

By Senator Montford

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 253.034, F.S.;
4 requiring public hearings relating to the development
5 of land management plans to be held in any one, rather
6 than each, county affected by such plans; amending s.
7 388.261, F.S.; revising provisions for the
8 distribution and use of state funds for local mosquito
9 control programs; amending s. 388.271, F.S.; revising
10 the date by which mosquito control districts must
11 submit their certified budgets for approval by the
12 department; amending s. 487.160, F.S.; deleting
13 provisions requiring the department to conduct a
14 survey and compile a report on restricted-use
15 pesticides; amending s. 534.083, F.S.; deleting
16 permitting requirements for livestock haulers;
17 amending s. 570.07, F.S.; clarifying the authority of
18 the department to regulate certain open burning;
19 creating s. 570.64, F.S.; establishing the duties of
20 the Division of Food, Nutrition, and Wellness within
21 the department; providing for a director of the
22 division; amending s. 570.902, F.S.; clarifying the
23 applicability of definitions relating to certain
24 designated programs and direct-support organizations;
25 amending s. 570.903, F.S.; authorizing the department
26 to establish direct-support organizations for museums
27 and other programs of the department; deleting
28 provisions that limit the establishment of direct-
29 support organizations to particular museums and

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30 programs; deleting provisions authorizing direct-
31 support organizations to enter into certain contracts
32 or agreements; clarifying provisions prohibiting
33 specified entities from receiving commissions, fees,
34 or financial benefits in connection with the sale or
35 exchange of real property and historical objects;
36 providing for the termination of agreements between
37 the department and direct-support organizations;
38 providing for the distribution of certain assets;
39 deleting provisions requiring the department to
40 establish certain procedures relating to museum
41 artifacts and records; amending s. 576.051, F.S.;
42 authorizing the department to establish certain
43 criteria for fertilizer sampling and analysis;
44 amending s. 576.061, F.S.; requiring the department to
45 adopt rules establishing certain investigational
46 allowances for fertilizer deficiencies; providing a
47 date by which such allowances are effective and other
48 allowances are repealed; amending s. 576.181, F.S.;
49 revising the department's authority to adopt rules
50 establishing certain criteria for fertilizer analysis;
51 amending s. 585.61, F.S.; deleting provisions for the
52 establishment of an animal disease diagnostic
53 laboratory in Suwannee County; amending s. 586.10,
54 F.S.; authorizing apiary inspectors to be certified
55 beekeepers under certain conditions; amending s.
56 589.02, F.S.; deleting annual and special meeting
57 requirements for the Florida Forestry Council;
58 amending s. 589.19, F.S.; establishing the Operation

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59 Outdoor Freedom Program within the Florida Forest
60 Service to replace provisions for the designation of
61 specified hunt areas in state forests for wounded
62 veterans and servicemembers; providing purpose and
63 intent of the program; providing eligibility
64 requirements for program participation; providing
65 exceptions from eligibility requirements for certain
66 activities; providing for deposit and use of funds
67 donated to the program; limiting the liability of
68 private landowners who provide land for designation as
69 hunting sites for purposes of the program; amending s.
70 589.30, F.S.; revising references to certain Florida
71 Forest Service personnel titles; amending s. 590.02,
72 F.S.; authorizing the Florida Forest Service to allow
73 certain types of burning; specifying that sovereign
74 immunity applies to certain planning level activities;
75 deleting provisions relating to the composition and
76 duties of the Florida Forest Training Center advisory
77 council; prohibiting government entities from banning
78 certain types of burning; authorizing the service to
79 delegate authority to special districts to manage
80 certain types of burning; revising such authority
81 delegated to counties and municipalities; amending s.
82 590.11, F.S.; revising the prohibition on leaving
83 certain recreational fires unattended, to which
84 penalties apply; amending s. 590.125, F.S.; revising
85 and providing definitions relating to open burning
86 authorized by the Florida Forest Service; revising
87 requirements for noncertified and certified burning;

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88 limiting the liability of the service and certain
89 persons related to certain burns; amending s. 590.25,
90 F.S.; revising provisions relating to criminal
91 penalties for obstructing the prevention, detection,
92 or suppression of wildfires; creating chapter 595,
93 F.S., to establish the Florida School Food and
94 Nutrition Act; creating s. 595.401, F.S.; providing a
95 short title; creating s. 595.402, F.S.; providing
96 definitions; creating s. 595.403, F.S.; declaring
97 state policy relating to school food and nutrition
98 services; transferring, renumbering, and amending ss.
99 570.98 and 570.981, F.S., relating to school food and
100 nutrition services and the Florida Farm Fresh Schools
101 Program; revising the department's duties and
102 responsibilities for administering such services and
103 program; revising requirements for school districts
104 and sponsors; transferring, renumbering, and amending
105 s. 570.982, F.S., relating to the children's summer
106 nutrition program; clarifying provisions; creating s.
107 595.408, F.S.; authorizing the department to conduct,
108 supervise, and administer commodity distribution
109 services relating to school food and nutrition
110 services; creating s. 595.501, F.S.; providing certain
111 penalties; transferring, renumbering, and amending s.
112 570.983, relating to the Food and Nutrition Services
113 Trust Fund; conforming a cross-reference; transferring
114 and renumbering s. 570.984, F.S., relating to the
115 Healthy Schools for Healthy Lives Council; amending s.
116 1001.42, F.S.; requiring district school boards to

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117 perform duties relating to school lunch programs as
118 required by the department's rules; repealing ss.
119 487.0615, 570.382, 570.97, and 590.50, F.S., relating
120 to the Pesticide Review Council, Arabian horse racing
121 and the Arabian Horse Council, the Gertrude Maxwell
122 Save a Pet Direct-Support Organization, and permits
123 for the sale of cypress products, respectively;
124 amending ss. 487.041, 550.2625, and 550.2633, F.S.;
125 conforming provisions; providing for the disbursement
126 of specified funds; providing an effective date.

127

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

129

130 Section 1. Paragraph (f) of subsection (5) of section
131 253.034, Florida Statutes, is amended to read:

132 253.034 State-owned lands; uses.—

133 (5) Each manager of conservation lands shall submit to the
134 Division of State Lands a land management plan at least every 10
135 years in a form and manner prescribed by rule by the board and
136 in accordance with the provisions of s. 259.032. Each manager of
137 conservation lands shall also update a land management plan
138 whenever the manager proposes to add new facilities or make
139 substantive land use or management changes that were not
140 addressed in the approved plan, or within 1 year of the addition
141 of significant new lands. Each manager of nonconservation lands
142 shall submit to the Division of State Lands a land use plan at
143 least every 10 years in a form and manner prescribed by rule by
144 the board. The division shall review each plan for compliance
145 with the requirements of this subsection and the requirements of

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146 the rules established by the board pursuant to this section. All
147 land use plans, whether for single-use or multiple-use
148 properties, shall include an analysis of the property to
149 determine if any significant natural or cultural resources are
150 located on the property. Such resources include archaeological
151 and historic sites, state and federally listed plant and animal
152 species, and imperiled natural communities and unique natural
153 features. If such resources occur on the property, the manager
154 shall consult with the Division of State Lands and other
155 appropriate agencies to develop management strategies to protect
156 such resources. Land use plans shall also provide for the
157 control of invasive nonnative plants and conservation of soil
158 and water resources, including a description of how the manager
159 plans to control and prevent soil erosion and soil or water
160 contamination. Land use plans submitted by a manager shall
161 include reference to appropriate statutory authority for such
162 use or uses and shall conform to the appropriate policies and
163 guidelines of the state land management plan. Plans for managed
164 areas larger than 1,000 acres shall contain an analysis of the
165 multiple-use potential of the property, which analysis shall
166 include the potential of the property to generate revenues to
167 enhance the management of the property. Additionally, the plan
168 shall contain an analysis of the potential use of private land
169 managers to facilitate the restoration or management of these
170 lands. In those cases where a newly acquired property has a
171 valid conservation plan that was developed by a soil and
172 conservation district, such plan shall be used to guide
173 management of the property until a formal land use plan is
174 completed.

