 Commission and the Florida Forest Service within the Department



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100 of Agriculture and Consumer Services to be consistent with the
101 goals of the state in acquiring the ranch and in the best
102 interests of the state; and

103 (d) Approved in writing by the Fish and Wildlife
104 Conservation Commission and the Florida Forest Service to
105 operate for the direct or indirect benefit of the ranch and in
106 the best interest of the state. Such approval shall be given in
107 a letter of agreement from the Fish and Wildlife Conservation
108 Commission and the Florida Forest Service. Only one citizen
109 support organization may be created to operate for the direct or
110 indirect benefit of the Babcock ~~Crescent~~ Ranch Preserve.

111 (2) USE OF PROPERTY.—

112 (a) The Fish and Wildlife Conservation Commission and the
113 Florida Forest Service may permit, without charge, appropriate
114 use of fixed property and facilities of the Babcock ~~Crescent~~
115 Ranch Preserve by a citizen support organization, subject to the
116 provisions of this section. Such use must be directly in keeping
117 with the approved purposes of the citizen support organization
118 and may not be made at times or places that would unreasonably
119 interfere with recreational opportunities for the general
120 public.

121 (3) PARTNERSHIPS.—

122 (a) The Legislature recognizes that the Babcock ~~Crescent~~
123 Ranch Preserve will need a variety of facilities to enhance its
124 public use and potential. Such facilities include, but are not
125 limited to, improved access, camping areas, picnic shelters,
126 management facilities, and environmental education facilities.
127 The need for such facilities may exceed the ability of the state
128 to provide such facilities in a timely manner with moneys



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129 available. The Legislature finds it to be in the public interest
130 to provide incentives for partnerships with private
131 organizations with the intent of producing additional revenue to
132 help enhance the use and potential of the ranch.

133 Section 4. Section 259.1053, Florida Statutes, is amended
134 to read:

135 259.1053 Babcock Ranch Preserve; ~~Babcock Ranch, Inc.;~~
136 ~~creation; membership; organization; meetings.~~—

137 (1) SHORT TITLE.—This section may be cited as the “Babcock
138 Ranch Preserve Act.”

139 (2) DEFINITIONS.—As used in this section, the term:

140 (a) “Babcock Ranch Preserve” and “preserve” mean the lands
141 and facilities acquired in the purchase of the Babcock Crescent
142 B Ranch, as provided in s. 259.1052.

143 ~~(b) “Babcock Ranch, Inc.,” and “corporation” mean the not-~~
144 ~~for-profit corporation created under this section to operate and~~
145 ~~manage the Babcock Ranch Preserve as a working ranch.~~

146 ~~(c) “Board of directors” means the governing board of the~~
147 ~~not-for-profit corporation created under this section.~~

148 ~~(b)~~ (d) “Commission” means the Fish and Wildlife
149 Conservation Commission.

150 ~~(c)~~ (e) “Commissioner” means the Commissioner of
151 Agriculture.

152 ~~(d)~~ (f) “Department” means the Department of Agriculture and
153 Consumer Services.

154 ~~(e)~~ (g) “Executive director” means the Executive Director of
155 the Fish and Wildlife Conservation Commission.

156 ~~(f)~~ (h) “Financially self-sustaining” means having
157 management and operation expenditures not more than the revenues



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158 collected from fees and other receipts for resource use and
159 development and from interest and invested funds.

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

162 ~~(i) "Management and operating expenditures" means expenses~~
163 ~~of the corporation, including, but not limited to, salaries and~~
164 ~~benefits of officers and staff, administrative and operating~~
165 ~~expenses, costs of improvements to and maintenance of lands and~~
166 ~~facilities of the Babcock Ranch Preserve, and other similar~~
167 ~~expenses. Such expenditures shall be made from revenues~~
168 ~~generated from the operation of the ranch and not from funds~~
169 ~~appropriated by the Legislature except as provided in this~~
170 ~~section.~~

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

174 (h) (k) "Multiple use" means the management of all of the
175 renewable surface resources of the Babcock Ranch Preserve to
176 best meet the needs of the public, including the use of the land
177 for some or all of the renewable surface resources or related
178 services over areas large enough to allow for periodic
179 adjustments in use to conform to the changing needs and
180 conditions of the preserve while recognizing that a portion of
181 the land will be used for some of the renewable surface
182 resources available on that land. The goal of multiple use is
183 the harmonious and coordinated management of the renewable
184 surface resources without impairing the productivity of the land
185 and considering the relative value of the renewable surface
186 resources, and not necessarily a combination of uses to provide



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187 the greatest monetary return or the greatest unit output.

188 (i)~~(1)~~ "Sustained yield of the renewable surface resources"
189 means the achievement and maintenance of a high level of annual
190 or regular periodic output of the various renewable surface
191 resources of the preserve without impairing the productivity of
192 the land.

193 (3) CREATION OF BABCOCK RANCH PRESERVE.—

194 (a) Upon the date of acquisition of the Babcock Crescent B
195 Ranch, there is created the Babcock Ranch Preserve, which shall
196 be managed in accordance with the purposes and requirements of
197 this section.

198 (b) The preserve is established to protect and preserve the
199 environmental, agricultural, scientific, scenic, geologic,
200 watershed, fish, wildlife, historic, cultural, and recreational
201 values of the preserve, and to provide for the multiple use and
202 sustained yield of the renewable surface resources within the
203 preserve consistent with this section.

204 ~~(c) Babcock Ranch, Inc., and its officers and employees~~
205 ~~shall participate in the management of the Babcock Ranch~~
206 ~~Preserve in an advisory capacity only until the management~~
207 ~~agreement referenced in paragraph (11)(a) is terminated or~~
208 ~~expires.~~

209 (c)~~(d)~~ Nothing in This section does not shall preclude
210 ~~Babcock Ranch, Inc., prior to assuming management and operation~~
211 ~~of the preserve and thereafter, from allowing~~ the use of common
212 varieties of mineral materials such as sand, stone, and gravel
213 for construction and maintenance of roads and facilities within
214 the preserve.

215 (d)~~(e)~~ Nothing in This section does not affect shall be



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216 ~~construed as affecting~~ the constitutional responsibilities of
217 the commission in the exercise of its regulatory and executive
218 power with respect to wild animal life and freshwater aquatic
219 life, including the regulation of hunting, fishing, and trapping
220 within the preserve.

221 ~~(e)-(f) Nothing in This section does not shall be construed~~
222 ~~to interfere with or prevent the implementation of ability of~~
223 ~~Babcock Ranch, Inc., to implement~~ agricultural practices
224 authorized by the agricultural land use designations established
225 in the local comprehensive plans of either Charlotte County or
226 Lee County as those plans apply to the Babcock Ranch Preserve.

227 ~~(g) To clarify the responsibilities of the lead managing~~
228 ~~agencies and the not for profit corporation created under this~~
229 ~~section, the lead managing agencies are directed to establish a~~
230 ~~range of resource protection values for the Babcock Ranch~~
231 ~~Preserve, and the corporation shall establish operational~~
232 ~~parameters to conduct the business of the ranch within the range~~
233 ~~of values. The corporation shall establish a range of~~
234 ~~operational values for conducting the business of the ranch, and~~
235 ~~the lead managing agencies providing ground support to the ranch~~
236 ~~outside of each agency's jurisdictional responsibilities shall~~
237 ~~establish management parameters within that range of values.~~

238 ~~(f)-(h) Nothing in This section does not shall~~ preclude the
239 maintenance and use of roads and trails or the relocation of
240 roads in existence on the effective date of this section, or the
241 construction, maintenance, and use of new trails, or any
242 motorized access necessary for the administration of the land
243 contained within the preserve, including motorized access
244 necessary for emergencies involving the health or safety of



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245 persons within the preserve.

246 ~~(i) The Division of State Lands of the Department of~~
247 ~~Environmental Protection shall perform staff duties and~~
248 ~~functions for Babcock Ranch, Inc., the not-for-profit~~
249 ~~corporation created under this section, until such time as the~~
250 ~~corporation organizes to elect officers, file articles of~~
251 ~~incorporation, and exercise its powers and duties.~~

252 (4) ~~CREATION OF BABCOCK RANCH ADVISORY GROUP, INC.~~—

253 (a) The purpose of the Babcock Ranch Advisory Group is to
254 assist the department by providing guidance and advice
255 concerning the management and stewardship of the Babcock Ranch
256 Preserve.

257 (b) The commissioner shall, with advice from the Governor
258 and Cabinet, the Fish and Wildlife Conservation Commission, and
259 Charlotte and Lee Counties, appoint nine members to 5-year terms
260 as follows:

261 1. One member who has experience in sustainable management
262 of forest lands for commodity purposes.

263 2. One member who has experience in financial management,
264 budget and program analysis, and small business operations.

265 3. One member who has experience in the management of game
266 and nongame wildlife and fish populations, including hunting,
267 fishing, and other recreational activities.

268 4. One member who has experience in domesticated livestock
269 management, production, and marketing, including range
270 management and livestock business management.

271 5. One member who has experience in agriculture operations
272 or forestry management.

273 6. One member who has experience in hunting, fishing,



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274 nongame species management, or wildlife habitat management,
275 restoration, and conservation.

276 7. One member who has experience in public outreach and
277 education.

278 8. One member who is a resident of Lee County, to be
279 appointed by the Lee County Board of County Commissioners.

280 9. One member who is a resident of Charlotte County and
281 active in an organization involved with the activities of the
282 ranch.

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284 Vacancies will be filled in the same manner that the original
285 appointment was made. A member appointed to fill a vacancy shall
286 serve for the remainder of that term.

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

288 1. Elect a chair and vice chair from among the group
289 members.

290 2. Meet regularly as determined by the chair.

291 3. Serve without compensation, but with reimbursement for
292 travel and per diem expenses.

293 ~~(a) Subject to filing articles of incorporation, there is~~
294 ~~created a not-for-profit corporation, to be known as Babcock~~
295 ~~Ranch, Inc., which shall be registered, incorporated, organized,~~
296 ~~and operated in compliance with the provisions of chapter 617,~~
297 ~~and which shall not be a unit or entity of state government. For~~
298 ~~purposes of sovereign immunity, the corporation shall be a~~
299 ~~corporation primarily acting as an instrumentality of the state~~
300 ~~but otherwise shall not be an agency within the meaning of s.~~
301 ~~20.03(11) or a unit or entity of state government.~~

302 ~~(b) The corporation is organized on a nonstock basis and~~



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303 ~~shall operate in a manner consistent with its public purpose and~~
304 ~~in the best interest of the state.~~

305 ~~(c) Meetings and records of the corporation, its directors,~~
306 ~~advisory committees, or similar groups created by the~~
307 ~~corporation, including any not-for-profit subsidiaries, are~~
308 ~~subject to the public records provisions of chapter 119 and the~~
309 ~~public meetings and records provisions of s. 286.011.~~

310 ~~(5) APPLICABILITY OF SECTION.—In any conflict between a~~
311 ~~provision of this section and a provision of chapter 617, the~~
312 ~~provisions of this section shall prevail.~~

313 ~~(6) PURPOSE.—The purpose of Babcock Ranch, Inc., is to~~
314 ~~provide management and administrative services for the preserve,~~
315 ~~to establish and implement management policies that will achieve~~
316 ~~the purposes and requirements of this section, to cooperate with~~
317 ~~state agencies to further the purposes of the preserve, and to~~
318 ~~establish the administrative and accounting procedures for the~~
319 ~~operation of the corporation.~~

320 ~~(7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.—The corporation~~
321 ~~shall be governed by a nine-member board of directors who shall~~
322 ~~be appointed by the Board of Trustees of the Internal~~
323 ~~Improvement Trust Fund; the executive director of the~~
324 ~~commission; the Commissioner of Agriculture; the Babcock Florida~~
325 ~~Company, a corporation registered to do business in the state,~~
326 ~~or its successors or assigns; the Charlotte County Board of~~
327 ~~County Commissioners; and the Lee County Board of County~~
328 ~~Commissioners in the following manner:~~

329 ~~(a)1. The Board of Trustees of the Internal Improvement~~
330 ~~Trust Fund shall appoint four members. One appointee shall have~~
331 ~~expertise in domesticated livestock management, production, and~~



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332 ~~marketing, including range management and livestock business~~
333 ~~management. One appointee shall have expertise in the management~~
334 ~~of game and nongame wildlife and fish populations, including~~
335 ~~hunting, fishing, and other recreational activities. One~~
336 ~~appointee shall have expertise in the sustainable management of~~
337 ~~forest lands for commodity purposes. One appointee shall have~~
338 ~~expertise in financial management, budget and program analysis,~~
339 ~~and small business operations.~~

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

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

345 ~~4. The Babcock Florida Company, or its successors or~~
346 ~~assigns, shall appoint one member with expertise in the~~
347 ~~activities and management of the Babcock Ranch on the date of~~
348 ~~acquisition of the ranch by the state as provided under s.~~
349 ~~259.1052. This appointee shall serve on the board of directors~~
350 ~~only until the termination of or expiration of the management~~
351 ~~agreement attached as Exhibit "E" to that certain Agreement for~~
352 ~~Sale and Purchase approved by the Board of Trustees of the~~
353 ~~Internal Improvement Trust Fund on November 22, 2005, and by Lee~~
354 ~~County, a political subdivision of the state, on November 20,~~
355 ~~2005. Upon termination of or expiration of the management~~
356 ~~agreement, the person serving as the head of the property~~
357 ~~owners' association, if any, required to be created under the~~
358 ~~agreement for sale and purchase shall serve as a member of the~~
359 ~~board of directors of Babcock Ranch, Inc.~~

360 ~~5. The Charlotte County Board of County Commissioners shall~~



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361 ~~appoint one member who shall be a resident of the county and who~~
362 ~~shall be active in an organization concerned with the activities~~
363 ~~of the ranch.~~

364 ~~6. The Lee County Board of County Commissioners shall~~
365 ~~appoint one member who shall be a resident of the county and who~~
366 ~~shall have experience in land conservation and management. This~~
367 ~~appointee, or a successor appointee, shall serve as a member of~~
368 ~~the board of directors so long as the county participates in the~~
369 ~~state land management plan.~~

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

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

376 ~~2. The remaining initial five appointees shall each serve a~~
377 ~~2-year term.~~