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

177 Section 2. Subsection (2) of section 388.261, Florida
178 Statutes, is amended to read:

179 388.261 State aid to counties and districts for arthropod
180 control; distribution priorities and limitations.—

181 (2) Every county or district budgeting local funds to be
182 used exclusively for the control of mosquitoes and other
183 arthropods, under a plan submitted by the county or district and
184 approved by the department, is ~~shall be~~ eligible to receive
185 state funds and supplies, services, and equipment on a dollar-
186 for-dollar matching basis to the amount of local funds budgeted.
187 If ~~Should~~ state funds appropriated by the Legislature are ~~be~~
188 insufficient to grant each county or district state funds on a
189 dollar-for-dollar matching basis to the amount budgeted in local
190 funds, the department shall distribute the funds as prescribed
191 by rule. Such rules shall provide for up to 80 percent of the
192 funds to be distributed to programs with local funds for
193 mosquito control budgets of less than \$1 million, if the county
194 or district meets the eligibility requirements. The funds shall
195 be distributed as equally as possible within the category of
196 counties pursuant to this section. The remaining funds shall be
197 distributed as prescribed by rule among the remaining counties
198 to support mosquito control and to support research, education,
199 and outreach ~~prorate said state funds based on the amount of~~
200 ~~matchable local funds budgeted for expenditure by each county or~~
201 ~~district.~~

202 Section 3. Subsection (1) of section 388.271, Florida
203 Statutes, is amended to read:

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204 388.271 Prerequisites to participation.—

205 (1) When state funds are involved, it is the duty of the
206 department to guide, review, approve, and coordinate the
207 activities of all county governments and special districts
208 receiving state funds in furtherance of the goal of integrated
209 arthropod control. Each county or district eligible to
210 participate hereunder may begin participation on October 1 of
211 any year by filing with the department not later than July 15 a
212 tentative work plan and tentative detailed work plan budget
213 providing for the control of arthropods. Following approval of
214 the plan and budget by the department, two copies of the
215 county's or district's certified budget based on the approved
216 work plan and detailed work plan budget shall be submitted to
217 the department by not later than September 30 ~~15~~ following.
218 State funds, supplies, and services shall be made available to
219 such county or district by and through the department
220 immediately upon release of funds by the Executive Office of the
221 Governor.

222 Section 4. Section 487.160, Florida Statutes, is amended to
223 read:

224 487.160 ~~Records; report.~~—Licensed private applicators
225 supervising 15 or more unlicensed applicators or mixer-loaders
226 and licensed public applicators and licensed commercial
227 applicators shall maintain records as the department may
228 determine by rule with respect to the application of restricted
229 pesticides, including, but not limited to, the type and quantity
230 of pesticide, method of application, crop treated, and dates and
231 location of application. Other licensed private applicators
232 shall maintain records as the department may determine by rule

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233 with respect to the date, type, and quantity of restricted-use
234 pesticides used. Licensees shall keep records for a period of 2
235 years from date of the application of the pesticide to which the
236 records refer, and shall furnish to the department a copy of the
237 records upon written request by the department. ~~Every third~~
238 ~~year, the department shall conduct a survey and compile a report~~
239 ~~on restricted use pesticides in this state. This report shall~~
240 ~~include, but not be limited to, types and quantities of~~
241 ~~pesticides, methods of application, crops treated, and dates and~~
242 ~~locations of application; records of persons working under~~
243 ~~direct supervision; and reports of misuse, damage, or injury.~~

244 Section 5. Section 534.083, Florida Statutes, is amended to
245 read:

246 534.083 Livestock hauler's ~~permit; display of permit on~~
247 ~~vehicle; bill of lading.-~~

248 ~~(1) No person shall engage in the business of transporting~~
249 ~~or hauling for hire livestock on any street or highway, as~~
250 ~~defined in s. 316.003(53), without first having applied for and~~
251 ~~obtained from the department a permit which shall expire on~~
252 ~~December 31 of each year. The information supplied by the~~
253 ~~applicant on the application for permit shall be certified under~~
254 ~~oath. Cost of the permit shall be \$5 for each year or fraction~~
255 ~~thereof.~~

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

261 ~~(3) The metal tag or plate required under this section~~

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262 ~~shall be attached to each vehicle used for transporting or~~
263 ~~hauling livestock in a conspicuous place in an upright position~~
264 ~~on the rear of the vehicle. When livestock is transported in a~~
265 ~~trailer type vehicle propelled or drawn by a motor truck or~~
266 ~~tractor, each such trailer shall have the tag or plate attached~~
267 ~~to the rear of the trailer in a conspicuous place in an upright~~
268 ~~position, and it shall not be necessary to have a tag attached~~
269 ~~to the motor truck or tractor.~~

270 ~~(4)~~ Persons engaged in the business of transporting or
271 hauling livestock in the state shall, upon receiving such
272 livestock for transportation, issue a waybill or bill of lading
273 for all livestock transported or hauled by them, and such
274 waybill or bill of lading shall accompany the shipment of
275 livestock, with a copy thereof being furnished to the person
276 delivering livestock to the hauler. The waybill or bill of
277 lading shall show the place of origin and destination of the
278 shipment, the name of the owner of the livestock, date and time
279 of loading, name of person or company hauling the livestock, and
280 the number of animals and a general description thereof. The
281 waybill or bill of lading shall be signed by the person
282 delivering the livestock to the hauler certifying that the
283 information contained thereon is correct.

284 Section 6. Subsection (28) of section 570.07, Florida
285 Statutes, is amended to read:

286 570.07 Department of Agriculture and Consumer Services;
287 functions, powers, and duties.—The department shall have and
288 exercise the following functions, powers, and duties:

289 (28) For purposes of pollution control and the prevention
290 of wildfires, to regulate open burning connected with pile

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291 burning as defined in s. 590.125(1) ~~land-clearing,~~ agricultural,
292 or forestry operations.

293 Section 7. Section 570.64, Florida Statutes, is created to
294 read:

295 570.64 Division of Food, Nutrition, and Wellness.—

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

300 (2) The director of the division shall be appointed by, and
301 serve at the pleasure of, the commissioner. The director shall
302 supervise, direct, and coordinate activities of the division,
303 exercise such powers and duties as authorized by the
304 commissioner, enforce the provisions of chapter 595 and the
305 rules adopted thereunder, and any other powers and duties as
306 authorized by the department.

307 Section 8. Section 570.902, Florida Statutes, is amended to
308 read:

309 570.902 Definitions; ss. 570.902 and 570.903.—For the
310 purpose of this section ~~ss. 570.902~~ and s. 570.903:

311 (1) "Designated program" means the ~~specific~~ departmental
312 program which a direct-support organization has been created to
313 support.

314 (2) "Direct-support organization" or "organization" means
315 an organization which is a Florida corporation not for profit
316 incorporated under the provisions of chapter 617 and approved by
317 the department to operate for the benefit of a museum or a
318 ~~specific departmental~~ program.

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

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320 designated as the museum for agriculture and rural history of
321 the State of Florida.

322 Section 9. Section 570.903, Florida Statutes, is amended to
323 read:

324 570.903 Direct-support organization.—

325 (1) The department may authorize ~~When the Legislature~~
326 ~~authorizes~~ the establishment of a direct-support organizations
327 ~~organization~~ to provide assistance, funding, and promotional
328 support for the museums, ~~the Florida Agriculture in the~~
329 ~~Classroom Program, the Florida State Collection of Arthropods,~~
330 ~~the Friends of the Florida State Forests Program of the Florida~~
331 ~~Forest Service, the Forestry Arson Alert Program,~~ and other
332 programs of the department. The following provisions shall
333 govern the creation, use, powers, and duties of the direct-
334 support organizations organization:

335 (a) The department shall enter into a memorandum or letter
336 of agreement with the direct-support organization, which shall
337 specify the approval of the department, the powers and duties of
338 the direct-support organization, and rules with which the
339 direct-support organization must comply.

340 (b) The department may authorize ~~permit~~, without charge,
341 appropriate use of property, facilities, and personnel of the
342 department by the ~~a~~ direct-support organization, ~~subject to ss.~~
343 ~~570.902 and 570.903.~~ The use shall be for ~~directly in keeping~~
344 ~~with~~ the approved purposes of the direct-support organization
345 and may not be made at times or places that would unreasonably
346 interfere with opportunities for the general public to use
347 department facilities ~~for established purposes.~~

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

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

353 (d) The department may not authorize ~~permit~~ the use of
354 property, facilities, or personnel of the museum, department, or
355 designated program by the ~~a~~ direct-support organization that
356 does not provide equal employment opportunities to all persons
357 regardless of race, color, religion, sex, age, or national
358 origin.

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

366 ~~(b) Notwithstanding the provisions of s. 287.057, the~~
367 ~~direct-support organization may enter into contracts or~~
368 ~~agreements with or without competitive bidding for the~~
369 ~~restoration of objects, historical buildings, and other~~
370 ~~historical materials or for the purchase of objects, historical~~
371 ~~buildings, and other historical materials which are to be added~~
372 ~~to the collections of the museum, or benefit the designated~~
373 ~~program. However, before the direct-support organization may~~
374 ~~enter into a contract or agreement without competitive bidding,~~
375 ~~the direct-support organization shall file a certification of~~
376 ~~conditions and circumstances with the internal auditor of the~~
377 ~~department justifying each contract or agreement.~~

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

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

385 (4) A department employee, direct-support organization or
386 museum employee, volunteer, or director, or ~~Neither a designated~~
387 ~~program or a museum, nor a nonprofit corporation trustee or~~
388 ~~employee~~ may not:

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

393 (b) Be a business associate of any individual, firm, or
394 organization involved in the sale or exchange of real or
395 personal property to the direct-support organization, the
396 museum, or the designated program.

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

401 (6) The identity of a donor or prospective donor who
402 desires to remain anonymous and all information identifying such
403 donor or prospective donor are confidential and exempt from the
404 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
405 Constitution.

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

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

410 (8) The department may terminate its agreement with a
411 direct-support organization at any time if the department
412 determines that the direct-support organization no longer meets
413 the objectives of this section ~~The department shall establish by~~
414 ~~rule archival procedures relating to museum artifacts and~~
415 ~~records. The rules shall provide procedures which protect the~~
416 ~~museum's artifacts and records equivalent to those procedures~~
417 ~~which have been established by the Department of State under~~
418 ~~chapters 257 and 267.~~

419 (9) Upon termination of the direct-support organization,
420 the assets of the direct-support organization shall be
421 distributed pursuant to its articles of incorporation or by-laws
422 or, if not provided for, to the department.

423 Section 10. Subsection (3) of section 576.051, Florida
424 Statutes, is amended to read:

425 576.051 Inspection, sampling, analysis.—

426 (3) The official analysis shall be made from the official
427 sample. The department, before making the official analysis,
428 shall take a sufficient portion from the official sample for
429 check analysis and place that portion in a bottle sealed and
430 identified by number, date, and the preparer's initials. The
431 official check sample shall be kept until the analysis of the
432 official sample is completed. However, the licensee may obtain
433 upon request a portion of the official check sample. Upon
434 completion of the analysis of the official sample, a true copy
435 of the fertilizer analysis report shall be mailed to the

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436 licensee of the fertilizer from whom the official sample was
437 taken and to the dealer or agent, if any, and purchaser, if
438 known. This fertilizer analysis report shall show all
439 determinations of plant nutrient and pesticides. If the official
440 analysis conforms with the provisions of this law, the official
441 check sample may be destroyed. If the official analysis does not
442 conform with the provisions of this law, the official check
443 sample shall be retained for a period of 90 days from the date
444 of the fertilizer analysis report of the official sample. If
445 within that time the licensee of the fertilizer from whom the
446 official sample was taken, upon receipt of the fertilizer
447 analysis report, makes written demand for analysis of the
448 official check sample by a referee chemist, a portion of the
449 official check sample sufficient for analysis shall be sent to a
450 referee chemist who is mutually acceptable to the department and
451 the licensee for analysis at the expense of the licensee. The
452 referee chemist, upon completion of the analysis, shall forward
453 to the department and to the licensee a fertilizer analysis
454 report bearing a proper identification mark or number; and the
455 fertilizer analysis report shall be verified by an affidavit of
456 the person making the analysis. If the results reported on the
457 fertilizer analysis report agree within the matching criteria
458 defined in department rule ~~checks within three tenths of 1~~
459 ~~actual percent~~ with the department's analysis on each element
460 for which analysis was made, the mean average of the two
461 analyses shall be accepted as final and binding on all
462 concerned. However, if the referee's fertilizer analysis report
463 results do not agree within the matching criteria defined in
464 department rule with ~~shows a variation of greater than three-~~

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465 ~~tenths of 1 actual percent from~~ the department's analysis in any
466 one or more elements for which an analysis was made, upon demand
467 of either the department or the licensee from whom the official
468 sample was taken, a portion of the official check sample
469 sufficient for analysis shall be submitted to a second referee
470 chemist who is mutually acceptable to the department and to the
471 licensee from whom the official sample was taken, at the expense
472 of the party or parties requesting the referee analysis. If no
473 demand is made for an analysis by a second referee chemist, the
474 department's fertilizer analysis report shall be accepted as
475 final and binding on all concerned. The second referee chemist,
476 upon completion of the analysis, shall make a fertilizer
477 analysis report as provided in this subsection for the first
478 referee chemist. The mean average of the two analyses nearest in
479 conformity to each other shall be accepted as final and binding
480 on all concerned.

481 Section 11. Subsection (1) of section 576.061, Florida
482 Statutes, is amended to read:

483 576.061 Plant nutrient investigational allowances,
484 deficiencies, and penalties.—

485 (1) A commercial fertilizer is deemed deficient if the
486 analysis of any nutrient is below the guarantee by an amount
487 exceeding the investigational allowances. The department shall
488 adopt rules, which shall take effect on July 1, 2014, that
489 establish the investigational allowances used to determine
490 whether a fertilizer is deficient in plant food.

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

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494 (b) ~~(a)~~ *Primary plant nutrients; investigational*
 495 *allowances.-*

496

Guaranteed Percent	Total Nitrogen Percent	Available Phosphate Percent	Potash Percent
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497

498

04 or less	0.49	0.67	0.41
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499

05	0.51	0.67	0.43
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500

06	0.52	0.67	0.47
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501

07	0.54	0.68	0.53
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502

08	0.55	0.68	0.60
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503

09	0.57	0.68	0.65
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504

10	0.58	0.69	0.70
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505

12	0.61	0.69	0.79
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506

14	0.63	0.70	0.87
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507

16	0.67	0.70	0.94
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509	18	0.70	0.71	1.01
510	20	0.73	0.72	1.08
511	22	0.75	0.72	1.15
512	24	0.78	0.73	1.21
513	26	0.81	0.73	1.27
514	28	0.83	0.74	1.33
515	30	0.86	0.75	1.39
516	32 or more	0.88	0.76	1.44

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

520 (c) ~~(b)~~ Nitrogen investigational allowances.—

	Investigational Allowances
Nitrogen Breakdown	Percent

523 Nitrate nitrogen 0.40

524 Ammoniacal nitrogen 0.40

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525
526
527
528
529
530
531
532
533
534
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Water soluble nitrogen
or urea nitrogen 0.40

Water insoluble nitrogen 0.30

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

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

Element	Investigational Allowances Percent
---------	------------------------------------

Calcium	0.2 unit+5 percent of guarantee
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Magnesium	0.2 unit+5 percent of guarantee
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Sulfur (free and combined)	0.2 unit+5 percent of guarantee
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Boron	0.003 unit+15 percent of guarantee
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Cobalt	0.0001 unit+30 percent of guarantee
--------	-------------------------------------

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

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

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

Investigational Allowances

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

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

564 Section 12. Subsection (2) of section 576.181, Florida
565 Statutes, is amended to read:

566 576.181 Administration; rules; procedure.—

567 (2) The department may adopt rules ~~is authorized, by rule,~~
568 to implement, make specific, and interpret the provisions of
569 this chapter, and specifically to determine the composition and
570 uses of fertilizer as defined in this chapter, including, but
571 not limited to ~~without limiting the foregoing general terms,~~ the
572 taking and handling of samples, the establishment of
573 investigational allowances, deficiencies, matching criteria for
574 referee analysis, and penalties where not specifically provided
575 for in this chapter; to prohibit the sale or use in fertilizer
576 of any material proven to be detrimental to agriculture, public
577 health, or the environment, or of questionable value; to provide
578 for the incorporation into fertilizer of such other substances
579 as pesticides and proper labeling of such mixture; and to
580 prescribe the information which shall appear on the label other
581 than specifically set forth in this chapter.

582 Section 13. Section 585.61, Florida Statutes, is amended to
583 read:

584 585.61 Animal disease diagnostic laboratory ~~laboratories.~~—

585 (1) There is ~~hereby created and~~ established an animal
586 disease diagnostic laboratory in Osceola County ~~and Suwannee~~
587 ~~County. The laboratory complex in Osceola County is~~ designated
588 as the "Bronson Animal Disease Diagnostic Laboratory."