378 ~~3. Each member appointed thereafter shall serve a 4-year~~
379 ~~term.~~

380 ~~4. A vacancy shall be filled in the same manner in which~~
381 ~~the original appointment was made, and a member appointed to~~
382 ~~fill a vacancy shall serve for the remainder of that term.~~

383 ~~5. No member may serve more than 8 years in consecutive~~
384 ~~terms.~~

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

389 ~~(d) No member shall vote in an official capacity upon any~~



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390 ~~measure that would inure to his or her special private gain or~~
391 ~~loss, that he or she knows would inure to the special private~~
392 ~~gain or loss of any principal by whom he or she is retained or~~
393 ~~to the parent organization or subsidiary of a principal by which~~
394 ~~he or she is retained, or that he or she knows would inure to~~
395 ~~the special private gain or loss of a relative or business~~
396 ~~associate of the member. Such member shall, prior to the vote~~
397 ~~being taken, publicly state the nature of his or her interest in~~
398 ~~the matter from which he or she is abstaining from voting and,~~
399 ~~no later than 15 days following the date the vote occurs, shall~~
400 ~~disclose the nature of his or her interest as a public record in~~
401 ~~a memorandum filed with the person responsible for recording the~~
402 ~~minutes of the meeting, who shall incorporate the memorandum in~~
403 ~~the minutes of the meeting.~~

404 ~~(c) Each member of the board of directors is accountable~~
405 ~~for the proper performance of the duties of office, and each~~
406 ~~member owes a fiduciary duty to the people of the state to~~
407 ~~ensure that funds provided in furtherance of this section are~~
408 ~~disbursed and used as prescribed by law and contract. Any~~
409 ~~official appointing a member may remove that member for~~
410 ~~malfeasance, misfeasance, neglect of duty, incompetence,~~
411 ~~permanent inability to perform official duties, unexcused~~
412 ~~absence from three consecutive meetings of the board, arrest or~~
413 ~~indictment for a crime that is a felony or misdemeanor involving~~
414 ~~theft or a crime of dishonesty, or pleading nolo contendere to,~~
415 ~~or being found guilty of, any crime.~~

416 ~~(f) Each member of the board of directors shall serve~~
417 ~~without compensation, but shall receive travel and per diem~~
418 ~~expenses as provided in s. 112.061 while in the performance of~~



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419 ~~his or her duties.~~

420 ~~(g) No appointee shall be an employee of any governmental~~
421 ~~entity.~~

422 ~~(8) ORGANIZATION; MEETINGS.—~~

423 ~~(a)1. The board of directors shall annually elect a~~
424 ~~chairperson and a vice chairperson from among the board's~~
425 ~~members. The members may, by a vote of five of the nine board~~
426 ~~members, remove a member from the position of chairperson or~~
427 ~~vice chairperson prior to the expiration of his or her term as~~
428 ~~chairperson or vice chairperson. His or her successor shall be~~
429 ~~elected to serve for the balance of the removed chairperson's or~~
430 ~~vice chairperson's term.~~

431 ~~2. The chairperson shall ensure that records are kept of~~
432 ~~the proceedings of the board of directors, and is the custodian~~
433 ~~of all books, documents, and papers filed with the board, the~~
434 ~~minutes of meetings of the board, and the official seal of the~~
435 ~~corporation.~~

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

439 ~~2. A majority of the members of the board of directors~~
440 ~~constitutes a quorum. Except as otherwise provided in this~~
441 ~~section, the board of directors may take official action by a~~
442 ~~majority of the members present at any meeting at which a quorum~~
443 ~~is present. Members may not vote by proxy.~~

444 ~~(9) POWERS AND DUTIES.—~~

445 ~~(a) The board of directors shall adopt articles of~~
446 ~~incorporation and bylaws necessary to govern its activities. The~~
447 ~~adopted articles of incorporation and bylaws must be approved by~~



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448 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
449 ~~prior to filing with the Department of State.~~

450 ~~(b) The board of directors shall review and approve any~~
451 ~~management plan developed pursuant to ss. 253.034 and 259.032~~
452 ~~for the management of lands in the preserve prior to the~~
453 ~~submission of that plan to the Board of Trustees of the Internal~~
454 ~~Improvement Trust Fund for approval and implementation.~~

455 ~~(c)1. Except for the constitutional powers of the~~
456 ~~commission as provided in s. 9, Art. IV of the State~~
457 ~~Constitution, the board of directors shall have all necessary~~
458 ~~and proper powers for the exercise of the authority vested in~~
459 ~~the corporation, including, but not limited to, the power to~~
460 ~~solicit and accept donations of funds, property, supplies, or~~
461 ~~services from individuals, foundations, corporations, and other~~
462 ~~public or private entities for the purposes of this section. All~~
463 ~~funds received by the corporation shall be deposited into the~~
464 ~~operating fund authorized under this section unless otherwise~~
465 ~~directed by the Legislature.~~

466 ~~2. The board of directors may not increase the number of~~
467 ~~its members.~~

468 ~~3. Except as necessary to manage and operate the preserve~~
469 ~~as a working ranch, the corporation may not purchase, take,~~
470 ~~receive, lease, take by gift, devise, or bequest, or otherwise~~
471 ~~acquire, own, hold, improve, use, or otherwise deal in and with~~
472 ~~real property, or any interest therein, wherever situated.~~

473 ~~4. The corporation may not sell, convey, mortgage, pledge,~~
474 ~~lease, exchange, transfer, or otherwise dispose of any real~~
475 ~~property.~~

476 ~~5. The corporation may not purchase, take, receive,~~



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477 ~~subscribe for, or otherwise acquire, own, hold, vote, use,~~
478 ~~employ, sell, mortgage, lend, pledge, or otherwise dispose of or~~
479 ~~otherwise use and deal in and with, shares and other interests~~
480 ~~in, or obligations of, other domestic or foreign corporations,~~
481 ~~whether for profit or not for profit, associations,~~
482 ~~partnerships, or individuals, or direct or indirect obligations~~
483 ~~of the United States, or any other government, state, territory,~~
484 ~~government district, municipality, or any instrumentality~~
485 ~~thereof.~~

486 ~~6. The corporation may not lend money for its corporate~~
487 ~~purposes, invest and reinvest its funds, or take and hold real~~
488 ~~and personal property as security for the payment of funds lent~~
489 ~~or invested.~~

490 ~~7. The corporation may not merge with other corporations or~~
491 ~~other business entities.~~

492 ~~8. The corporation may not enter into any contract, lease,~~
493 ~~or other agreement related to the use of ground or surface~~
494 ~~waters located in, on, or through the preserve without the~~
495 ~~consent of the Board of Trustees of the Internal Improvement~~
496 ~~Trust Fund and permits that may be required by the Department of~~
497 ~~Environmental Protection or the appropriate water management~~
498 ~~district under chapters 373 and 403.~~

499 ~~9. The corporation may not grant any easements in, on, or~~
500 ~~across the preserve. Any easements to be granted for the use of,~~
501 ~~access to, or ingress and egress across state property within~~
502 ~~the preserve must be executed by the Board of Trustees of the~~
503 ~~Internal Improvement Trust Fund as the owners of the state~~
504 ~~property within the preserve. Any easements to be granted for~~
505 ~~the use of, access to, or ingress and egress across property~~



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506 ~~within the preserve titled in the name of a local government~~
507 ~~must be granted by the governing body of that local government.~~

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

511 ~~(d) The members may, with the written approval of the~~
512 ~~commission and in consultation with the department, designate~~
513 ~~hunting, fishing, and trapping zones and may establish~~
514 ~~additional periods when no hunting, fishing, or trapping shall~~
515 ~~be permitted for reasons of public safety, administration, and~~
516 ~~the protection and enhancement of nongame habitat and nongame~~
517 ~~species, as defined under s. 379.101.~~

518 ~~(e) The corporation shall have the sole and exclusive right~~
519 ~~to use the words "Babcock Ranch, Inc.," and any seal, emblem, or~~
520 ~~other insignia adopted by the members. Without the express~~
521 ~~written authority of the corporation, no person may use the~~
522 ~~words "Babcock Ranch, Inc.," as the name under which that person~~
523 ~~conducts or purports to conduct business, for the purpose of~~
524 ~~trade or advertisement, or in any manner that may suggest any~~
525 ~~connection with the corporation.~~

526 ~~(f) The corporation may from time to time appoint advisory~~
527 ~~committees to further any part of this section. The advisory~~
528 ~~committees shall be reflective of the expertise necessary for~~
529 ~~the particular function for which the committee is created, and~~
530 ~~may include public agencies, private entities, and not-for-~~
531 ~~profit conservation and agricultural representatives.~~

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



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

539 ~~(10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING~~
540 ~~REQUIREMENTS.—~~

541 ~~(a) The board of directors may establish and manage an~~
542 ~~operating fund to address the corporation's unique cash-flow~~
543 ~~needs and to facilitate the management and operation of the~~
544 ~~preserve as a working ranch.~~

545 ~~(b) The board of directors shall provide for an annual~~
546 ~~financial audit of the corporate accounts and records to be~~
547 ~~conducted by an independent certified public accountant in~~
548 ~~accordance with rules adopted by the Auditor General under s.~~
549 ~~11.45(8). The audit report shall be submitted no later than 3~~
550 ~~months following the end of the fiscal year to the Auditor~~
551 ~~General, the President of the Senate, the Speaker of the House~~
552 ~~of Representatives, and the appropriate substantive and fiscal~~
553 ~~committees of the Legislature. The Auditor General, the Office~~
554 ~~of Program Policy Analysis and Government Accountability, and~~
555 ~~the substantive or fiscal committees of the Legislature to which~~
556 ~~legislation affecting the Babcock Ranch Preserve may be referred~~
557 ~~shall have the authority to require and receive from the~~
558 ~~corporation or from the independent auditor any records relative~~
559 ~~to the operation of the corporation.~~

560 ~~(c) Not later than January 15 of each year, Babcock Ranch,~~
561 ~~Inc., shall submit to the Board of Trustees of the Internal~~
562 ~~Improvement Trust Fund, the President of the Senate, the Speaker~~
563 ~~of the House of Representatives, the department, and the~~



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564 ~~commission a comprehensive and detailed report of its~~
565 ~~operations, activities, and accomplishments for the prior year,~~
566 ~~including information on the status of the ecological, cultural,~~
567 ~~and financial resources being managed by the corporation, and~~
568 ~~benefits provided by the preserve to local communities. The~~
569 ~~report shall also include a section describing the corporation's~~
570 ~~goals for the current year.~~

571 ~~(d) The board of directors shall prepare an annual budget~~
572 ~~with the goal of achieving a financially self-sustaining~~
573 ~~operation within 15 full fiscal years after the initial~~
574 ~~acquisition of the Babcock Ranch by the state. The department~~
575 ~~shall provide necessary assistance, including details as~~
576 ~~necessary, to the corporation for the timely formulation and~~
577 ~~submission of an annual legislative budget request for~~
578 ~~appropriations, if any, to support the administration,~~
579 ~~operation, and maintenance of the preserve. A request for~~
580 ~~appropriations shall be submitted to the department and shall be~~
581 ~~included in the department's annual legislative budget request.~~
582 ~~Requests for appropriations shall be submitted to the department~~
583 ~~in time to allow the department to meet the requirements of s.~~
584 ~~216.023. The department may not deny a request or refuse to~~
585 ~~include in its annual legislative budget submission a request~~
586 ~~from the corporation for an appropriation.~~

587 ~~(e) Notwithstanding any other provision of law, all moneys~~
588 ~~received from donations or from management of the preserve shall~~
589 ~~be retained by the corporation in the operating fund and shall~~
590 ~~be available, without further appropriation, for the~~
591 ~~administration, preservation, restoration, operation and~~
592 ~~maintenance, improvements, repairs, and related expenses~~



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593 ~~incurred with respect to properties being managed by the~~
594 ~~corporation. Except as provided in this section, moneys received~~
595 ~~by the corporation for the management of the preserve shall not~~
596 ~~be subject to distribution by the state. Upon assuming~~
597 ~~management responsibilities for the preserve, the corporation~~
598 ~~shall optimize the generation of income based on existing~~
599 ~~marketing conditions to the extent that activities do not~~
600 ~~unreasonably diminish the long-term environmental, agricultural,~~
601 ~~scenic, and natural values of the preserve, or the multiple-use~~
602 ~~and sustained-yield capability of the land.~~

603 ~~(f) All parties in contract with the corporation and all~~
604 ~~holders of leases from the corporation which are authorized to~~
605 ~~occupy, use, or develop properties under the management~~
606 ~~jurisdiction of the corporation must procure proper insurance as~~
607 ~~is reasonable or customary to insure against any loss in~~
608 ~~connection with the properties or with activities authorized in~~
609 ~~the leases or contracts.~~

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

611 ~~(a) A comprehensive business plan for the management and~~
612 ~~operation of the preserve as a working ranch and amendments to~~
613 ~~the business plan may be developed only with input from the~~
614 ~~department and the commission, and may be implemented by Babcock~~
615 ~~Ranch, Inc., only upon expiration of the management agreement~~
616 ~~attached as Exhibit "E" to that certain agreement for sale and~~
617 ~~purchase approved by the Board of Trustees of the Internal~~
618 ~~Improvement Trust Fund on November 22, 2005, and by Lee County~~
619 ~~on November 20, 2005.~~

620 ~~(b) Any final decision of Babcock Ranch, Inc., to adopt or~~
621 ~~amend the comprehensive business plan or to approve any activity~~



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622 ~~related to the management of the renewable surface resources of~~
623 ~~the preserve shall be made in sessions that are open to the~~
624 ~~public. The board of directors shall establish procedures for~~
625 ~~providing adequate public information and opportunities for~~
626 ~~public comment on the proposed comprehensive business plan for~~
627 ~~the preserve or for amendments to the comprehensive business~~
628 ~~plan adopted by the members.~~

629 ~~(c) Not less than 2 years prior to the corporation's~~
630 ~~assuming management and operation responsibilities for the~~
631 ~~preserve, the corporation, with input from the commission and~~
632 ~~the department, must begin developing the comprehensive business~~
633 ~~plan to carry out the purposes of this section. To the extent~~
634 ~~consistent with these purposes, the comprehensive business plan~~
635 ~~shall provide for:~~

636 ~~1. The management and operation of the preserve as a~~
637 ~~working ranch;~~