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589 (2) The construction and operation of ~~all~~ the laboratory
590 ~~laboratories~~ established by this section shall be under the
591 supervision and control of the department. It shall be the duty
592 of the department to operate the laboratory ~~these laboratories~~
593 in an efficient manner so that any person who maintains animals
594 in this state may obtain prompt reliable diagnosis of animal
595 diseases, including any disease which may affect poultry eggs,
596 in this state, and recommendations for the control and
597 eradication of such diseases, to the end that diseases of
598 animals may be reduced and controlled, and eradicated when
599 possible.

600 (3) Any person who maintains animals in the state may use
601 the services of the laboratory ~~laboratories~~ under the terms of
602 this section and the rules adopted for such use by the
603 department. The department shall require any user of its
604 services to pay a fee not to exceed \$300 for any one of the
605 services requested. All laboratory fees collected shall be
606 deposited in the Animal Industry Diagnostic Laboratory Account
607 within the General Inspection Trust Fund. The fees collected
608 shall be used to improve the diagnostic laboratory services as
609 provided for by the Legislature in the General Appropriations
610 Act.

611 Section 14. Paragraph (f) of subsection (3) of section
612 586.10, Florida Statutes, is amended to read:

613 586.10 Powers and duties of department; preemption of local
614 government ordinances.—

615 (3) The department may:

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

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618 accurate, and current list of all inspected apiaries to include
619 the:

- 620 1. Name of the apiary.
- 621 2. Name of the owner of the apiary.
- 622 3. Mailing address of the apiary owner.
- 623 4. Location of the apiary.
- 624 5. Number of hives in the apiary.
- 625 6. Pest problems associated with the apiary.
- 626 7. Brands used by beekeepers where applicable.

627

628 Notwithstanding s. 112.313, an apiary inspector may be a
629 certified beekeeper as long as the inspector does not inspect
630 his or her own apiary.

631 Section 15. Section 589.02, Florida Statutes, is amended to
632 read:

633 589.02 Headquarters and meetings of council.—The official
634 headquarters of the council shall be in Tallahassee, but it may
635 hold meetings at such other places in the state as it may
636 determine by resolutions or as may be selected by a majority of
637 the members of the council in any call for a meeting. ~~The annual~~
638 ~~meeting of the council shall be held on the first Monday in~~
639 ~~October of each year. Special meetings may be called at any time~~
640 ~~by the chair or upon the written request of a majority of the~~
641 ~~members.~~ The council shall annually elect from its members a
642 chair, a vice chair, and a secretary. ~~The election shall be held~~
643 ~~at the annual meeting of the council.~~ A majority of the members
644 of the council shall constitute a quorum for such purposes.

645 Section 16. Subsection (4) of section 589.19, Florida
646 Statutes, is amended to read:

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647 589.19 Creation of certain state forests; naming of certain
648 state forests; Operation Outdoor Freedom Program.—

649 (4) (a) To honor the nation's disabled veterans and injured
650 active duty servicemembers, the Florida Forest Service shall
651 coordinate efforts to develop an Operation Outdoor Freedom
652 Program to provide hunting and other activities for eligible
653 veterans and servicemembers in designated state forest areas and
654 on designated public and private lands. The Legislature finds it
655 to be in the public interest for the Florida Forest Service to
656 develop partnerships with the Fish and Wildlife Conservation
657 Commission and other public and private organizations in order
658 to provide the needed resources and funding to make the program
659 successful ~~The Florida Forest Service shall designate one or~~
660 ~~more areas of state forests as an "Operation Outdoor Freedom~~
661 ~~Special Hunt Area" to honor wounded veterans and servicemembers.~~
662 ~~The purpose of such designated areas is to provide special~~
663 ~~outdoor recreational opportunities for eligible veterans and~~
664 ~~servicemembers.~~

665 (b) Participation in the Operation Outdoor Freedom Program
666 shall be limited to Florida residents, as defined in s.
667 379.101(30)(b), ~~The Florida Forest Service shall limit guest~~
668 ~~admittance to such designated areas to any person who:~~

669 1. Are honorably discharged military veterans certified by
670 the United States Department of Veterans Affairs or its
671 predecessor or by any branch of the United States Armed Forces
672 to be at least 30 percent permanently service-connected disabled
673 ~~Is an active duty member of any branch of the United States~~
674 ~~Armed Forces and has a combat-related injury as determined by~~
675 ~~his or her branch of the United States Armed Forces; or~~

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

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

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

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

688
689 Proof of eligibility under this subsection, as prescribed by the
690 Florida Forest Service, may be required.

691 (c) Notwithstanding the eligibility requirements for
692 program participation in paragraph (b), guided or unguided
693 invitation-only activities may be conducted as part of the
694 Operation Outdoor Freedom Program for injured or disabled
695 veterans and injured or disabled active duty servicemembers of
696 any branch of the United States Armed Forces in designated state
697 forest areas and on designated public and private lands. The
698 Florida Forest Service may grant admittance to ~~such~~ designated
699 areas and lands to a person who is not an eligible veteran or
700 servicemember for the sole purpose ~~purposes~~ of accompanying an
701 eligible veteran or servicemember who requires the person's
702 assistance to use such ~~designated~~ areas and lands.

703 (d) The Florida Forest Service may cooperate with state and
704 federal agencies, local governments, private landowners, and

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705 other entities in connection with the Operation Outdoor Freedom
706 Program. Donations to the Operation Outdoor Freedom Program
707 ~~Funding required for specialized accommodations~~ shall be
708 deposited into the account of ~~provided through~~ the Friends of
709 Florida State Forests Program created under s. 589.012 and used
710 for Operation Outdoor Freedom Program activities.

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

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

719 3. This subsection does not:

720 a. Relieve any person of liability that would otherwise
721 exist for deliberate, willful, or malicious injury to persons or
722 property.

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

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

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

728 Section 17. Section 589.30, Florida Statutes, is amended to
729 read:

730 589.30 Duty of district or center manager ~~forester~~.—It
731 shall be the duty of the district or center manager ~~forester~~ to
732 direct all work in accordance with the law and regulations of
733 the Florida Forest Service; gather and disseminate information

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734 in the management of commercial timber, including establishment,
735 protection and utilization; and assist in the development and
736 use of forest lands for outdoor recreation, watershed
737 protection, and wildlife habitat. The district or center manager
738 ~~forester~~ or his or her representative shall provide
739 encouragement and technical assistance to individuals and urban
740 and county officials in the planning, establishment, and
741 management of trees and plant associations to enhance the beauty
742 of the urban and suburban environment and meet outdoor
743 recreational needs.

744 Section 18. Subsections (1), (2), (3), (7), and (10) of
745 section 590.02, Florida Statutes, are amended to read:

746 590.02 Florida Forest Service; powers, authority, and
747 duties; liability; building structures; Florida Center for
748 Wildfire and Forest Resources Management Training.—

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

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

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

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

759 (d) To appoint center managers, forest area supervisors,
760 forestry program administrators, a forest protection bureau
761 chief, a forest protection assistant bureau chief, a field
762 operations bureau chief, deputy chiefs of field operations,

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763 district managers, forest operations administrators, senior
764 forest rangers, investigators, forest rangers, firefighter
765 rotorcraft pilots, and other employees who may, at the Florida
766 Forest Service's discretion, be certified as forestry
767 firefighters pursuant to s. 633.35(4). Other provisions of law
768 notwithstanding, center managers, district managers, forest
769 protection assistant bureau chief, and deputy chiefs of field
770 operations shall have Selected Exempt Service status in the
771 state personnel designation;

772 (e) To develop a training curriculum for forestry
773 firefighters which must contain the basic volunteer structural
774 fire training course approved by the Florida State Fire College
775 of the Division of State Fire Marshal and a minimum of 250 hours
776 of wildfire training;

777 (f) To make rules to accomplish the purposes of this
778 chapter;

779 (g) To provide fire management services and emergency
780 response assistance and to set and charge reasonable fees for
781 performance of those services. Moneys collected from such fees
782 shall be deposited into the Incidental Trust Fund of the Florida
783 Forest Service; ~~and~~

784 (h) To require all state, regional, and local government
785 agencies operating aircraft in the vicinity of an ongoing
786 wildfire to operate in compliance with the applicable state
787 Wildfire Aviation Plan; and

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

791 (2) The Florida Forest Service's employees, and the

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792 firefighting crews under their control and direction, may enter
793 upon any lands for the purpose of preventing, detecting, and
794 suppressing wildfires and investigating smoke complaints or open
795 burning not in compliance with authorization and to enforce the
796 provisions of this chapter.

797 (3) Employees of the Florida Forest Service and of federal,
798 state, and local agencies, and all other persons and entities
799 that are under contract or agreement with the Florida Forest
800 Service to assist in firefighting operations as well as those
801 entities, called upon by the Florida Forest Service to assist in
802 firefighting may, in the performance of their duties, set
803 counterfires, remove fences and other obstacles, dig trenches,
804 cut firelines, use water from public and private sources, and
805 carry on all other customary activities in the fighting of
806 wildfires without incurring liability to any person or entity.
807 The manner in which the Florida Forest Service monitors a
808 smoldering wildfire, smoldering prescribed fire, or fights any
809 wildfire are planning level activities for which sovereign
810 immunity applies and is not waived.

811 (7) The Florida Forest Service may organize, staff, equip,
812 and operate the Florida ~~Center for Wildfire and Forest Resources~~
813 ~~Management~~ Training Center. The center shall serve as a site
814 where fire and forest resource managers can obtain current
815 knowledge, techniques, skills, and theory as they relate to
816 their respective disciplines.

817 (a) The center may establish cooperative efforts involving
818 federal, state, and local entities; hire appropriate personnel;
819 and engage others by contract or agreement with or without
820 compensation to assist in carrying out the training and

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821 operations of the center.

822 (b) The center shall provide wildfire suppression training
823 opportunities for rural fire departments, volunteer fire
824 departments, and other local fire response units.

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

830 (d) The center may assess appropriate fees for food,
831 lodging, travel, course materials, and supplies in order to meet
832 its operational costs and may grant free meals, room, and
833 scholarships to persons and other entities in exchange for
834 instructional assistance.

835 ~~(e) An advisory committee consisting of the following~~
836 ~~individuals or their designees must review program curriculum,~~
837 ~~course content, and scheduling: the director of the Florida~~
838 ~~Forest Service; the assistant director of the Florida Forest~~
839 ~~Service; the director of the School of Forest Resources and~~
840 ~~Conservation of the University of Florida; the director of the~~
841 ~~Division of Recreation and Parks of the Department of~~
842 ~~Environmental Protection; the director of the Division of the~~
843 ~~State Fire Marshal; the director of the Florida Chapter of The~~
844 ~~Nature Conservancy; the executive vice president of the Florida~~
845 ~~Forestry Association; the president of the Florida Farm Bureau~~
846 ~~Federation; the executive director of the Fish and Wildlife~~
847 ~~Conservation Commission; the executive director of a water~~
848 ~~management district as appointed by the Commissioner of~~
849 ~~Agriculture; the supervisor of the National Forests in Florida;~~

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850 ~~the president of the Florida Fire Chief's Association; and the~~
851 ~~executive director of the Tall Timbers Research Station.~~

852 (10) (a) Notwithstanding the provisions of s. 252.38, the
853 Florida Forest Service has exclusive authority to require and
854 issue authorizations for broadcast burning and agricultural and
855 silvicultural pile burning. An agency, commission, department,
856 county, municipality, or other political subdivision of the
857 state may not adopt or enforce laws, regulations, rules, or
858 policies pertaining to broadcast burning or agricultural and
859 silvicultural pile burning ~~unless an emergency order is declared~~
860 ~~in accordance with s. 252.38(3).~~

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

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

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

870 Section 19. Subsection (1) of section 590.11, Florida
871 Statutes, is amended to read:

872 590.11 Recreational fires.—

873 (1) It is unlawful for any individual or group of
874 individuals to build a warming fire, bonfire, or campfire and
875 leave it unattended while visible flame, smoke, or emissions
876 exist ~~unextinguished.~~

877 Section 20. Subsections (1) and (2), paragraphs (b) and (c)
878 of subsection (3), and paragraph (a) of subsection (4) of

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879 section 590.125, Florida Statutes, are amended to read:

880 590.125 Open burning authorized by the Florida Forest
881 Service.—

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

883 (a) "Certified pile burner" means an individual who
884 successfully completes the pile burning certification program of
885 the Florida Forest Service and possesses a valid pile burner
886 certification number.

887 (b) "Certified pile burning" means a pile burn conducted in
888 accordance with a written pile burning plan by a certified pile
889 burner.

890 (c) ~~(b)~~ "Certified prescribed burn manager" means an
891 individual who successfully completes the certified prescribed
892 burning program of the Florida Forest Service and possesses a
893 valid certification number.

894 (d) "Certified prescribed burning" means prescribed burning
895 in accordance with a written prescription conducted by a
896 certified prescribed burn manager.

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

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

900 1. Broadcast burning, no continued lateral movement of fire
901 across the authorized area into entirely unburned fuels ~~Wildland~~
902 ~~burning or certified prescribed burning, no spreading flames~~
903 exist.

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

906 3. Certified pile ~~Vegetative land-clearing debris~~ burning
907 or pile burning in an area designated as smoke sensitive by the

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908 Florida Forest Service, no visible flames, smoke, or emissions
909 exist.

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

914 ~~(d) "Land-clearing operation" means the uprooting or~~
915 ~~clearing of vegetation in connection with the construction of~~
916 ~~buildings and rights-of-way, land development, and mineral~~
917 ~~operations. The term does not include the clearing of yard~~
918 ~~trash.~~

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

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

927 (j)(f) "Prescribed burning" means the controlled
928 application of fire by broadcast burning in accordance with a
929 written prescription for vegetative fuels under specified
930 environmental conditions, while following appropriate
931 precautionary measures that ensure that the fire is contained
932 within confined to a predetermined area to accomplish the
933 planned fire or land management objectives.

934 (k)(g) "Prescription" means a written plan establishing the
935 conditions and method for conducting criteria necessary for
936 starting, controlling, and extinguishing a certified prescribed

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937 burn.

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

940 (m) ~~(h)~~ "Yard trash" means vegetative matter resulting from
941 landscaping and yard maintenance operations and other such
942 routine property cleanup activities. The term includes materials
943 such as leaves, shrub trimmings, grass clippings, brush, and
944 palm fronds.

945 (2) NONCERTIFIED BURNING.—

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

949 1. There is specific consent of the landowner or his or her
950 designee;

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

953 3. There are adequate firebreaks at the burn site and
954 sufficient personnel and firefighting equipment for the
955 containment ~~control~~ of the fire;

956 4. The fire remains within the boundary of the authorized
957 area;

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

961 6. The Florida Forest Service does not cancel the
962 authorization; and

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

965 (b) A person who broadcast burns or pile burns ~~wild land or~~

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966 ~~vegetative land-clearing debris~~ in a manner that violates any
967 requirement of this subsection commits a misdemeanor of the
968 second degree, punishable as provided in s. 775.082 or s.
969 775.083.

970 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
971 PURPOSE.—

972 (b) Certified prescribed burning pertains only to broadcast
973 burning for purposes of silviculture, wildland fire hazard
974 reduction, wildlife management, ecological maintenance and
975 restoration, and agriculture range and pasture management. It
976 must be conducted in accordance with this subsection and:

977 1. May be accomplished only when a certified prescribed
978 burn manager is present on site with a copy of the prescription
979 and directly supervises the certified prescribed burn until the
980 burn is completed, after which the certified prescribed burn
981 manager is not required to be present ~~from ignition of the burn~~
982 ~~to its completion.~~

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

985 a. A new prescription or authorization is not required for
986 smoldering that occurs within the authorized burn area when no
987 new ignitions are conducted by the certified prescribed burn
988 manager.

989 b. Monitoring the smoldering activity of a certified
990 prescribed burn does not require a prescription or an additional
991 authorization even if flames begin to spread within the
992 authorized burn area due to ongoing smoldering.

993 3. Requires that the specific consent of the landowner or
994 his or her designee be obtained before requesting an

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995 authorization.

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

998 5. Requires that there be adequate firebreaks at the burn
999 site and sufficient personnel and firefighting equipment to
1000 contain for the control of the fire within the authorized burn
1001 area.

1002 a. Fire spreading outside the authorized burn area on the
1003 day of the certified prescribed burn ignition does not
1004 constitute conclusive proof of inadequate firebreaks,
1005 insufficient personnel, or a lack of firefighting equipment.