638 ~~2. The protection and preservation of the environmental,~~
639 ~~agricultural, scientific, scenic, geologic, watershed, fish,~~
640 ~~wildlife, historic, cultural, and recreational values of the~~
641 ~~preserve;~~

642 ~~3. The promotion of high-quality hunting experiences for~~
643 ~~the public, with emphasis on deer, turkey, and other game~~
644 ~~species;~~

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

647 ~~5. Public use of and access to the preserve for recreation;~~
648 ~~and~~

649 ~~6. The use of renewable resources and management~~
650 ~~alternatives that, to the extent practicable, benefit local~~



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651 ~~communities and small businesses and enhance the coordination of~~
652 ~~management objectives with those on surrounding public or~~
653 ~~private lands. The use of renewable resources and management~~
654 ~~alternatives should provide cost savings to the corporation~~
655 ~~through the exchange of services, including, but not limited to,~~
656 ~~labor and maintenance of facilities, for resources or services~~
657 ~~provided to the corporation.~~

658 ~~(d) On or before the date on which title to the portion of~~
659 ~~the Babcock Crescent B Ranch being purchased by the state as~~
660 ~~provided in s. 259.1052 is vested in the Board of Trustees of~~
661 ~~the Internal Improvement Trust Fund, Babcock Ranch Management,~~
662 ~~LLC, a limited liability company incorporated in this state,~~
663 ~~shall provide the commission and the department with the~~
664 ~~management plan and business plan in place for the operation of~~
665 ~~the ranch as of November 22, 2005, the date on which the board~~
666 ~~of trustees approved the purchase.~~

667 ~~(5)(12) MANAGEMENT OF PRESERVE; FEES.-~~

668 ~~(a) The department ~~corporation~~ shall assume all authority~~
669 ~~provided by this section to manage and operate the preserve as a~~
670 ~~working ranch upon the termination or expiration of the~~
671 ~~management agreement attached as Exhibit "E" to that certain~~
672 ~~Agreement for Sale and Purchase approved by the Board of~~
673 ~~Trustees of the Internal Improvement Trust Fund on November 22,~~
674 ~~2005, and by Lee County on November 20, 2005 ~~a determination by~~~~
675 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
676 ~~that the corporation is able to conduct business, and that~~
677 ~~provision has been made for essential services on the preserve,~~
678 ~~which, to the maximum extent practicable, shall be made no later~~
679 ~~than 60 days prior to the termination of the management~~



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680 ~~agreement referenced in paragraph (11)(a).~~

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

683 1. ~~With input from the commission and the department,~~
684 Manage and operate the preserve and the uses thereof, including,
685 but not limited to, the activities necessary to administer and
686 operate the preserve as a working ranch; the activities
687 necessary for the preservation and development of the land and
688 renewable surface resources of the preserve; the activities
689 necessary for interpretation of the history of the preserve on
690 behalf of the public; the activities necessary for the
691 management, public use, and occupancy of facilities and lands
692 within the preserve; and the maintenance, rehabilitation,
693 repair, and improvement of property within the preserve. ~~;~~

694 2. Develop programs and activities relating to the
695 management of the preserve as a working ranch. ~~;~~

696 3. ~~Negotiate directly with and enter into such agreements,~~
697 ~~leases, contracts, and other arrangements with any person, firm,~~
698 ~~association, organization, corporation, or governmental entity,~~
699 ~~including entities of federal, state, and local governments, as~~
700 ~~are necessary and appropriate to carry out the purposes and~~
701 ~~activities authorized by this section;~~

702 ~~3.4.~~ Establish procedures for entering into lease
703 agreements and other agreements for the use and occupancy of the
704 facilities of the preserve. The procedures shall ensure
705 reasonable competition and set guidelines for determining
706 reasonable fees, terms, and conditions for such agreements. ~~;~~ ~~and~~

707 ~~4.5.~~ Assess reasonable fees for admission to, use of, and
708 occupancy of the preserve to offset costs of operating the



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709 preserve as a working ranch. These fees are independent of fees
710 assessed by the commission for the privilege of hunting,
711 fishing, or pursuing outdoor recreational activities within the
712 preserve, and shall be deposited into the Incidental Trust Fund
713 of the Florida Forest Service, subject to appropriation by the
714 Legislature ~~operating fund established by the board of directors~~
715 ~~under the authority provided under this section.~~

716 (c) The commission, in cooperation with the department,
717 shall:

718 1. Establish and implement public hunting and other fish
719 and wildlife management activities. Tier I and Tier II public
720 hunting opportunities shall be provided consistent with the
721 management plan and the recreation master plan.

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

725 b. Tier II public hunting shall be provided specifically by
726 fee-based permitting to ensure compatibility with livestock
727 grazing and other essential agricultural operations on the
728 preserve.

729 2. Establish and administer permit fees for Tier II public
730 hunting to capitalize on the value of hunting on portions of the
731 preserve and to help ensure that the preserve is financially
732 self-sufficient. The fees shall be deposited into the State Game
733 Trust Fund of the Fish and Wildlife Conservation Commission to
734 be used to offset the costs of providing public hunting and to
735 support fish and wildlife management and other land management
736 activities on the preserve.

737 (d) The Board of Trustees of the Internal Improvement Trust



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738 Fund or its designated agent may:

739 1. Negotiate directly with, and enter into such agreements,
740 leases, contracts, and other arrangements with, any person,
741 firm, association, organization, corporation, or governmental
742 entity, including entities of federal, state, and local
743 governments, as are necessary and appropriate to carry out the
744 purposes and activities authorized by this section.

745 2. Grant privileges, leases, concessions, and permits for
746 the use of land for the accommodation of visitors to the
747 preserve; however, natural curiosities or objects of interest
748 may not be granted, leased, or rented on terms that deny or
749 interfere with free access to them by the public. Such grants,
750 leases, and permits may be made and given without advertisement
751 or securing competitive bids. Such grants, leases, or permits
752 may not be assigned or transferred by any grantee without
753 consent of the Board of Trustees of the Internal Improvement
754 Trust Fund or its designated agent.

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

756 ~~(a) Except for the powers of the commissioner provided in~~
757 ~~this section, and the powers of the commission provided in s. 9,~~
758 ~~Art. IV of the State Constitution, the preserve shall be managed~~
759 ~~by Babcock Ranch, Inc.~~

760 ~~(b) Officers and employees of Babcock Ranch, Inc., are~~
761 ~~private employees. At the request of the board of directors, the~~
762 ~~commission and the department may provide state employees for~~
763 ~~the purpose of implementing this section. Any state employees~~
764 ~~provided to assist the directors in implementing this section~~
765 ~~for more than 30 days shall be provided on a reimbursable basis.~~
766 ~~Reimbursement to the commission and the department shall be made~~



767 ~~from the corporation's operating fund provided under this~~
768 ~~section and not from any funds appropriated to the corporation~~
769 ~~by the Legislature.~~

770 (6) (14) DISSOLUTION OF BABCOCK RANCH, INC., AND BABCOCK
771 RANCH ADVISORY GROUP.-

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

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

778 (a) (e) Upon dissolution of Babcock Ranch, Inc. the
779 corporation, all of its statutory powers, duties, and functions;
780 records, personnel, and property; and unexpended balances of
781 appropriations, allocations, or other funds shall be transferred
782 to the Florida Department of Agriculture and Consumer Services,
783 unless otherwise provided by law. Any cash balances of funds
784 shall revert to the Incidental Trust Fund of the Florida Forest
785 Service General Revenue Fund or such other state fund as may be
786 provided under the act dissolving Babcock Ranch, Inc.

787 (b) The Babcock Ranch Advisory Group shall dissolve on June
788 30, 2018, unless reenacted by the Legislature.

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

791 388.261 State aid to counties and districts for arthropod
792 control; distribution priorities and limitations.-

793 (2) Every county or district budgeting local funds to be
794 used exclusively for the control of mosquitoes and other
795 arthropods, under a plan submitted by the county or district and



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796 approved by the department, ~~is shall be~~ eligible to receive
797 state funds and supplies, services, and equipment on a dollar-
798 for-dollar matching basis to the amount of local funds budgeted.
799 ~~If should~~ state funds appropriated by the Legislature ~~are be~~
800 insufficient to grant each county or district state funds on a
801 dollar-for-dollar matching basis to the amount budgeted in local
802 funds, the department shall distribute the funds as prescribed
803 by rule. Such rules shall provide for up to 80 percent of the
804 funds to be distributed to programs with local funds for
805 mosquito control budgets of less than \$1 million, if the county
806 or district meets the eligibility requirements. The funds shall
807 be distributed as equally as possible within the category of
808 counties pursuant to this section. The remaining funds shall be
809 distributed as prescribed by rule among the remaining counties
810 to support mosquito control and to support research, education,
811 and outreach ~~prorate said state funds based on the amount of~~
812 ~~matchable local funds budgeted for expenditure by each county or~~
813 ~~district.~~

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

816 388.271 Prerequisites to participation.—

817 (1) When state funds are involved, it is the duty of the
818 department to guide, review, approve, and coordinate the
819 activities of all county governments and special districts
820 receiving state funds in furtherance of the goal of integrated
821 arthropod control. Each county or district eligible to
822 participate hereunder may begin participation on October 1 of
823 any year by filing with the department not later than July 15 a
824 tentative work plan and tentative detailed work plan budget



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825 providing for the control of arthropods. Following approval of
826 the plan and budget by the department, two copies of the
827 county's or district's certified budget based on the approved
828 work plan and detailed work plan budget shall be submitted to
829 the department by ~~not later than~~ September 30 ~~15~~ following.
830 State funds, supplies, and services shall be made available to
831 such county or district by and through the department
832 immediately upon release of funds by the Executive Office of the
833 Governor.

834 Section 7. Section 487.160, Florida Statutes, is amended to
835 read:

836 487.160 Records; ~~report~~.—Licensed private applicators
837 supervising 15 or more unlicensed applicators or mixer-loaders
838 and licensed public applicators and licensed commercial
839 applicators shall maintain records as the department may
840 determine by rule with respect to the application of restricted
841 pesticides, including, but not limited to, the type and quantity
842 of pesticide, method of application, crop treated, and dates and
843 location of application. Other licensed private applicators
844 shall maintain records as the department may determine by rule
845 with respect to the date, type, and quantity of restricted-use
846 pesticides used. Licensees shall keep records for a period of 2
847 years from date of the application of the pesticide to which the
848 records refer, and shall furnish to the department a copy of the
849 records upon written request by the department. ~~Every third~~
850 ~~year, the department shall conduct a survey and compile a report~~
851 ~~on restricted-use pesticides in this state. This report shall~~
852 ~~include, but not be limited to, types and quantities of~~
853 ~~pesticides, methods of application, crops treated, and dates and~~



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854 ~~locations of application; records of persons working under~~
855 ~~direct supervision; and reports of misuse, damage, or injury.~~

856 Section 8. Section 534.083, Florida Statutes, is amended to
857 read:

858 534.083 Livestock hauler's permit; ~~display of permit on~~
859 ~~vehicle;~~ bill of lading.—

860 (1) ~~No person shall engage in the business of transporting~~
861 ~~or hauling for hire livestock on any street or highway, as~~
862 ~~defined in s. 316.003(53), without first having applied for and~~
863 ~~obtained from the department a permit which shall expire on~~
864 ~~December 31 of each year. The information supplied by the~~
865 ~~applicant on the application for permit shall be certified under~~
866 ~~oath. Cost of the permit shall be \$5 for each year or fraction~~
867 ~~thereof.~~

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

873 (3) ~~The metal tag or plate required under this section~~
874 ~~shall be attached to each vehicle used for transporting or~~
875 ~~hauling livestock in a conspicuous place in an upright position~~
876 ~~on the rear of the vehicle. When livestock is transported in a~~
877 ~~trailer type vehicle propelled or drawn by a motor truck or~~
878 ~~tractor, each such trailer shall have the tag or plate attached~~
879 ~~to the rear of the trailer in a conspicuous place in an upright~~
880 ~~position, and it shall not be necessary to have a tag attached~~
881 ~~to the motor truck or tractor.~~

882 (4) ~~Persons engaged in the business of transporting or~~



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883 hauling livestock in the state shall, upon receiving such
884 livestock for transportation, issue a waybill or bill of lading
885 for all livestock transported or hauled by them, and such
886 waybill or bill of lading shall accompany the shipment of
887 livestock, with a copy thereof being furnished to the person
888 delivering livestock to the hauler. The waybill or bill of
889 lading shall show the place of origin and destination of the
890 shipment, the name of the owner of the livestock, date and time
891 of loading, name of person or company hauling the livestock, and
892 the number of animals and a general description thereof. The
893 waybill or bill of lading shall be signed by the person
894 delivering the livestock to the hauler certifying that the
895 information contained thereon is correct.

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

898 570.07 Department of Agriculture and Consumer Services;
899 functions, powers, and duties.—The department shall have and
900 exercise the following functions, powers, and duties:

901 (28) For purposes of pollution control and the prevention
902 of wildfires, to regulate open burning connected with pile
903 burning as defined in s. 590.125(1) ~~land-clearing~~, agricultural,
904 or forestry operations.

905 Section 10. Section 570.087, Florida Statutes, is created
906 to read:

907 570.087 Best management practices for wildlife.—

908 (1) LEGISLATIVE FINDINGS.—The Fish and Wildlife
909 Conservation Commission and the Department of Agriculture and
910 Consumer Services have long recognized that agriculture provides
911 a valuable benefit to the conservation and management of fish



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912 and wildlife in this state and have agreed to enter into a
913 memorandum of agreement to develop and adopt by rule voluntary
914 best management practices for this state's agriculture industry
915 which reflect the industry's existing contribution to the
916 conservation and management of freshwater aquatic life and wild
917 animal life in this state.

918 (2) DEVELOPMENT.—The Department of Agriculture and Consumer
919 Services shall enter into a memorandum of agreement with the
920 Fish and Wildlife Conservation Commission for the purpose of
921 developing the best management practices contemplated by this
922 section and their application on agricultural lands within this
923 state. This agreement may allow for selected pilot projects in
924 an effort to facilitate development of best management
925 practices.

926 (3) ADOPTION OF RULES.—The Department of Agriculture and
927 Consumer Services has rulemaking authority to adopt rules
928 establishing the best management practices contemplated by this
929 section for this state's agricultural industry. Such rules must
930 incorporate provisions for a notice of intent to implement the
931 practices and a system to assure the implementation of the
932 practices, including recordkeeping requirements.