1006 b. During the authorization period, if the certified
1007 prescribed burn is contained within the authorized burn area, a
1008 strong rebuttable presumption shall exist that adequate
1009 firebreaks, sufficient personnel, and sufficient firefighting
1010 equipment were present.

1011 c. Continued smoldering of a certified prescribed burn
1012 resulting in a subsequent wildfire does not by itself constitute
1013 evidence of gross negligence under this section.

1014 6. Is considered to be in the public interest and does not
1015 constitute a public or private nuisance when conducted under
1016 applicable state air pollution statutes and rules.

1017 7. Is considered to be a property right of the property
1018 owner if vegetative fuels are burned as required in this
1019 subsection.

1020 (c) ~~Neither~~ A property owner, nor his or her agent,
1021 contractor, or legally authorized designee is not liable
1022 pursuant to s. 590.13 for damage or injury caused by the fire,
1023 including the reignition of a smoldering, previously contained

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1024 burn, or resulting smoke or considered to be in violation of
1025 subsection (2) for burns conducted in accordance with this
1026 subsection, unless gross negligence is proven. The Florida
1027 Forest Service is not liable for burns for which it issues
1028 authorizations.

1029 (4) CERTIFIED PILE BURNING.—

1030 (a) Certified pile burning pertains to the disposal of
1031 piled, naturally occurring debris from an agricultural,
1032 silvicultural, ~~or temporary~~ land-clearing, or tree cutting
1033 debris originating on site operation. A land-clearing operation
1034 is temporary if it operates for 6 months or less. Certified pile
1035 burning must be conducted in accordance with the following:

1036 1. A certified pile burner must ensure, before ignition,
1037 that the piles are properly placed and that the content of the
1038 piles is conducive to efficient burning.

1039 2. A certified pile burner must ensure that the authorized
1040 burn is completed ~~piles are properly extinguished~~ no later than
1041 1 hour after sunset. If the burn is conducted in an area
1042 designated by the Florida Forest Service as smoke sensitive, a
1043 certified pile burner must ensure that the authorized burn is
1044 completed ~~piles are properly extinguished~~ at least 1 hour before
1045 sunset.

1046 3. A written pile burning plan must be prepared before
1047 receiving authorization from the Florida Forest Service to burn
1048 and must be on site and available for inspection by a department
1049 representative.

1050 4. The specific consent of the landowner or his or her
1051 agent must be obtained before requesting authorization to burn.

1052 5. An authorization to burn must be obtained from the

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1053 Florida Forest Service or its designated agent before igniting
1054 the burn.

1055 6. There must be adequate firebreaks and sufficient
1056 personnel and firefighting equipment at the burn site to contain
1057 the burn to the piles authorized ~~control the fire.~~

1058 Section 21. Section 590.25, Florida Statutes, is amended to
1059 read:

1060 590.25 Penalty for ~~preventing or~~ obstructing the
1061 prevention, detection, or suppression ~~extinguishment~~ of
1062 wildfires.—Whoever interferes ~~shall interfere~~ with, obstructs
1063 ~~obstruct~~ or commits ~~commit~~ any act aimed to obstruct the
1064 prevention, detection, or suppression ~~extinguishment~~ of
1065 wildfires by the employees of the Florida Forest Service or any
1066 other person engaged in the prevention, detection, or
1067 suppression ~~extinguishment~~ of a wildfire, or who damages or
1068 destroys any equipment being used for such purpose, commits
1069 ~~shall be guilty of~~ a felony of the third degree, punishable as
1070 provided in s. 775.082, s. 775.083, or s. 775.084.

1071 Section 22. Chapter 595, Florida Statutes, is created,
1072 shall consist of sections 595.401-595.701, Florida Statutes, and
1073 shall be entitled "School Food and Nutrition Services."

1074 Section 23. Section 595.401, Florida Statutes, is created
1075 to read:

1076 595.401 Short title.—This chapter may be cited as the
1077 "Florida School Food and Nutrition Act."

1078 Section 24. Section 595.402, Florida Statutes, is created
1079 to read:

1080 595.402 Definitions.—As used in this chapter, the term:

1081 (1) "Commissioner" means the Commissioner of Agriculture.

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1082 (2) "Department" means the Department of Agriculture and
1083 Consumer Services.

1084 (3) "Program" means any one or more of the school food and
1085 nutrition service programs that the department has
1086 responsibility over including, but not limited to, the National
1087 School Lunch Program, the Special Milk Program, the School
1088 Breakfast Program, the Summer Food Service Program, the Fresh
1089 Fruit and Vegetable Program, and any other program that relates
1090 to school nutrition.

1091 (4) "School district" means any of the 67 county school
1092 districts, including the respective district school board.

1093 (5) "Sponsor" means any entity that is conducting a program
1094 under a current agreement with the department.

1095 Section 25. Section 595.403, Florida Statutes, is created
1096 to read:

1097 595.403 State policy.—The Legislature, in recognition of
1098 the demonstrated relationship between good nutrition and the
1099 capacity of students to develop and learn, declares that it is
1100 the policy of the state to provide standards for school food and
1101 nutrition services and to require each school district to
1102 establish and maintain an appropriate school food and nutrition
1103 service program consistent with the nutritional needs of
1104 students. To implement that policy, the state shall provide
1105 funds to meet the state National School Lunch Act matching
1106 requirements. The funds provided shall be distributed in such a
1107 manner as to comply with the requirements of the National School
1108 Lunch Act.

1109 Section 26. Section 570.98, Florida Statutes, is
1110 transferred, renumbered as section 595.404, Florida Statutes,

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1111 and amended to read:

1112 595.404 ~~570.98~~ School food and nutrition service program;
1113 powers and duties of the department programs.-

1114 ~~(1)~~ The department has the following powers and duties:
1115 ~~shall~~

1116 (1) To conduct, supervise, and administer the program ~~all~~
1117 ~~school food and nutrition programs~~ that will be carried out
1118 using federal or state funds, or funds from any other source.

1119 (2) To fully ~~The department shall~~ cooperate ~~fully~~ with the
1120 United States Government and its agencies and instrumentalities
1121 so that the department may receive the benefit of all federal
1122 financial allotments and assistance possible to carry out the
1123 purposes of this chapter.

1124 (3) To implement and adopt by rule, as required, federal
1125 regulations to maximize federal assistance for the program. ~~The~~
1126 ~~department may~~

1127 (4) To act as agent of, or contract with, the Federal
1128 Government, another state agency, or any county or municipal
1129 government, or sponsor for the administration of the program
1130 ~~school food and nutrition programs~~, including the distribution
1131 of funds provided by the Federal Government to support the
1132 program ~~school food and nutrition programs~~.

1133 (5) To make a reasonable effort to ensure that any school
1134 designated as a "severe need school" receives the highest rate
1135 of reimbursement to which it is entitled under 42 U.S.C. s. 1773
1136 for each breakfast meal served.

1137 (6) To develop and propose legislation necessary to
1138 implement the program, encourage the development of innovative
1139 school food and nutrition services, and expand participation in

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1140 the program.

1141 (7) To annually allocate among the sponsors, as applicable,
 1142 funds provided from the school breakfast supplement in the
 1143 General Appropriations Act based on each district's total number
 1144 of free and reduced-price breakfast meals served.

1145 (8) To employ such persons as are necessary to perform its
 1146 duties under this chapter.

1147 (9) To adopt rules covering the administration, operation,
 1148 and enforcement of the program as well as to implement the
 1149 provisions of this chapter.

1150 (10) To adopt and implement an appeal process by rule, as
 1151 required by federal regulations, for applicants and participants
 1152 under the program, notwithstanding s. 120.569 and ss. 120.57-
 1153 120.595.

1154 (11) To assist, train, and review each sponsor in its
 1155 implementation of the program.

1156 (12) To advance funds from the program's annual
 1157 appropriation to sponsors, when requested, in order to implement
 1158 the provisions of this chapter and in accordance with federal
 1159 regulations.