933 (4) VOLUNTARY IMPLEMENTATION.—Notwithstanding any law to
934 the contrary, including s. 163.3162, the implementation of the
935 best management practices contemplated by this section is
936 voluntary. Except as specifically provided herein or in s. 9,
937 Art. IV of the State Constitution, an agency, department, or
938 district or any unit of local government may not adopt or
939 enforce any ordinance, resolution, regulation, rule, or policy
940 regarding the best management practices on land classified as



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941 agricultural land pursuant to s. 193.461.

942 Section 11. Section 570.64, Florida Statutes, is created to
943 read:

944 570.64 Division of Food, Nutrition, and Wellness.—

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

949 (2) The director of the division shall be appointed by, and
950 serve at the pleasure of, the commissioner. The director shall
951 supervise, direct, and coordinate activities of the division,
952 exercise such powers and duties as authorized by the
953 commissioner, enforce the provisions of chapter 595 and the
954 rules adopted thereunder, and any other powers and duties as
955 authorized by the department.

956 Section 12. Section 570.902, Florida Statutes, is amended
957 to read:

958 570.902 Definitions; ss. 570.902 and 570.903.—For the
959 purpose of this section ~~ss. 570.902~~ and s. 570.903:

960 (1) "Designated program" means the ~~specific~~ departmental
961 program which a direct-support organization has been created to
962 support.

963 (2) "Direct-support organization" or "organization" means
964 an organization which is a Florida corporation not for profit
965 incorporated under the provisions of chapter 617 and approved by
966 the department to operate for the benefit of a museum or a
967 ~~specific departmental~~ program.

968 (3) "Museum" means the Florida Agricultural Museum which is
969 designated as the museum for agriculture and rural history of



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970 the State of Florida.

971 Section 13. Section 570.903, Florida Statutes, is amended
972 to read:

973 570.903 Direct-support organization.—

974 (1) The department may authorize ~~When the Legislature~~
975 ~~authorizes~~ the establishment of a direct-support organizations
976 ~~organization~~ to provide assistance, funding, and promotional
977 support for the museums, ~~the Florida Agriculture in the~~
978 ~~Classroom Program, the Florida State Collection of Arthropods,~~
979 ~~the Friends of the Florida State Forests Program of the Florida~~
980 ~~Forest Service, the Forestry Arson Alert Program,~~ and other
981 programs of the department. The following provisions shall
982 govern the creation, use, powers, and duties of the direct-
983 support organizations organization:

984 (a) The department shall enter into a memorandum or letter
985 of agreement with the direct-support organization, which shall
986 specify the approval of the department, the powers and duties of
987 the direct-support organization, and rules with which the
988 direct-support organization must comply.

989 (b) The department may authorize ~~permit~~, without charge,
990 appropriate use of property, facilities, and personnel of the
991 department by the ~~a~~ direct-support organization, ~~subject to ss.~~
992 ~~570.902 and 570.903.~~ The use shall be for ~~directly in keeping~~
993 ~~with~~ the approved purposes of the direct-support organization
994 and may not be made at times or places that would unreasonably
995 interfere with opportunities for the general public to use
996 department facilities ~~for established purposes.~~

997 (c) The department shall prescribe by agreement ~~contract or~~
998 ~~by rule~~ conditions with which the ~~a~~ direct-support organization



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999 must comply in order to use property, facilities, or personnel
1000 of the department ~~or museum~~. Such conditions ~~rules~~ shall provide
1001 for budget and audit review and oversight by the department.

1002 (d) The department may not authorize ~~permit~~ the use of
1003 property, facilities, or personnel of the museum, department, or
1004 designated program by the ~~a~~ direct-support organization that
1005 does not provide equal employment opportunities to all persons
1006 regardless of race, color, religion, sex, age, or national
1007 origin.

1008 (2) (a) The direct-support organization may ~~shall be~~
1009 ~~empowered to~~ conduct programs and activities; raise funds;
1010 request and receive grants, gifts, and bequests of money;
1011 acquire, receive, hold, invest, and administer, in its own name,
1012 securities, funds, objects of value, or other property, real or
1013 personal; and make expenditures to or for the direct or indirect
1014 benefit of the museum or designated program.

1015 ~~(b) Notwithstanding the provisions of s. 287.057, the~~
1016 ~~direct-support organization may enter into contracts or~~
1017 ~~agreements with or without competitive bidding for the~~
1018 ~~restoration of objects, historical buildings, and other~~
1019 ~~historical materials or for the purchase of objects, historical~~
1020 ~~buildings, and other historical materials which are to be added~~
1021 ~~to the collections of the museum, or benefit the designated~~
1022 ~~program. However, before the direct-support organization may~~
1023 ~~enter into a contract or agreement without competitive bidding,~~
1024 ~~the direct-support organization shall file a certification of~~
1025 ~~conditions and circumstances with the internal auditor of the~~
1026 ~~department justifying each contract or agreement.~~

1027 (b) ~~(e)~~ Notwithstanding the provisions of s. 287.025(1) (e),



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1028 the direct-support organization may enter into contracts to
1029 insure property of the museum or designated programs and may
1030 insure objects or collections on loan from others in satisfying
1031 security terms of the lender.

1032 (3) The direct-support organization shall provide for an
1033 annual financial audit in accordance with s. 215.981.

1034 (4) A department employee, direct-support organization or
1035 museum employee, volunteer, or director, or ~~Neither a designated~~
1036 ~~program or a museum, nor a nonprofit corporation trustee or~~
1037 ~~employee~~ may not:

1038 (a) Receive a commission, fee, or financial benefit in
1039 connection with the sale or exchange of real or personal
1040 property or historical objects ~~or properties~~ to the direct-
1041 support organization, the museum, or the designated program; or

1042 (b) Be a business associate of any individual, firm, or
1043 organization involved in the sale or exchange of real or
1044 personal property to the direct-support organization, the
1045 museum, or the designated program.

1046 (5) All moneys received by the direct-support organization
1047 shall be deposited into an account of the direct-support
1048 organization and shall be used by the organization in a manner
1049 consistent with the goals of the museum or designated program.

1050 (6) The identity of a donor or prospective donor who
1051 desires to remain anonymous and all information identifying such
1052 donor or prospective donor are confidential and exempt from the
1053 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1054 Constitution.

1055 (7) The Commissioner of Agriculture, or the commissioner's
1056 designee, may serve on the board of trustees and the executive



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1057 committee of any direct-support organization established to
1058 benefit the museum or any designated program.

1059 (8) The department may terminate its agreement with a
1060 direct-support organization at any time if the department
1061 determines that the direct-support organization no longer meets
1062 the objectives of this section ~~The department shall establish by~~
1063 ~~rule archival procedures relating to museum artifacts and~~
1064 ~~records. The rules shall provide procedures which protect the~~
1065 ~~museum's artifacts and records equivalent to those procedures~~
1066 ~~which have been established by the Department of State under~~
1067 ~~chapters 257 and 267.~~

1068 (9) Upon termination of the direct-support organization,
1069 the assets of the direct-support organization shall be
1070 distributed pursuant to its articles of incorporation or by-laws
1071 or, if not provided for, to the department.

1072 Section 14. Subsection (3) of section 576.051, Florida
1073 Statutes, is amended to read:

1074 576.051 Inspection, sampling, analysis.—

1075 (3) The official analysis shall be made from the official
1076 sample. The department, before making the official analysis,
1077 shall take a sufficient portion from the official sample for
1078 check analysis and place that portion in a bottle sealed and
1079 identified by number, date, and the preparer's initials. The
1080 official check sample shall be kept until the analysis of the
1081 official sample is completed. However, the licensee may obtain
1082 upon request a portion of the official check sample. Upon
1083 completion of the analysis of the official sample, a true copy
1084 of the fertilizer analysis report shall be mailed to the
1085 licensee of the fertilizer from whom the official sample was



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1086 taken and to the dealer or agent, if any, and purchaser, if
1087 known. This fertilizer analysis report shall show all
1088 determinations of plant nutrient and pesticides. If the official
1089 analysis conforms with the provisions of this law, the official
1090 check sample may be destroyed. If the official analysis does not
1091 conform with the provisions of this law, the official check
1092 sample shall be retained for a period of 90 days from the date
1093 of the fertilizer analysis report of the official sample. If
1094 within that time the licensee of the fertilizer from whom the
1095 official sample was taken, upon receipt of the fertilizer
1096 analysis report, makes written demand for analysis of the
1097 official check sample by a referee chemist, a portion of the
1098 official check sample sufficient for analysis shall be sent to a
1099 referee chemist who is mutually acceptable to the department and
1100 the licensee for analysis at the expense of the licensee. The
1101 referee chemist, upon completion of the analysis, shall forward
1102 to the department and to the licensee a fertilizer analysis
1103 report bearing a proper identification mark or number; and the
1104 fertilizer analysis report shall be verified by an affidavit of
1105 the person making the analysis. If the results reported on the
1106 fertilizer analysis report agree within the matching criteria
1107 defined in department rule ~~checks within three tenths of 1~~
1108 ~~actual percent~~ with the department's analysis on each element
1109 for which analysis was made, the mean average of the two
1110 analyses shall be accepted as final and binding on all
1111 concerned. However, if the referee's fertilizer analysis report
1112 results do not agree within the matching criteria defined in
1113 department rule with ~~shows a variation of greater than three-~~
1114 ~~tenths of 1 actual percent from~~ the department's analysis in any



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1115 one or more elements for which an analysis was made, upon demand
1116 of either the department or the licensee from whom the official
1117 sample was taken, a portion of the official check sample
1118 sufficient for analysis shall be submitted to a second referee
1119 chemist who is mutually acceptable to the department and to the
1120 licensee from whom the official sample was taken, at the expense
1121 of the party or parties requesting the referee analysis. If no
1122 demand is made for an analysis by a second referee chemist, the
1123 department's fertilizer analysis report shall be accepted as
1124 final and binding on all concerned. The second referee chemist,
1125 upon completion of the analysis, shall make a fertilizer
1126 analysis report as provided in this subsection for the first
1127 referee chemist. The mean average of the two analyses nearest in
1128 conformity to each other shall be accepted as final and binding
1129 on all concerned.

1130 Section 15. Subsection (1) of section 576.061, Florida
1131 Statutes, is amended to read:

1132 576.061 Plant nutrient investigational allowances,
1133 deficiencies, and penalties.—

1134 (1) A commercial fertilizer is deemed deficient if the
1135 analysis of any nutrient is below the guarantee by an amount
1136 exceeding the investigational allowances. The department shall
1137 adopt rules, which shall take effect on July 1, 2014, that
1138 establish the investigational allowances used to determine
1139 whether a fertilizer is deficient in plant food.

1140 (a) Effective July 1, 2014, this paragraph and paragraphs
1141 (b)-(f) are repealed. Until July 1, 2014, investigational
1142 Investigational allowances are set as follows:

1143 (b)-(a) Primary plant nutrients; investigational



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1144 *allowances.-*

1145

	Guaranteed Percent	Total Nitrogen Percent	Available Phosphate Percent	Potash Percent
1146				
1147				
1148	04 or less	0.49	0.67	0.41
1149	05	0.51	0.67	0.43
1150	06	0.52	0.67	0.47
1151	07	0.54	0.68	0.53
1152	08	0.55	0.68	0.60
1153	09	0.57	0.68	0.65
1154	10	0.58	0.69	0.70
1155	12	0.61	0.69	0.79
1156	14	0.63	0.70	0.87
1157	16	0.67	0.70	0.94
	18	0.70	0.71	1.01



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1158	20	0.73	0.72	1.08
1159	22	0.75	0.72	1.15
1160	24	0.78	0.73	1.21
1161	26	0.81	0.73	1.27
1162	28	0.83	0.74	1.33
1163	30	0.86	0.75	1.39
1164	32 or more	0.88	0.76	1.44

1165
 1166
 1167 For guarantees not listed, calculate the appropriate value by
 1168 interpolation.

1169 (c) ~~(b)~~ Nitrogen investigational allowances.-

1170
 1171
 1172
 1173
 1174

	Investigational Allowances
Nitrogen Breakdown	Percent

Nitrate nitrogen	0.40
Ammoniacal nitrogen	0.40



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1175	Water soluble nitrogen or urea nitrogen	0.40
1176	Water insoluble nitrogen	0.30
1177		
1178	In no case may the investigational allowance exceed 50 percent	
1179	of the amount guaranteed.	
1180	<u>(d)</u> (e) <i>Secondary and micro plant nutrients, total or</i>	
1181	<i>soluble.-</i>	
1182		
1183	Element	Investigational Allowances Percent
1184		
1185	Calcium	0.2 unit+5 percent of guarantee
1186	Magnesium	0.2 unit+5 percent of guarantee
1187	Sulfur (free and combined)	0.2 unit+5 percent of guarantee
1188	Boron	0.003 unit+15 percent of guarantee
1189	Cobalt	0.0001 unit+30 percent of guarantee
1190	Chlorine	0.005 unit+10 percent of guarantee
1191	Copper	0.005 unit+10 percent of guarantee



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1192	Iron	0.005 unit+10 percent of guarantee
1193	Manganese	0.005 unit+10 percent of guarantee
1194	Molybdenum	0.0001 unit+30 percent of guarantee
1195	Sodium	0.005 unit+10 percent of guarantee
1196	Zinc	0.005 unit+10 percent of guarantee

1197
1198 The maximum allowance for secondary and minor elements when
1199 calculated in accordance with this section is 1 unit (1
1200 percent). In no case, however, may the investigational allowance
1201 exceed 50 percent of the amount guaranteed.

1202 (e)~~(d)~~ *Liming materials and gypsum.*—

1203

	Investigational Allowances	
Range Percent		Percent

1204

1205

0-10		0.30
------	--	------

1206

Over 10-25		0.40
------------	--	------

1207

Over 25		0.50
---------	--	------

1208

1209 (f)~~(e)~~ *Pesticides in fertilizer mixtures.*—An



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1210 investigational allowance of 25 percent of the guarantee shall
1211 be allowed on all pesticides when added to custom blend
1212 fertilizers.

1213 Section 16. Subsection (2) of section 576.181, Florida
1214 Statutes, is amended to read:

1215 576.181 Administration; rules; procedure.-

1216 (2) The department may adopt rules ~~is authorized, by rule,~~
1217 to implement, make specific, and interpret the provisions of
1218 this chapter, and specifically to determine the composition and
1219 uses of fertilizer as defined in this chapter, including, but
1220 not limited to ~~without limiting the foregoing general terms,~~ the
1221 taking and handling of samples, the establishment of
1222 investigational allowances, deficiencies, matching criteria for
1223 referee analysis, and penalties where not specifically provided
1224 for in this chapter; to prohibit the sale or use in fertilizer
1225 of any material proven to be detrimental to agriculture, public
1226 health, or the environment, or of questionable value; to provide
1227 for the incorporation into fertilizer of such other substances
1228 as pesticides and proper labeling of such mixture; and to
1229 prescribe the information which shall appear on the label other
1230 than specifically set forth in this chapter.

1231 Section 17. Section 585.61, Florida Statutes, is amended to
1232 read:

1233 585.61 Animal disease diagnostic laboratory ~~laboratories.-~~

1234 (1) There is ~~hereby created and~~ established an animal
1235 disease diagnostic laboratory in Osceola County ~~and Suwannee~~
1236 ~~County. The laboratory complex in Osceola County is~~ designated
1237 as the "Bronson Animal Disease Diagnostic Laboratory."

1238 (2) The construction and operation of ~~all~~ the laboratory



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1239 ~~laboratories~~ established by this section shall be under the
1240 supervision and control of the department. It shall be the duty
1241 of the department to operate the laboratory ~~these laboratories~~
1242 in an efficient manner so that any person who maintains animals
1243 in this state may obtain prompt reliable diagnosis of animal
1244 diseases, including any disease which may affect poultry eggs,
1245 in this state, and recommendations for the control and
1246 eradication of such diseases, to the end that diseases of
1247 animals may be reduced and controlled, and eradicated when
1248 possible.

1249 (3) Any person who maintains animals in the state may use
1250 the services of the laboratory ~~laboratories~~ under the terms of
1251 this section and the rules adopted for such use by the
1252 department. The department shall require any user of its
1253 services to pay a fee not to exceed \$300 for any one of the
1254 services requested. All laboratory fees collected shall be
1255 deposited in the Animal Industry Diagnostic Laboratory Account
1256 within the General Inspection Trust Fund. The fees collected
1257 shall be used to improve the diagnostic laboratory services as
1258 provided for by the Legislature in the General Appropriations
1259 Act.

1260 Section 18. Paragraph (f) of subsection (3) of section
1261 586.10, Florida Statutes, is amended to read:

1262 586.10 Powers and duties of department; preemption of local
1263 government ordinances.—

1264 (3) The department may:

1265 (f) Inspect or cause to be inspected all apiaries in the
1266 state at such intervals as it may deem best and keep a complete,
1267 accurate, and current list of all inspected apiaries to include



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1268 the:

- 1269 1. Name of the apiary.
1270 2. Name of the owner of the apiary.
1271 3. Mailing address of the apiary owner.
1272 4. Location of the apiary.
1273 5. Number of hives in the apiary.
1274 6. Pest problems associated with the apiary.
1275 7. Brands used by beekeepers where applicable.

1276

1277 Notwithstanding s. 112.313, an apiary inspector may be a
1278 certified beekeeper as long as the inspector does not inspect
1279 his or her own apiary.

1280 Section 19. Subsection (3) is added to section 586.15,
1281 Florida Statutes, to read:

1282 586.15 Penalty for violation.—

1283 (3) In addition to the penalties provided in this section
1284 and in chapter 500, the Department of Agriculture and Consumer
1285 Services may collect costs related to enforcing prohibitions
1286 against the adulteration or misbranding of honey. All costs
1287 shall be deposited into the General Inspection Trust Fund.

1288 Section 20. Section 589.02, Florida Statutes, is amended to
1289 read:

1290 589.02 Headquarters and meetings of council.—The official
1291 headquarters of the council shall be in Tallahassee, but it may
1292 hold meetings at such other places in the state as it may
1293 determine by resolutions or as may be selected by a majority of
1294 the members of the council in any call for a meeting. ~~The annual~~
1295 ~~meeting of the council shall be held on the first Monday in~~
1296 ~~October of each year. Special meetings may be called at any time~~



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1297 ~~by the chair or upon the written request of a majority of the~~
1298 ~~members.~~ The council shall annually elect from its members a
1299 chair, a vice chair, and a secretary. ~~The election shall be held~~
1300 ~~at the annual meeting of the council.~~ A majority of the members
1301 of the council shall constitute a quorum for such purposes.

1302 Section 21. Subsection (4) of section 589.19, Florida
1303 Statutes, is amended to read:

1304 589.19 Creation of certain state forests; naming of certain
1305 state forests; Operation Outdoor Freedom Program.—

1306 (4) (a) To honor the nation's disabled veterans and injured
1307 active duty servicemembers, the Florida Forest Service shall
1308 coordinate efforts to develop an Operation Outdoor Freedom
1309 Program to provide hunting and other activities for eligible
1310 veterans and servicemembers in designated state forest areas and
1311 on designated public and private lands. The Legislature finds it
1312 to be in the public interest for the Florida Forest Service to
1313 develop partnerships with the Fish and Wildlife Conservation
1314 Commission and other public and private organizations in order
1315 to provide the needed resources and funding to make the program
1316 successful ~~The Florida Forest Service shall designate one or~~
1317 ~~more areas of state forests as an "Operation Outdoor Freedom~~
1318 ~~Special Hunt Area" to honor wounded veterans and servicemembers.~~
1319 ~~The purpose of such designated areas is to provide special~~
1320 ~~outdoor recreational opportunities for eligible veterans and~~
1321 ~~servicemembers.~~

1322 (b) Participation in the Operation Outdoor Freedom Program
1323 shall be limited to Florida residents, as defined in s.
1324 379.101(30) (b), ~~The Florida Forest Service shall limit guest~~
1325 ~~admittance to such designated areas to any person who:~~



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1326 1. Are honorably discharged military veterans certified by
1327 the United States Department of Veterans Affairs or its
1328 predecessor or by any branch of the United States Armed Forces
1329 to be at least 30 percent permanently service-connected disabled
1330 ~~Is an active duty member of any branch of the United States~~
1331 ~~Armed Forces and has a combat-related injury as determined by~~
1332 ~~his or her branch of the United States Armed Forces; or~~

1333 2. Have been awarded the Military Order of the Purple
1334 Heart; or ~~Is a veteran who served during a period of wartime~~
1335 ~~service as defined in s. 1.01(14) or peacetime service as~~
1336 ~~defined in s. 296.02 and:~~

1337 a. ~~Has a service-connected disability as determined by the~~
1338 ~~United States Department of Veterans Affairs; or~~

1339 b. ~~Was discharged or released from military service because~~
1340 ~~of a disability acquired or aggravated while serving on active~~
1341 ~~duty~~

1342 3. Are active duty servicemembers with a service-connected
1343 injury as determined by his or her branch of the United States
1344 Armed Forces.

1345
1346 Proof of eligibility under this subsection, as prescribed by the
1347 Florida Forest Service, may be required.

1348 (c) Notwithstanding the eligibility requirements for
1349 program participation in paragraph (b), guided or unguided
1350 invitation-only activities may be conducted as part of the
1351 Operation Outdoor Freedom Program for injured or disabled
1352 veterans and injured or disabled active duty servicemembers of
1353 any branch of the United States Armed Forces in designated state
1354 forest areas and on designated public and private lands. The



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1355 Florida Forest Service may grant admittance to ~~such~~ designated
1356 areas and lands to a person who is not an eligible veteran or
1357 servicemember for the sole purpose ~~purposes~~ of accompanying an
1358 eligible veteran or servicemember who requires the person's
1359 assistance to use such ~~designated~~ areas and lands.

1360 (d) The Florida Forest Service may cooperate with state and
1361 federal agencies, local governments, private landowners, and
1362 other entities in connection with the Operation Outdoor Freedom
1363 Program. Donations to the Operation Outdoor Freedom Program
1364 Funding required for specialized accommodations shall be
1365 deposited into the account of ~~provided through~~ the Friends of
1366 Florida State Forests Program created under s. 589.012 and used
1367 for Operation Outdoor Freedom Program activities.

1368 (e)1. A private landowner who provides land for designation
1369 and use as an Operation Outdoor Freedom Program hunting site
1370 shall have limited liability pursuant to s. 375.251.

1371 2. A private landowner who consents to the designation and
1372 use of land as part of the Operation Outdoor Freedom Program
1373 without compensation shall be considered a volunteer, as defined
1374 in s. 110.501, and shall be covered by state liability
1375 protection pursuant to s. 768.28, including s. 768.28(9).

1376 3. This subsection does not:

1377 a. Relieve any person of liability that would otherwise
1378 exist for deliberate, willful, or malicious injury to persons or
1379 property.

1380 b. Create or increase the liability of any person.

1381 (f) The Legislature shall designate the second Saturday of
1382 each November as Operation Outdoor Freedom Day.

1383 (g)-(e) The Florida Forest Service may adopt rules to



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1384 administer this subsection.

1385 Section 22. Section 589.30, Florida Statutes, is amended to
1386 read:

1387 589.30 Duty of district or center manager ~~forester~~.—It
1388 shall be the duty of the district or center manager ~~forester~~ to
1389 direct all work in accordance with the law and regulations of
1390 the Florida Forest Service; gather and disseminate information
1391 in the management of commercial timber, including establishment,
1392 protection and utilization; and assist in the development and
1393 use of forest lands for outdoor recreation, watershed
1394 protection, and wildlife habitat. The district or center manager
1395 ~~forester~~ or his or her representative shall provide
1396 encouragement and technical assistance to individuals and urban
1397 and county officials in the planning, establishment, and
1398 management of trees and plant associations to enhance the beauty
1399 of the urban and suburban environment and meet outdoor
1400 recreational needs.

1401 Section 23. Subsections (1), (2), (3), (7), and (10) of
1402 section 590.02, Florida Statutes, are amended to read:

1403 590.02 Florida Forest Service; powers, authority, and
1404 duties; liability; building structures; Florida Center for
1405 Wildfire and Forest Resources Management Training.—

1406 (1) The Florida Forest Service has the following powers,
1407 authority, and duties:

1408 (a) To enforce the provisions of this chapter;

1409 (b) To prevent, detect, and suppress, ~~and extinguish~~
1410 wildfires wherever they may occur on public or private land in
1411 this state and to do all things necessary in the exercise of
1412 such powers, authority, and duties;



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1413 (c) To provide firefighting crews, who shall be under the
1414 control and direction of the Florida Forest Service and its
1415 designated agents;

1416 (d) To appoint center managers, forest area supervisors,
1417 forestry program administrators, a forest protection bureau
1418 chief, a forest protection assistant bureau chief, a field
1419 operations bureau chief, deputy chiefs of field operations,
1420 district managers, forest operations administrators, senior
1421 forest rangers, investigators, forest rangers, firefighter
1422 rotorcraft pilots, and other employees who may, at the Florida
1423 Forest Service's discretion, be certified as forestry
1424 firefighters pursuant to s. 633.35(4). Other provisions of law
1425 notwithstanding, center managers, district managers, forest
1426 protection assistant bureau chief, and deputy chiefs of field
1427 operations shall have Selected Exempt Service status in the
1428 state personnel designation;

1429 (e) To develop a training curriculum for forestry
1430 firefighters which must contain the basic volunteer structural
1431 fire training course approved by the Florida State Fire College
1432 of the Division of State Fire Marshal and a minimum of 250 hours
1433 of wildfire training;

1434 (f) To make rules to accomplish the purposes of this
1435 chapter;

1436 (g) To provide fire management services and emergency
1437 response assistance and to set and charge reasonable fees for
1438 performance of those services. Moneys collected from such fees
1439 shall be deposited into the Incidental Trust Fund of the Florida
1440 Forest Service; ~~and~~

1441 (h) To require all state, regional, and local government



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1442 agencies operating aircraft in the vicinity of an ongoing
1443 wildfire to operate in compliance with the applicable state
1444 Wildfire Aviation Plan; and

1445 (i) To authorize broadcast burning, prescribed burning,
1446 pile burning, and land clearing debris burning to carry out the
1447 duties of this chapter and the rules adopted thereunder.

1448 (2) The Florida Forest Service's employees, and the
1449 firefighting crews under their control and direction, may enter
1450 upon any lands for the purpose of preventing, detecting, and
1451 suppressing wildfires and investigating smoke complaints or open
1452 burning not in compliance with authorization and to enforce the
1453 provisions of this chapter.

1454 (3) Employees of the Florida Forest Service and of federal,
1455 state, and local agencies, and all other persons and entities
1456 that are under contract or agreement with the Florida Forest
1457 Service to assist in firefighting operations as well as those
1458 entities, called upon by the Florida Forest Service to assist in
1459 firefighting may, in the performance of their duties, set
1460 counterfires, remove fences and other obstacles, dig trenches,
1461 cut firelines, use water from public and private sources, and
1462 carry on all other customary activities in the fighting of
1463 wildfires without incurring liability to any person or entity.
1464 The manner in which the Florida Forest Service monitors a
1465 smoldering wildfire, smoldering prescribed fire, or fights any
1466 wildfire are planning level activities for which sovereign
1467 immunity applies and is not waived.

1468 (7) The Florida Forest Service may organize, staff, equip,
1469 and operate the Florida ~~Center for Wildfire and Forest Resources~~
1470 ~~Management~~ Training Center. The center shall serve as a site



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1471 where fire and forest resource managers can obtain current
1472 knowledge, techniques, skills, and theory as they relate to
1473 their respective disciplines.

1474 (a) The center may establish cooperative efforts involving
1475 federal, state, and local entities; hire appropriate personnel;
1476 and engage others by contract or agreement with or without
1477 compensation to assist in carrying out the training and
1478 operations of the center.

1479 (b) The center shall provide wildfire suppression training
1480 opportunities for rural fire departments, volunteer fire
1481 departments, and other local fire response units.

1482 (c) The center will focus on curriculum related to, but not
1483 limited to, fuel reduction, an incident management system,
1484 prescribed burning certification, multiple-use land management,
1485 water quality, forest health, environmental education, and
1486 wildfire suppression training for structural firefighters.