1160 Section 27. Subsections (1) through (5) of section 570.981,
 1161 Florida Statutes, are transferred, renumbered as section
 1162 595.405, Florida Statutes, and amended to read:

1163 595.405 ~~570.981~~ Program requirements for school districts
 1164 and sponsors food service programs.-

1165 ~~(1) In recognition of the demonstrated relationship between~~
 1166 ~~good nutrition and the capacity of students to develop and~~
 1167 ~~learn, it is the policy of the state to provide standards for~~
 1168 ~~school food service and to require district school boards to~~

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1169 ~~establish and maintain an appropriate private school food~~
1170 ~~service program consistent with the nutritional needs of~~
1171 ~~students.~~

1172 ~~(2) The department shall adopt rules covering the~~
1173 ~~administration and operation of the school food service~~
1174 ~~programs.~~

1175 (1)~~(3)~~ Each school district ~~school board~~ shall consider the
1176 recommendations of the district school superintendent and adopt
1177 policies to provide for an appropriate food and nutrition
1178 service program for students consistent with federal law and
1179 department rules ~~rule~~.

1180 ~~(4) The state shall provide the state National School Lunch~~
1181 ~~Act matching requirements. The funds provided shall be~~
1182 ~~distributed in such a manner as to comply with the requirements~~
1183 ~~of the National School Lunch Act.~~

1184 (2)~~(5)~~~~(a)~~ Each school district ~~school board~~ shall implement
1185 school breakfast programs that make breakfast meals available to
1186 all students in each elementary school. Universal school
1187 breakfast programs shall be offered in schools in which 80
1188 percent or more of the students are eligible for free or
1189 reduced-price meals. Each school shall, to the maximum extent
1190 practicable, make breakfast meals available to students at an
1191 alternative site location, which may include, but need not be
1192 limited to, alternative breakfast options as described in
1193 publications of the Food and Nutrition Service of the United
1194 States Department of Agriculture for the federal School
1195 Breakfast Program.

1196 (3)~~(b)~~ Each school district must annually set prices for
1197 breakfast meals at rates that, combined with federal

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1198 reimbursements and state allocations, are sufficient to defray
1199 costs of school breakfast programs without requiring allocations
1200 from the district's operating funds, except if the district
1201 school board approves lower rates.

1202 (4) ~~(e)~~ Each school district ~~school board~~ is encouraged to
1203 provide universal-free school breakfast meals to all students in
1204 each elementary, middle, and high school. Each school district
1205 ~~school board~~ shall approve or disapprove a policy, after
1206 receiving public testimony concerning the proposed policy at two
1207 or more regular meetings, which makes universal-free school
1208 breakfast meals available to all students in each elementary,
1209 middle, and high school in which 80 percent or more of the
1210 students are eligible for free or reduced-price meals.

1211 (5) ~~(d)~~ Each elementary, middle, and high school shall make
1212 a breakfast meal available if a student arrives at school on the
1213 ~~school~~ bus less than 15 minutes before the first bell rings and
1214 shall allow the student at least 15 minutes to eat the
1215 breakfast.

1216 (6) ~~(e)~~ Each school district shall annually provide to all
1217 students in each elementary, middle, and high school information
1218 prepared by the district's food service administration regarding
1219 its school breakfast programs. The information shall be
1220 communicated through school announcements and written notices
1221 ~~notice~~ sent to all parents.

1222 (7) ~~(f)~~ A school district ~~school board~~ may operate a
1223 breakfast program providing for food preparation at the school
1224 site or in central locations with distribution to designated
1225 satellite schools or any combination thereof.

1226 (8) Each sponsor shall complete all corrective action plans

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1227 required by the department or a federal agency to be in
 1228 compliance with the program.

1229 ~~(g) The commissioner shall make every reasonable effort to~~
 1230 ~~ensure that any school designated as a "severe need school"~~
 1231 ~~receives the highest rate of reimbursement to which it is~~
 1232 ~~entitled under 42 U.S.C. s. 1773 for each breakfast meal served.~~

1233 ~~(h) The department shall annually allocate among the school~~
 1234 ~~districts funds provided from the school breakfast supplement in~~
 1235 ~~the General Appropriations Act based on each district's total~~
 1236 ~~number of free and reduced-price breakfast meals served.~~

1237 Section 28. Subsection (6) of section 570.981, Florida
 1238 Statutes, is transferred, renumbered as section 595.406, Florida
 1239 Statutes, and amended to read:

1240 595.406 ~~570.981~~ Florida Farm Fresh Schools Program School
 1241 food service programs.-

1242 ~~(6) The Legislature, recognizing that school children need~~
 1243 ~~nutritious food not only for healthy physical and intellectual~~
 1244 ~~development but also to combat diseases related to poor~~
 1245 ~~nutrition and obesity, establishes the Florida Farm Fresh~~
 1246 ~~Schools Program within the department. The program shall comply~~
 1247 ~~with the regulations of the National School Lunch Program and~~
 1248 ~~require:~~

1249 (1)(a) In order to implement the Florida Farm Fresh Schools
 1250 Program, the department shall ~~to~~ develop policies pertaining to
 1251 school food services which encourage:

1252 (a)1. Sponsors School districts to buy fresh and high-
 1253 quality foods grown in this state when feasible.

1254 (b)2. Farmers in this state to sell their products to
 1255 sponsors, school districts, and schools.

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1256 ~~(c)3.~~ Sponsors ~~School districts and schools~~ to demonstrate
1257 a preference for competitively priced organic food products.

1258 ~~(d)4.~~ Sponsors ~~School districts and schools~~ to make
1259 reasonable efforts to select foods based on a preference for
1260 those that have maximum nutritional content.

1261 ~~(2)5.~~ The department shall ~~to~~ provide outreach, guidance,
1262 and training to sponsors ~~school districts~~, schools, school food
1263 service directors, parent and teacher organizations, and
1264 students about the benefit ~~benefits~~ of fresh food products from
1265 farms in this state.

1266 Section 29. Section 570.982, Florida Statutes, is
1267 transferred, renumbered as section 595.407, Florida Statutes,
1268 and amended to read:

1269 595.407 ~~570.982~~ Children's summer nutrition program.—

1270 (1) This section may be cited as the "Ms. Willie Ann Glenn
1271 Act."

1272 (2) Each school district ~~school board~~ shall develop a plan
1273 to sponsor a summer nutrition program to operate sites in the
1274 school district as follows:

1275 (a) Within 5 miles of at least one elementary school at
1276 which 50 percent or more of the students are eligible for free
1277 or reduced-price school meals and for the duration of 35
1278 consecutive days. ~~and~~

1279 ~~(b) Except as operated pursuant to paragraph (a),~~ Within 10
1280 miles of each elementary school at which 50 percent or more of
1281 the students are eligible for free or reduced-price school
1282 meals, except as operated pursuant to paragraph (a).

1283 (3) (a) A school district ~~school board~~ may be exempt from
1284 sponsoring a summer nutrition program pursuant to this section.

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1285 A school district ~~school board~~ seeking such exemption must
1286 include the issue on an agenda at a regular or special school
1287 district ~~school board~~ meeting that is publicly noticed, provide
1288 residents an opportunity to participate in the discussion, and
1289 vote on whether to be exempt from this section. The school
1290 district ~~school board~~ shall notify the department commissioner
1291 within 10 days after it decides to become exempt from this
1292 section.

1293 (b) Each year, the school district ~~school board~~ shall
1294 reconsider its decision to be exempt from the provisions of this
1295 section and shall vote on whether to continue the exemption from
1296 sponsoring a summer nutrition program. The school district
1297 ~~school board~~ shall notify the department commissioner within 10
1298 days after each subsequent year's decision to continue the
1299 exemption.

1300 (c) If a school district ~~school board~~ elects to be exempt
1301 from sponsoring a summer nutrition program under this section,
1302 the school district ~~school board~~ may encourage not-for-profit
1303 entities to sponsor the program. If a not-for-profit entity
1304 chooses to sponsor the summer nutrition program but fails to
1305 perform with regard to the program, ~~the district school board,~~
1306 the school district, and the department are not required to
1307 continue the program and shall be held harmless from any
1308 liability arising from the discontinuation of the summer
1309 nutrition program.

1310 (4) The superintendent of schools may collaborate with
1311 municipal and county governmental agencies and private, not-for-
1312 profit leaders in implementing the plan. Although schools have
1313 proven to be the optimal site for a summer nutrition program,

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1314 any not-for-profit entity may serve as a site or sponsor. By
1315 April 15 of each year, each school district with a summer
1316 nutrition program shall report to the department the district's
1317 summer nutrition program sites in compliance with this section.