1487 (d) The center may assess appropriate fees for food,
1488 lodging, travel, course materials, and supplies in order to meet
1489 its operational costs and may grant free meals, room, and
1490 scholarships to persons and other entities in exchange for
1491 instructional assistance.

1492 ~~(e) An advisory committee consisting of the following~~
1493 ~~individuals or their designees must review program curriculum,~~
1494 ~~course content, and scheduling: the director of the Florida~~
1495 ~~Forest Service; the assistant director of the Florida Forest~~
1496 ~~Service; the director of the School of Forest Resources and~~
1497 ~~Conservation of the University of Florida; the director of the~~
1498 ~~Division of Recreation and Parks of the Department of~~
1499 ~~Environmental Protection; the director of the Division of the~~



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1500 ~~State Fire Marshal; the director of the Florida Chapter of The~~
1501 ~~Nature Conservancy; the executive vice president of the Florida~~
1502 ~~Forestry Association; the president of the Florida Farm Bureau~~
1503 ~~Federation; the executive director of the Fish and Wildlife~~
1504 ~~Conservation Commission; the executive director of a water~~
1505 ~~management district as appointed by the Commissioner of~~
1506 ~~Agriculture; the supervisor of the National Forests in Florida;~~
1507 ~~the president of the Florida Fire Chief's Association; and the~~
1508 ~~executive director of the Tall Timbers Research Station.~~

1509 (10) (a) Notwithstanding the provisions of s. 252.38, the
1510 Florida Forest Service has exclusive authority to require and
1511 issue authorizations for broadcast burning and agricultural and
1512 silvicultural pile burning. An agency, commission, department,
1513 county, municipality, or other political subdivision of the
1514 state may not adopt or enforce laws, regulations, rules, or
1515 policies pertaining to broadcast burning or agricultural and
1516 silvicultural pile burning ~~unless an emergency order is declared~~
1517 ~~in accordance with s. 252.38(3).~~

1518 (b) The Florida Forest Service may delegate to a county, ~~or~~
1519 municipality, or special district its authority:7

1520 1. As delegated by the Department of Environmental
1521 Protection pursuant to ss. 403.061(28) and 403.081, to manage
1522 and enforce regulations pertaining to ~~require and issue~~
1523 ~~authorizations for the burning of yard trash and debris from~~
1524 ~~land clearing operations~~ in accordance with s. 590.125(6).

1525 2. To manage the open burning of land clearing debris in
1526 accordance with s. 590.125.

1527 Section 24. Subsection (1) of section 590.11, Florida
1528 Statutes, is amended to read:



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1529 590.11 Recreational fires.-

1530 (1) It is unlawful for any individual or group of
1531 individuals to build a warming fire, bonfire, or campfire and
1532 leave it unattended while visible flame, smoke, or emissions
1533 exist unextinguished.

1534 Section 25. Subsections (1) and (2), paragraphs (b) and (c)
1535 of subsection (3), and paragraph (a) of subsection (4) of
1536 section 590.125, Florida Statutes, are amended to read:

1537 590.125 Open burning authorized by the Florida Forest
1538 Service.-

1539 (1) DEFINITIONS.-As used in this section, the term:

1540 (a) "Certified pile burner" means an individual who
1541 successfully completes the pile burning certification program of
1542 the Florida Forest Service and possesses a valid pile burner
1543 certification number.

1544 (b) "Certified pile burning" means a pile burn conducted in
1545 accordance with a written pile burning plan by a certified pile
1546 burner.

1547 (c) ~~(b)~~ "Certified prescribed burn manager" means an
1548 individual who successfully completes the certified prescribed
1549 burning program of the Florida Forest Service and possesses a
1550 valid certification number.

1551 (d) "Certified prescribed burning" means prescribed burning
1552 in accordance with a written prescription conducted by a
1553 certified prescribed burn manager.

1554 (e) "Contained" means that fire and smoldering exist
1555 entirely within established or natural firebreaks.

1556 (f) ~~(e)~~ "Completed" ~~"Extinguished"~~ means that for:

1557 1. Broadcast burning, no continued lateral movement of fire



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1558 across the authorized area into entirely unburned fuels within
1559 the authorized area ~~Wildland burning or certified prescribed~~
1560 ~~burning, no spreading flames exist.~~

1561 2. Certified pile ~~Vegetative land-clearing debris~~ burning
1562 or pile burning, no visible flames exist.

1563 3. Certified pile ~~Vegetative land-clearing debris~~ burning
1564 or pile burning in an area designated as smoke sensitive by the
1565 Florida Forest Service, no visible flames, smoke, or emissions
1566 exist.

1567 (g) "Gross negligence" means conduct so reckless or wanting
1568 in care that it constitutes a conscious disregard or
1569 indifference to the life, safety, or rights of persons exposed
1570 to such conduct.

1571 ~~(d) "Land-clearing operation" means the uprooting or~~
1572 ~~clearing of vegetation in connection with the construction of~~
1573 ~~buildings and rights-of-way, land development, and mineral~~
1574 ~~operations. The term does not include the clearing of yard~~
1575 ~~trash.~~

1576 (h) ~~(e)~~ "Pile burning" means the burning of silvicultural,
1577 agricultural, ~~or~~ land-clearing, or ~~and~~ tree-cutting debris
1578 originating onsite, which is stacked together in a round or
1579 linear fashion, including, but not limited to, a windrow. Pile
1580 burning authorized by the Florida Forest Service is a temporary
1581 procedure, which operates on the same site for 6 months or less.

1582 (i) "Pile burn plan" means a written plan establishing the
1583 method of conducting a certified pile burn.

1584 (j) ~~(f)~~ "Prescribed burning" means the ~~controlled~~
1585 application of fire by broadcast burning ~~in accordance with a~~
1586 ~~written prescription~~ for vegetative fuels under specified



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1587 environmental conditions, while following appropriate
1588 ~~precautionary~~ measures to guard against the spread of fire
1589 ~~beyond that ensure that the fire is confined to~~ a predetermined
1590 area to accomplish the planned fire or land management
1591 objectives.

1592 (k) ~~(g)~~ "Prescription" means a written plan establishing the
1593 conditions and method for conducting ~~criteria necessary for~~
1594 ~~starting, controlling, and extinguishing~~ a certified prescribed
1595 burn.

1596 (1) "Smoldering" means the continued consumption of fuels,
1597 which may emit flames and smoke, after a fire is contained.

1598 (m) ~~(h)~~ "Yard trash" means vegetative matter resulting from
1599 landscaping and yard maintenance operations and other such
1600 routine property cleanup activities. The term includes materials
1601 such as leaves, shrub trimmings, grass clippings, brush, and
1602 palm fronds.

1603 (2) NONCERTIFIED BURNING.—

1604 (a) Persons may be authorized to broadcast burn or pile
1605 ~~burn wild land or vegetative land clearing debris~~ in accordance
1606 with this subsection if:

1607 1. There is specific consent of the landowner or his or her
1608 designee;

1609 2. Authorization has been obtained from the Florida Forest
1610 Service or its designated agent before starting the burn;

1611 3. There are adequate firebreaks at the burn site and
1612 sufficient personnel and firefighting equipment for the
1613 containment ~~control~~ of the fire;

1614 4. The fire remains within the boundary of the authorized
1615 area;



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1616 5. The person named responsible in the burn authorization
1617 or a designee ~~An authorized person~~ is present at the burn site
1618 until the fire is completed ~~extinguished~~;

1619 6. The Florida Forest Service does not cancel the
1620 authorization; and

1621 7. The Florida Forest Service determines that air quality
1622 and fire danger are favorable for safe burning.

1623 (b) A person who broadcast burns or pile burns ~~wild land or~~
1624 ~~vegetative land-clearing debris~~ in a manner that violates any
1625 requirement of this subsection commits a misdemeanor of the
1626 second degree, punishable as provided in s. 775.082 or s.
1627 775.083.

1628 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1629 PURPOSE.—

1630 (b) Certified prescribed burning pertains only to broadcast
1631 burning for purposes of silviculture, wildland fire hazard
1632 reduction, wildlife management, ecological maintenance and
1633 restoration, and agriculture ~~range and pasture management~~. It
1634 must be conducted in accordance with this subsection and:

1635 1. May be accomplished only when a certified prescribed
1636 burn manager is present on site with a copy of the prescription
1637 and directly supervises the certified prescribed burn until the
1638 burn is completed, after which the certified prescribed burn
1639 manager is not required to be present ~~from ignition of the burn~~
1640 ~~to its completion~~.

1641 2. Requires that a written prescription be prepared before
1642 receiving authorization to burn from the Florida Forest Service.

1643 a. A new prescription or authorization is not required for
1644 smoldering that occurs within the authorized burn area unless



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1645 new ignitions are conducted by the certified prescribed burn
1646 manager.

1647 b. Monitoring the smoldering activity of a certified
1648 prescribed burn does not require a prescription or an additional
1649 authorization even if flames begin to spread within the
1650 authorized burn area due to ongoing smoldering.

1651 3. Requires that the specific consent of the landowner or
1652 his or her designee be obtained before requesting an
1653 authorization.

1654 4. Requires that an authorization to burn be obtained from
1655 the Florida Forest Service before igniting the burn.

1656 5. Requires that there be adequate firebreaks at the burn
1657 site and sufficient personnel and firefighting equipment to
1658 contain for the control of the fire within the authorized burn
1659 area.

1660 a. Fire spreading outside the authorized burn area on the
1661 day of the certified prescribed burn ignition does not
1662 constitute conclusive proof of inadequate firebreaks,
1663 insufficient personnel, or a lack of firefighting equipment.

1664 b. If the certified prescribed burn is contained within the
1665 authorized burn area during the authorized period, a strong
1666 rebuttable presumption shall exist that adequate firebreaks,
1667 sufficient personnel, and sufficient firefighting equipment were
1668 present.

1669 c. Continued smoldering of a certified prescribed burn
1670 resulting in a subsequent wildfire does not by itself constitute
1671 evidence of gross negligence under this section.

1672 6. Is considered to be in the public interest and does not
1673 constitute a public or private nuisance when conducted under



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1674 applicable state air pollution statutes and rules.

1675 7. Is considered to be a property right of the property
1676 owner if vegetative fuels are burned as required in this
1677 subsection.

1678 (c) ~~Neither~~ A property owner or leaseholder, ~~nor~~ his or her
1679 agent, contractor, or legally authorized designee is not liable
1680 pursuant to s. 590.13 for damage or injury caused by the fire,
1681 including the reignition of a smoldering, previously contained
1682 burn, or resulting smoke or considered to be in violation of
1683 subsection (2) for burns conducted in accordance with this
1684 subsection, unless gross negligence is proven. The Florida
1685 Forest Service is not liable for burns for which it issues
1686 authorizations.

1687 (4) CERTIFIED PILE BURNING.—

1688 (a) Certified pile burning pertains to the disposal of
1689 piled, naturally occurring debris from an agricultural,
1690 silvicultural, ~~or temporary~~ land-clearing, or tree cutting
1691 debris originating on site operation. A land-clearing operation
1692 ~~is temporary if it operates for 6 months or less.~~ Certified pile
1693 burning must be conducted in accordance with the following:

1694 1. A certified pile burner must ensure, before ignition,
1695 that the piles are properly placed and that the content of the
1696 piles is conducive to efficient burning.

1697 2. A certified pile burner must ensure that the authorized
1698 burn is completed ~~piles are properly extinguished~~ no later than
1699 1 hour after sunset. If the burn is conducted in an area
1700 designated by the Florida Forest Service as smoke sensitive, a
1701 certified pile burner must ensure that the authorized burn is
1702 completed ~~piles are properly extinguished~~ at least 1 hour before



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1703 sunset.

1704 3. A written pile burning plan must be prepared before
1705 receiving authorization from the Florida Forest Service to burn
1706 and must be on site and available for inspection by a department
1707 representative.

1708 4. The specific consent of the landowner or his or her
1709 agent must be obtained before requesting authorization to burn.

1710 5. An authorization to burn must be obtained from the
1711 Florida Forest Service or its designated agent before igniting
1712 the burn.

1713 6. There must be adequate firebreaks and sufficient
1714 personnel and firefighting equipment at the burn site to contain
1715 the burn to the piles authorized ~~control the fire.~~

1716 Section 26. Section 590.25, Florida Statutes, is amended to
1717 read:

1718 590.25 Penalty for ~~preventing or~~ obstructing the
1719 prevention, detection, or suppression ~~extinguishment~~ of
1720 wildfires.—Whoever interferes ~~shall interfere~~ with, obstructs
1721 ~~obstruct~~ or commits ~~commit~~ any act aimed to obstruct the
1722 prevention, detection, or suppression ~~extinguishment~~ of
1723 wildfires by the employees of the Florida Forest Service or any
1724 other person engaged in the prevention, detection, or
1725 suppression ~~extinguishment~~ of a wildfire, or who damages or
1726 destroys any equipment being used for such purpose, commits
1727 ~~shall be guilty of~~ a felony of the third degree, punishable as
1728 provided in s. 775.082, s. 775.083, or s. 775.084.

1729 Section 27. Chapter 595, Florida Statutes, is created,
1730 shall consist of sections 595.401-595.701, Florida Statutes, and
1731 shall be entitled "School Food and Nutrition Services."



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1732 Section 28. Section 595.401, Florida Statutes, is created
1733 to read:

1734 595.401 Short title.—This chapter may be cited as the
1735 “Florida School Food and Nutrition Act.”

1736 Section 29. Section 595.402, Florida Statutes, is created
1737 to read:

1738 595.402 Definitions.—As used in this chapter, the term:

1739 (1) “Commissioner” means the Commissioner of Agriculture.

1740 (2) “Department” means the Department of Agriculture and
1741 Consumer Services.

1742 (3) “Program” means any one or more of the school food and
1743 nutrition service programs that the department has
1744 responsibility over including, but not limited to, the National
1745 School Lunch Program, the Special Milk Program, the School
1746 Breakfast Program, the Summer Food Service Program, the Fresh
1747 Fruit and Vegetable Program, and any other program that relates
1748 to school nutrition.

1749 (4) “School district” means any of the 67 county school
1750 districts, including the respective district school board.

1751 (5) “Sponsor” means any entity that is conducting a program
1752 under a current agreement with the department.

1753 Section 30. Section 595.403, Florida Statutes, is created
1754 to read:

1755 595.403 State policy.—The Legislature, in recognition of
1756 the demonstrated relationship between good nutrition and the
1757 capacity of students to develop and learn, declares that it is
1758 the policy of the state to provide standards for school food and
1759 nutrition services and to require each school district to
1760 establish and maintain an appropriate school food and nutrition



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1761 service program consistent with the nutritional needs of
1762 students. To implement that policy, the state shall provide
1763 funds to meet the state National School Lunch Act matching
1764 requirements. The funds provided shall be distributed in such a
1765 manner as to comply with the requirements of the National School
1766 Lunch Act.

1767 Section 31. Section 570.98, Florida Statutes, is
1768 transferred, renumbered as section 595.404, Florida Statutes,
1769 and amended to read:

1770 595.404 ~~570.98~~ School food and nutrition service program;
1771 powers and duties of the department ~~programs.~~

1772 ~~(1)~~ The department has the following powers and duties:
1773 ~~shall~~

1774 (1) To conduct, supervise, and administer the program ~~all~~
1775 ~~school food and nutrition programs~~ that will be carried out
1776 using federal or state funds, or funds from any other source.

1777 (2) To fully ~~The department shall~~ cooperate ~~fully~~ with the
1778 United States Government and its agencies and instrumentalities
1779 so that the department may receive the benefit of all federal
1780 financial allotments and assistance possible to carry out the
1781 purposes of this chapter.

1782 (3) To implement and adopt by rule, as required, federal
1783 regulations to maximize federal assistance for the program. ~~The~~
1784 ~~department may~~

1785 (4) To act as agent of, or contract with, the Federal
1786 Government, another state agency, or any county or municipal
1787 government, or sponsor for the administration of the program
1788 ~~school food and nutrition programs~~, including the distribution
1789 of funds provided by the Federal Government to support the



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1790 program school food and nutrition programs.

1791 (5) To make a reasonable effort to ensure that any school
1792 designated as a "severe need school" receives the highest rate
1793 of reimbursement to which it is entitled under 42 U.S.C. s. 1773
1794 for each breakfast meal served.

1795 (6) To develop and propose legislation necessary to
1796 implement the program, encourage the development of innovative
1797 school food and nutrition services, and expand participation in
1798 the program.

1799 (7) To annually allocate among the sponsors, as applicable,
1800 funds provided from the school breakfast supplement in the
1801 General Appropriations Act based on each district's total number
1802 of free and reduced-price breakfast meals served.

1803 (8) To employ such persons as are necessary to perform its
1804 duties under this chapter.

1805 (9) To adopt rules covering the administration, operation,
1806 and enforcement of the program as well as to implement the
1807 provisions of this chapter.

1808 (10) To adopt and implement an appeal process by rule, as
1809 required by federal regulations, for applicants and participants
1810 under the program, notwithstanding s. 120.569 and ss. 120.57-
1811 120.595.

1812 (11) To assist, train, and review each sponsor in its
1813 implementation of the program.

1814 (12) To advance funds from the program's annual
1815 appropriation to sponsors, when requested, in order to implement
1816 the provisions of this chapter and in accordance with federal
1817 regulations.

1818 Section 32. Subsections (1) through (5) of section 570.981,



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1819 Florida Statutes, are transferred, renumbered as section
1820 595.405, Florida Statutes, and amended to read:

1821 595.405 ~~570.981~~ Program requirements for school districts
1822 and sponsors food service programs.-

1823 ~~(1) In recognition of the demonstrated relationship between~~
1824 ~~good nutrition and the capacity of students to develop and~~
1825 ~~learn, it is the policy of the state to provide standards for~~
1826 ~~school food service and to require district school boards to~~
1827 ~~establish and maintain an appropriate private school food~~
1828 ~~service program consistent with the nutritional needs of~~
1829 ~~students.~~

1830 ~~(2) The department shall adopt rules covering the~~
1831 ~~administration and operation of the school food service~~
1832 ~~programs.~~

1833 ~~(1)~~(3) Each school district ~~school board~~ shall consider the
1834 recommendations of the district school superintendent and adopt
1835 policies to provide for an appropriate food and nutrition
1836 service program for students consistent with federal law and
1837 department rules ~~rule~~.

1838 ~~(4) The state shall provide the state National School Lunch~~
1839 ~~Act matching requirements. The funds provided shall be~~
1840 ~~distributed in such a manner as to comply with the requirements~~
1841 ~~of the National School Lunch Act.~~

1842 ~~(2)~~(5)~~(a)~~ Each school district ~~school board~~ shall implement
1843 school breakfast programs that make breakfast meals available to
1844 all students in each elementary school. Universal school
1845 breakfast programs shall be offered in schools in which 80
1846 percent or more of the students are eligible for free or
1847 reduced-price meals. Each school shall, to the maximum extent



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1848 practicable, make breakfast meals available to students at an
1849 alternative site location, which may include, but need not be
1850 limited to, alternative breakfast options as described in
1851 publications of the Food and Nutrition Service of the United
1852 States Department of Agriculture for the federal School
1853 Breakfast Program.

1854 (3)~~(b)~~ Each school district must annually set prices for
1855 breakfast meals at rates that, combined with federal
1856 reimbursements and state allocations, are sufficient to defray
1857 costs of school breakfast programs without requiring allocations
1858 from the district's operating funds, except if the district
1859 school board approves lower rates.

1860 (4)~~(c)~~ Each school district ~~school board~~ is encouraged to
1861 provide universal-free school breakfast meals to all students in
1862 each elementary, middle, and high school. Each school district
1863 ~~school board~~ shall approve or disapprove a policy, after
1864 receiving public testimony concerning the proposed policy at two
1865 or more regular meetings, which makes universal-free school
1866 breakfast meals available to all students in each elementary,
1867 middle, and high school in which 80 percent or more of the
1868 students are eligible for free or reduced-price meals.

1869 (5)~~(d)~~ Each elementary, middle, and high school shall make
1870 a breakfast meal available if a student arrives at school on the
1871 ~~school~~ bus less than 15 minutes before the first bell rings and
1872 shall allow the student at least 15 minutes to eat the
1873 breakfast.

1874 (6)~~(e)~~ Each school district shall annually provide to all
1875 students in each elementary, middle, and high school information
1876 prepared by the district's food service administration regarding



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1877 its school breakfast programs. The information shall be
1878 communicated through school announcements and written notices
1879 ~~notice~~ sent to all parents.

1880 (7)(f) A school district school board may operate a
1881 breakfast program providing for food preparation at the school
1882 site or in central locations with distribution to designated
1883 satellite schools or any combination thereof.

1884 (8) Each sponsor shall complete all corrective action plans
1885 required by the department or a federal agency to be in
1886 compliance with the program.

1887 ~~(g) The commissioner shall make every reasonable effort to~~
1888 ~~ensure that any school designated as a "severe need school"~~
1889 ~~receives the highest rate of reimbursement to which it is~~
1890 ~~entitled under 42 U.S.C. s. 1773 for each breakfast meal served.~~

1891 ~~(h) The department shall annually allocate among the school~~
1892 ~~districts funds provided from the school breakfast supplement in~~
1893 ~~the General Appropriations Act based on each district's total~~
1894 ~~number of free and reduced-price breakfast meals served.~~

1895 Section 33. Subsection (6) of section 570.981, Florida
1896 Statutes, is transferred, renumbered as section 595.406, Florida
1897 Statutes, and amended to read:

1898 595.406 570.981 Florida Farm Fresh Schools Program School
1899 food service programs.-

1900 ~~(6) The Legislature, recognizing that school children need~~
1901 ~~nutritious food not only for healthy physical and intellectual~~
1902 ~~development but also to combat diseases related to poor~~
1903 ~~nutrition and obesity, establishes the Florida Farm Fresh~~
1904 ~~Schools Program within the department. The program shall comply~~
1905 ~~with the regulations of the National School Lunch Program and~~



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1906 ~~require:~~

1907 (1) ~~(a)~~ In order to implement the Florida Farm Fresh Schools
1908 Program, the department shall ~~to~~ develop policies pertaining to
1909 school food services which encourage:

1910 ~~(a)1.~~ Sponsors ~~School districts~~ to buy fresh and high-
1911 quality foods grown in this state when feasible.

1912 ~~(b)2.~~ Farmers in this state to sell their products to
1913 sponsors, school districts, and schools.

1914 ~~(c)3.~~ Sponsors ~~School districts and schools~~ to demonstrate
1915 a preference for competitively priced organic food products.

1916 ~~(d)(b)~~ Sponsors ~~School districts and schools~~ to make
1917 reasonable efforts to select foods based on a preference for
1918 those that have maximum nutritional content.

1919 (2) ~~(e)~~ The department shall ~~to~~ provide outreach, guidance,
1920 and training to sponsors ~~school districts~~, schools, school food
1921 service directors, parent and teacher organizations, and
1922 students about the benefit ~~benefits~~ of fresh food products from
1923 farms in this state.

1924 Section 34. Section 570.982, Florida Statutes, is
1925 transferred, renumbered as section 595.407, Florida Statutes,
1926 and amended to read:

1927 595.407 ~~570.982~~ Children's summer nutrition program.—

1928 (1) This section may be cited as the "Ms. Willie Ann Glenn
1929 Act."

1930 (2) Each school district ~~school board~~ shall develop a plan
1931 to sponsor a summer nutrition program to operate sites in the
1932 school district as follows:

1933 (a) Within 5 miles of at least one elementary school at
1934 which 50 percent or more of the students are eligible for free



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1935 or reduced-price school meals and for the duration of 35
1936 consecutive days. ~~and~~

1937 (b) ~~Except as operated pursuant to paragraph (a),~~ Within 10
1938 miles of each elementary school at which 50 percent or more of
1939 the students are eligible for free or reduced-price school
1940 meals, except as operated pursuant to paragraph (a).

1941 (3) (a) A school district ~~school board~~ may be exempt from
1942 sponsoring a summer nutrition program pursuant to this section.
1943 A school district ~~school board~~ seeking such exemption must
1944 include the issue on an agenda at a regular or special school
1945 district ~~school board~~ meeting that is publicly noticed, provide
1946 residents an opportunity to participate in the discussion, and
1947 vote on whether to be exempt from this section. The school
1948 district ~~school board~~ shall notify the department commissioner
1949 within 10 days after it decides to become exempt from this
1950 section.

1951 (b) Each year, the school district ~~school board~~ shall
1952 reconsider its decision to be exempt from the provisions of this
1953 section and shall vote on whether to continue the exemption from
1954 sponsoring a summer nutrition program. The school district
1955 ~~school board~~ shall notify the department commissioner within 10
1956 days after each subsequent year's decision to continue the
1957 exemption.

1958 (c) If a school district ~~school board~~ elects to be exempt
1959 from sponsoring a summer nutrition program under this section,
1960 the school district ~~school board~~ may encourage not-for-profit
1961 entities to sponsor the program. If a not-for-profit entity
1962 chooses to sponsor the summer nutrition program but fails to
1963 perform with regard to the program, ~~the district school board,~~



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1964 the school district, and the department are not required to
1965 continue the program and shall be held harmless from any
1966 liability arising from the discontinuation of the summer
1967 nutrition program.

1968 (4) The superintendent of schools may collaborate with
1969 municipal and county governmental agencies and private, not-for-
1970 profit leaders in implementing the plan. Although schools have
1971 proven to be the optimal site for a summer nutrition program,
1972 any not-for-profit entity may serve as a site or sponsor. By
1973 April 15 of each year, each school district with a summer
1974 nutrition program shall report to the department the district's
1975 summer nutrition program sites in compliance with this section.

1976 (5) The department shall provide to each school district
1977 ~~school board~~ by February 15 of each year a list of local
1978 organizations that have filed letters of intent to participate
1979 in the summer nutrition program in order that a school district
1980 ~~may school board is able to~~ determine how many sites are needed
1981 to serve the children and where to place each site.

1982 Section 35. Section 570.072, Florida Statutes, is
1983 transferred and renumbered as section 595.408, Florida Statutes.

1984 Section 36. Section 595.501, Florida Statutes, is created
1985 to read:

1986 595.501 Penalties.—Any person, sponsor, or school district
1987 that violates any provision of this chapter or any rule adopted
1988 thereunder or otherwise does not comply with the program is
1989 subject to a suspension or revocation of their agreement, loss
1990 of reimbursement, or a financial penalty in accordance with
1991 federal or state law or both. This section does not restrict the
1992 applicability of any other law.



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1993 Section 37. Section 570.983, Florida Statutes, is
1994 transferred, renumbered as section 595.601, Florida Statutes,
1995 and amended to read:

1996 595.601 ~~570.983~~ Food and Nutrition Services Trust Fund.—
1997 Chapter 99-37, Laws of Florida, recreated the Food and Nutrition
1998 Services Trust Fund to record revenue and disbursements of
1999 Federal Food and Nutrition funds received by the department as
2000 authorized in s. 595.405 ~~570.981~~.

2001 Section 38. Section 570.984, Florida Statutes, is
2002 transferred and renumbered as section 595.701, Florida Statutes,
2003 to read:

2004 595.701 ~~570.984~~ Healthy Schools for Healthy Lives Council.—

2005 (1) There is created within the Department of Agriculture
2006 and Consumer Services the Healthy Schools for Healthy Lives
2007 Council, which shall consist of 11 members appointed by the
2008 Commissioner of Agriculture. The council shall advise the
2009 department on matters relating to nutritional standards and the
2010 prevention of childhood obesity, nutrition education,
2011 anaphylaxis, and other needs to further the development of the
2012 various school nutrition programs.

2013 (2) The meetings, powers, duties, procedures, and
2014 recordkeeping of the Healthy Schools for Healthy Lives Council
2015 shall be governed by s. 570.0705, relating to advisory
2016 committees established within the department.

2017 Section 39. Subsection (16) of section 1001.42, Florida
2018 Statutes, is amended to read:

2019 1001.42 Powers and duties of district school board.—The
2020 district school board, acting as a board, shall exercise all
2021 powers and perform all duties listed below:



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2022 (16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities and
2023 exercise such powers and perform such duties as may be assigned
2024 to it by law or as may be required by rules of the Department of
2025 Agriculture and Consumer Services ~~State Board of Education~~ or,
2026 as in the opinion of the district school board, are necessary to
2027 ensure school lunch services, consistent with needs of students;
2028 effective and efficient operation of the program; and the proper
2029 articulation of the school lunch program with other phases of
2030 education in the district.