1318 (5) The department shall provide to each school district
1319 ~~school board~~ by February 15 of each year a list of local
1320 organizations that have filed letters of intent to participate
1321 in the summer nutrition program in order that a school district
1322 may ~~school board is able to~~ determine how many sites are needed
1323 to serve the children and where to place each site.

1324 Section 30. Section 595.408, Florida Statutes, is created
1325 to read:

1326 595.408 Commodity distribution services; department
1327 responsibilities and functions.-

1328 (1) (a) The department shall conduct, supervise, and
1329 administer all commodity distribution services that will be
1330 carried on using federal or state funds, or funds from any other
1331 source, or commodities received and distributed from the United
1332 States or any of its agencies.

1333 (b) The department shall determine the benefits each
1334 applicant or recipient of assistance is entitled to receive
1335 under this chapter, provided that each applicant or recipient is
1336 a resident of this state and a citizen of the United States or
1337 is an alien lawfully admitted for permanent residence or
1338 otherwise permanently residing in the United State under color
1339 of law.

1340 (2) The department shall cooperate fully with the United
1341 States Government and its agencies and instrumentalities so that
1342 the department may receive the benefit of all federal financial

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1343 allotments and assistance possible to carry out the purposes of
1344 this chapter.

1345 (3) The department may:

1346 (a) Accept any duties with respect to commodity
1347 distribution services as are delegated to it by an agency of the
1348 federal government or any state, county, or municipal
1349 government.

1350 (b) Act as agent of, or contract with, the federal
1351 government, state government, or any county or municipal
1352 government in the administration of commodity distribution
1353 services to secure the benefits of any public assistance that is
1354 available from the federal government or any of its agencies,
1355 and in the distribution of funds received from the federal
1356 government, state government, or any county or municipal
1357 government for commodity distribution services within the state.

1358 (c) Accept from any person or organization all offers of
1359 personal services, commodities, or other aid or assistance.

1360 (4) This chapter does not limit, abrogate, or abridge the
1361 power and duties of any other state agency.

1362 Section 31. Section 595.501, Florida Statutes, is created
1363 to read:

1364 595.501 Penalties.—Any person, sponsor, or school district
1365 that violates any provision of this chapter or any rule adopted
1366 thereunder or otherwise does not comply with the program is
1367 subject to a suspension or revocation of their agreement, loss
1368 of reimbursement, or a financial penalty in accordance with
1369 federal or state law or both. This section does not restrict the
1370 applicability of any other law.

1371 Section 32. Section 570.983, Florida Statutes, is

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1372 transferred, renumbered as section 595.601, Florida Statutes,
1373 and amended to read:

1374 595.601 ~~570.983~~ Food and Nutrition Services Trust Fund.—
1375 Chapter 99-37, Laws of Florida, recreated the Food and Nutrition
1376 Services Trust Fund to record revenue and disbursements of
1377 Federal Food and Nutrition funds received by the department as
1378 authorized in s. 595.405 ~~570.981~~.

1379 Section 33. Section 570.984, Florida Statutes, is
1380 transferred and renumbered as section 595.701, Florida Statutes,
1381 to read:

1382 595.701 ~~570.984~~ Healthy Schools for Healthy Lives Council.—

1383 (1) There is created within the Department of Agriculture
1384 and Consumer Services the Healthy Schools for Healthy Lives
1385 Council, which shall consist of 11 members appointed by the
1386 Commissioner of Agriculture. The council shall advise the
1387 department on matters relating to nutritional standards and the
1388 prevention of childhood obesity, nutrition education,
1389 anaphylaxis, and other needs to further the development of the
1390 various school nutrition programs.

1391 (2) The meetings, powers, duties, procedures, and
1392 recordkeeping of the Healthy Schools for Healthy Lives Council
1393 shall be governed by s. 570.0705, relating to advisory
1394 committees established within the department.

1395 Section 34. Subsection (16) of section 1001.42, Florida
1396 Statutes, is amended to read:

1397 1001.42 Powers and duties of district school board.—The
1398 district school board, acting as a board, shall exercise all
1399 powers and perform all duties listed below:

1400 (16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities and

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1401 exercise such powers and perform such duties as may be assigned
1402 to it by law or as may be required by rules of the Department of
1403 Agriculture and Consumer Services ~~State Board of Education~~ or,
1404 as in the opinion of the district school board, are necessary to
1405 ensure school lunch services, consistent with needs of students;
1406 effective and efficient operation of the program; and the proper
1407 articulation of the school lunch program with other phases of
1408 education in the district.

1409 Section 35. Sections 487.0615, 570.382, 570.97, and 590.50,
1410 Florida Statutes, are repealed.

1411 Section 36. Subsection (5) of section 487.041, Florida
1412 Statutes, is amended to read:

1413 487.041 Registration.—

1414 ~~(5) The department shall provide summary information to the~~
1415 ~~Pesticide Review Council regarding applications for registration~~
1416 ~~of those pesticides for which data received in the registration~~
1417 ~~process indicate that the pesticide, when used according to~~
1418 ~~label instructions and precautions, may have a significant~~
1419 ~~potential for adverse effects on human health or the~~
1420 ~~environment. The council shall be kept apprised of the status of~~
1421 ~~these applications while under review and of the final action by~~
1422 ~~the Commissioner of Agriculture regarding the registration of~~
1423 ~~these pesticides.~~

1424 Section 37. Paragraph (b) of subsection (8) of section
1425 550.2625, Florida Statutes, is amended to read:

1426 550.2625 Horseracing; minimum purse requirement, Florida
1427 breeders' and owners' awards.—

1428 (8)

1429 ~~(b) The division shall deposit these collections to the~~

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1430 ~~credit of the General Inspection Trust Fund in a special account~~
1431 ~~to be known as the "Florida Arabian Horse Racing Promotion~~
1432 ~~Account." The Department of Agriculture and Consumer Services~~
1433 ~~shall administer the funds and adopt suitable and reasonable~~
1434 ~~rules for the administration thereof. The moneys in the Florida~~
1435 ~~Arabian Horse Racing Promotion Account shall be allocated solely~~
1436 ~~for supplementing and augmenting purses and prizes and for the~~
1437 ~~general promotion of owning and breeding of racing Arabian~~
1438 ~~horses in this state; and the moneys may not be used to defray~~
1439 ~~any expense of the Department of Agriculture and Consumer~~
1440 ~~Services in the administration of this chapter, except that the~~
1441 ~~moneys generated by Arabian horse registration fees received~~
1442 ~~pursuant to s. 570.382 may be used as provided in paragraph~~
1443 ~~(5) (b) of that section.~~

1444 Section 38. Paragraphs (b) and (c) of subsection (2) of
1445 section 550.2633, Florida Statutes, are amended to read:

1446 550.2633 Horseracing; distribution of abandoned interest in
1447 or contributions to pari-mutuel pools.—

1448 (2) All moneys or other property which has escheated to and
1449 become the property of the state as provided herein and which is
1450 held by a permitholder authorized to conduct pari-mutuel pools
1451 in this state shall be paid annually by the permitholder to the
1452 recipient designated in this subsection within 60 days after the
1453 close of the race meeting of the permitholder. Section 550.1645
1454 notwithstanding, the moneys shall be paid by the permitholder as
1455 follows:

1456 (b) ~~Except as provided in paragraph (c),~~ Funds from quarter
1457 horse races shall be paid to the Florida Quarter Horse Breeders
1458 and Owners Association and shall be allocated solely for

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1459 supplementing and augmenting purses and prizes and for the
1460 general promotion of owning and breeding of racing quarter
1461 horses in this state, as provided for in s. 550.2625.

1462 ~~(c) Funds for Arabian horse races conducted under a quarter~~
1463 ~~horse racing permit shall be deposited into the General~~
1464 ~~Inspection Trust Fund in a special account to be known as the~~
1465 ~~"Florida Arabian Horse Racing Promotion Account" and shall be~~
1466 ~~used for the payment of breeders' awards and stallion awards as~~
1467 ~~provided for in s. 570.382.~~

1468 Section 39. In order to effectuate the repeal of s. 570.97,
1469 Florida Statutes, and to honor the wishes of the donor, for the
1470 2013-2014 fiscal year, the sum of \$59,239 in nonrecurring funds
1471 is appropriated to the Department of Agriculture and Consumer
1472 Services in the expenses appropriation category for deposit in
1473 the General Inspection Trust Fund to be used by the Division of
1474 Animal Industry for disbursement to Florida Animal Friend, Inc.

1475 Section 40. This act shall take effect upon becoming a law.