2031 Section 40. Subsection (1) of section 1003.453, Florida
2032 Statutes, is amended to read:

2033 1003.453 School wellness and physical education policies;
2034 nutrition guidelines.—

2035 (1) Each school district shall electronically submit ~~to the~~
2036 ~~Department of Education a copy of its~~ local school wellness
2037 policy to the Department of Agriculture and Consumer Services ~~as~~
2038 ~~required by the Child Nutrition and WIC Reauthorization Act of~~
2039 ~~2004 and a copy of its physical education policy required under~~
2040 s. 1003.455 to the Department of Education. Each school district
2041 shall annually review its local school wellness policy and
2042 physical education policy and provide a procedure for public
2043 input and revisions. In addition, each school district shall
2044 provide its revised local school ~~send an updated copy of its~~
2045 wellness policy and revised physical education policy to the
2046 applicable department ~~and to the Department of Agriculture and~~
2047 ~~Consumer Services~~ when a change or revision is made.

2048 Section 41. Sections 487.0615, 570.382, 570.97, and 590.50,
2049 Florida Statutes, are repealed.

2050 Section 42. Subsection (5) of section 487.041, Florida



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2051 Statutes, is amended to read:

2052 487.041 Registration.—

2053 ~~(5) The department shall provide summary information to the~~
2054 ~~Pesticide Review Council regarding applications for registration~~
2055 ~~of those pesticides for which data received in the registration~~
2056 ~~process indicate that the pesticide, when used according to~~
2057 ~~label instructions and precautions, may have a significant~~
2058 ~~potential for adverse effects on human health or the~~
2059 ~~environment. The council shall be kept apprised of the status of~~
2060 ~~these applications while under review and of the final action by~~
2061 ~~the Commissioner of Agriculture regarding the registration of~~
2062 ~~these pesticides.~~

2063 Section 43. Paragraph (b) of subsection (8) of section
2064 550.2625, Florida Statutes, is amended to read:

2065 550.2625 Horseracing; minimum purse requirement, Florida
2066 breeders' and owners' awards.—

2067 (8)

2068 ~~(b) The division shall deposit these collections to the~~
2069 ~~credit of the General Inspection Trust Fund in a special account~~
2070 ~~to be known as the "Florida Arabian Horse Racing Promotion~~
2071 ~~Account." The Department of Agriculture and Consumer Services~~
2072 ~~shall administer the funds and adopt suitable and reasonable~~
2073 ~~rules for the administration thereof. The moneys in the Florida~~
2074 ~~Arabian Horse Racing Promotion Account shall be allocated solely~~
2075 ~~for supplementing and augmenting purses and prizes and for the~~
2076 ~~general promotion of owning and breeding of racing Arabian~~
2077 ~~horses in this state; and the moneys may not be used to defray~~
2078 ~~any expense of the Department of Agriculture and Consumer~~
2079 ~~Services in the administration of this chapter, except that the~~



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2080 ~~moneys generated by Arabian horse registration fees received~~
2081 ~~pursuant to s. 570.382 may be used as provided in paragraph~~
2082 ~~(5)(b) of that section.~~

2083 Section 44. Paragraphs (b) and (c) of subsection (2) of
2084 section 550.2633, Florida Statutes, are amended to read:

2085 550.2633 Horseracing; distribution of abandoned interest in
2086 or contributions to pari-mutuel pools.-

2087 (2) All moneys or other property which has escheated to and
2088 become the property of the state as provided herein and which is
2089 held by a permitholder authorized to conduct pari-mutuel pools
2090 in this state shall be paid annually by the permitholder to the
2091 recipient designated in this subsection within 60 days after the
2092 close of the race meeting of the permitholder. Section 550.1645
2093 notwithstanding, the moneys shall be paid by the permitholder as
2094 follows:

2095 (b) ~~Except as provided in paragraph (c),~~ Funds from quarter
2096 horse races shall be paid to the Florida Quarter Horse Breeders
2097 and Owners Association and shall be allocated solely for
2098 supplementing and augmenting purses and prizes and for the
2099 general promotion of owning and breeding of racing quarter
2100 horses in this state, as provided for in s. 550.2625.

2101 ~~(c) Funds for Arabian horse races conducted under a quarter~~
2102 ~~horse racing permit shall be deposited into the General~~
2103 ~~Inspection Trust Fund in a special account to be known as the~~
2104 ~~"Florida Arabian Horse Racing Promotion Account" and shall be~~
2105 ~~used for the payment of breeders' awards and stallion awards as~~
2106 ~~provided for in s. 570.382.~~

2107 Section 45. In order to effectuate the repeal of s. 570.97,
2108 Florida Statutes, and to honor the wishes of the donor, for the



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2109 2013-2014 fiscal year, the sum of \$59,239 in nonrecurring funds
2110 is appropriated to the Department of Agriculture and Consumer
2111 Services in the expenses appropriation category for deposit in
2112 the General Inspection Trust Fund to be used by the Division of
2113 Animal Industry for disbursement to Florida Animal Friend, Inc.
2114 Section 46. This act shall take effect upon becoming a law.

2115
2116 ===== T I T L E A M E N D M E N T =====

2117 And the title is amended as follows:

2118 Delete everything before the enacting clause
2119 and insert:

2120 A bill to be entitled
2121 An act relating to the Department of Agriculture and
2122 Consumer Services; amending s. 253.034, F.S.;

2123 requiring public hearings relating to the development
2124 of land management plans to be held in any one, rather
2125 than each, county affected by such plans; amending s.
2126 259.1052, F.S.; providing for Lee County to retain
2127 ownership and assume responsibility for management of
2128 a specified portion of the Babcock Crescent B Ranch
2129 Florida Forever acquisition; requiring certain
2130 activities on the property to be compatible with
2131 working ranch and agricultural activities;

2132 establishing the Department of Agriculture and
2133 Consumer Services as the lead agency responsible for
2134 managing the Babcock Crescent B Ranch; amending s.
2135 259.10521, F.S.; replacing the term "Babcock Crescent
2136 B Ranch" with the term "Babcock Ranch Preserve" for
2137 limited purposes; amending s. 259.1053, F.S.; deleting



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2138 and revising provisions of the Babcock Ranch Preserve
2139 Act to conform to the termination or expiration of the
2140 management agreement and the dissolution of Babcock
2141 Ranch, Inc.; revising definitions; creating the
2142 Babcock Ranch Advisory Group; providing for the
2143 department to manage and operate the preserve;
2144 requiring certain fees to be deposited into the
2145 Incidental Trust Fund of the Florida Forest Service of
2146 the Department of Agriculture and Consumer Services,
2147 subject to appropriation; directing the Fish and
2148 Wildlife Conservation Commission, in cooperation with
2149 the department, to establish, implement, and
2150 administer certain activities and fees; requiring such
2151 fees to be deposited into the State Game Trust Fund of
2152 the Fish and Wildlife Conservation Commission and used
2153 for specified purposes; authorizing the Board of
2154 Trustees of the Internal Improvement Trust Fund to
2155 negotiate and enter into certain agreements and grant
2156 certain privileges, leases, concessions, and permits;
2157 providing for certain funds to revert to the
2158 Incidental Trust Fund of the Florida Forest Service
2159 upon dissolution of Babcock Ranch, Inc.; providing a
2160 date for dissolution of the Babcock Ranch Advisory
2161 Group, subject to Legislative reenactment; amending s.
2162 388.261, F.S.; revising provisions for the
2163 distribution and use of state funds for local mosquito
2164 control programs; amending s. 388.271, F.S.; revising
2165 the date by which mosquito control districts must
2166 submit their certified budgets for approval by the



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2167 department; amending s. 487.160, F.S.; deleting
2168 provisions requiring the department to conduct a
2169 survey and compile a report on restricted-use
2170 pesticides; amending s. 534.083, F.S.; deleting
2171 permitting requirements for livestock haulers;
2172 amending s. 570.07, F.S.; clarifying the authority of
2173 the department to regulate certain open burning;
2174 creating s. 570.087, F.S.; providing legislative
2175 findings; requiring the Department of Agriculture and
2176 Consumer Services to enter into a memorandum of
2177 agreement with the Fish and Wildlife Conservation
2178 Commission for the purpose of developing voluntary
2179 best management practices for this state's
2180 agricultural industry; allowing for pilot projects;
2181 providing that the department has rulemaking authority
2182 for these purposes; requiring that rules provide for a
2183 notice of intent to implement these practices;
2184 emphasizing that implementation of the best management
2185 practices created pursuant to this section is
2186 voluntary; restricting the adoption or enforcement of
2187 any law regarding the best management practices
2188 created pursuant to this section; creating s. 570.64,
2189 F.S.; establishing the duties of the Division of Food,
2190 Nutrition, and Wellness within the department;
2191 providing for a director of the division; amending s.
2192 570.902, F.S.; clarifying the applicability of
2193 definitions relating to certain designated programs
2194 and direct-support organizations; amending s. 570.903,
2195 F.S.; authorizing the department to establish direct-



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2196 support organizations for museums and other programs
2197 of the department; deleting provisions that limit the
2198 establishment of direct-support organizations to
2199 particular museums and programs; deleting provisions
2200 authorizing direct-support organizations to enter into
2201 certain contracts or agreements; clarifying provisions
2202 prohibiting specified entities from receiving
2203 commissions, fees, or financial benefits in connection
2204 with the sale or exchange of real property and
2205 historical objects; providing for the termination of
2206 agreements between the department and direct-support
2207 organizations; providing for the distribution of
2208 certain assets; deleting provisions requiring the
2209 department to establish certain procedures relating to
2210 museum artifacts and records; amending s. 576.051,
2211 F.S.; authorizing the department to establish certain
2212 criteria for fertilizer sampling and analysis;
2213 amending s. 576.061, F.S.; requiring the department to
2214 adopt rules establishing certain investigational
2215 allowances for fertilizer deficiencies; providing a
2216 date by which such allowances are effective and other
2217 allowances are repealed; amending s. 576.181, F.S.;
2218 revising the department's authority to adopt rules
2219 establishing certain criteria for fertilizer analysis;
2220 amending s. 585.61, F.S.; deleting provisions for the
2221 establishment of an animal disease diagnostic
2222 laboratory in Suwannee County; amending s. 586.10,
2223 F.S.; authorizing apiary inspectors to be certified
2224 beekeepers under certain conditions; amending s.



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2225 586.15, F.S.; authorizing the Department of
2226 Agriculture and Consumer Services to collect certain
2227 costs to be deposited into the General Inspection
2228 Trust Fund; amending s. 589.02, F.S.; deleting annual
2229 and special meeting requirements for the Florida
2230 Forestry Council; amending s. 589.19, F.S.;
2231 establishing the Operation Outdoor Freedom Program
2232 within the Florida Forest Service to replace
2233 provisions for the designation of specified hunt areas
2234 in state forests for wounded veterans and
2235 servicemembers; providing purpose and intent of the
2236 program; providing eligibility requirements for
2237 program participation; providing exceptions from
2238 eligibility requirements for certain activities;
2239 providing for deposit and use of funds donated to the
2240 program; limiting the liability of private landowners
2241 who provide land for designation as hunting sites for
2242 purposes of the program; amending s. 589.30, F.S.;
2243 revising references to certain Florida Forest Service
2244 personnel titles; amending s. 590.02, F.S.;
2245 authorizing the Florida Forest Service to allow
2246 certain types of burning; specifying that sovereign
2247 immunity applies to certain planning level activities;
2248 deleting provisions relating to the composition and
2249 duties of the Florida Forest Training Center advisory
2250 council; prohibiting government entities from banning
2251 certain types of burning; authorizing the service to
2252 delegate authority to special districts to manage
2253 certain types of burning; revising such authority



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2254 delegated to counties and municipalities; amending s.
2255 590.11, F.S.; revising the prohibition on leaving
2256 certain recreational fires unattended, to which
2257 penalties apply; amending s. 590.125, F.S.; revising
2258 and providing definitions relating to open burning
2259 authorized by the Florida Forest Service; revising
2260 requirements for noncertified and certified burning;
2261 limiting the liability of the service and certain
2262 persons related to certain burns; amending s. 590.25,
2263 F.S.; revising provisions relating to criminal
2264 penalties for obstructing the prevention, detection,
2265 or suppression of wildfires; creating chapter 595,
2266 F.S., to establish the Florida School Food and
2267 Nutrition Act; creating s. 595.401, F.S.; providing a
2268 short title; creating s. 595.402, F.S.; providing
2269 definitions; creating s. 595.403, F.S.; declaring
2270 state policy relating to school food and nutrition
2271 services; transferring, renumbering, and amending ss.
2272 570.98 and 570.981, F.S., relating to school food and
2273 nutrition services and the Florida Farm Fresh Schools
2274 Program; revising the department's duties and
2275 responsibilities for administering such services and
2276 program; revising requirements for school districts
2277 and sponsors; transferring, renumbering, and amending
2278 s. 570.982, F.S., relating to the children's summer
2279 nutrition program; clarifying provisions; transferring
2280 and renumbering s. 570.072, F.S., relating to
2281 commodity distribution; creating s. 595.501, F.S.;
2282 providing certain penalties; transferring,



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2283 renumbering, and amending s. 570.983, F.S., relating
2284 to the Food and Nutrition Services Trust Fund;
2285 conforming a cross-reference; transferring and
2286 renumbering s. 570.984, F.S., relating to the Healthy
2287 Schools for Healthy Lives Council; amending s.
2288 1001.42, F.S.; requiring district school boards to
2289 perform duties relating to school lunch programs as
2290 required by the department's rules; amending s.
2291 1003.453, F.S.; requiring each school district to
2292 electronically submit a revised local school wellness
2293 policy to the Department of Agriculture and Consumer
2294 Services and a revised physical education policy to
2295 the Department of Education; repealing ss. 487.0615,
2296 570.382, 570.97, and 590.50, F.S., relating to the
2297 Pesticide Review Council, Arabian horse racing and the
2298 Arabian Horse Council, the Gertrude Maxwell Save a Pet
2299 Direct-Support Organization, and permits for the sale
2300 of cypress products, respectively; amending ss.
2301 487.041, 550.2625, and 550.2633, F.S.; conforming
2302 provisions; providing for the disbursement of
2303 specified funds; providing an effective date.