

By the Committees on Appropriations; and Agriculture; and  
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           259.1052, F.S.; providing for Lee County to retain  
8           ownership and assume responsibility for management of  
9           a specified portion of the Babcock Crescent B Ranch  
10          Florida Forever acquisition; requiring certain  
11          activities on the property to be compatible with  
12          working ranch and agricultural activities;  
13          establishing the Department of Agriculture and  
14          Consumer Services as the lead agency responsible for  
15          managing the Babcock Crescent B Ranch; amending s.  
16          259.10521, F.S.; replacing the term "Babcock Crescent  
17          B Ranch" with the term "Babcock Ranch Preserve" for  
18          limited purposes; amending s. 259.1053, F.S.; deleting  
19          and revising provisions of the Babcock Ranch Preserve  
20          Act to conform to the termination or expiration of the  
21          management agreement and the dissolution of Babcock  
22          Ranch, Inc.; revising definitions; creating the  
23          Babcock Ranch Advisory Group; providing for the  
24          department to manage and operate the preserve;  
25          requiring certain fees to be deposited into the  
26          Incidental Trust Fund of the Florida Forest Service of  
27          the Department of Agriculture and Consumer Services,  
28          subject to appropriation; directing the Fish and  
29          Wildlife Conservation Commission, in cooperation with

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

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

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

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

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

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

185

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

187

188 Section 1. Paragraph (f) of subsection (5) of section  
189 253.034, Florida Statutes, is amended to read:

190 253.034 State-owned lands; uses.—

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

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



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

235 Section 2. Subsections (3), (4), and (5) of section  
236 259.1052, Florida Statutes, are amended to read:

237 259.1052 Babcock Crescent B Ranch Florida Forever  
238 acquisition; conditions for purchase.—

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

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

259 (5) The Florida Forest Service of ~~Fish and Wildlife~~  
260 Conservation Commission ~~and~~ the Department of Agriculture and  
261 Consumer Services shall, with the cooperation of the Fish and

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262 Wildlife Conservation Commission, be the lead managing agency  
263 ~~agencies~~ responsible for the management of Babcock Crescent B  
264 Ranch.

265 Section 3. Subsection (1), paragraph (a) of subsection (2),  
266 and paragraph (a) of subsection (3) of section 259.10521,  
267 Florida Statutes, are amended to read:

268 259.10521 Citizen support organization; use of property.—

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

271 (a) A Florida corporation not for profit incorporated under  
272 the provisions of chapter 617 and approved by the Department of  
273 State;

274 (b) Organized and operated to conduct programs and  
275 activities in the best interest of the state; raise funds;  
276 request and receive grants, gifts, and bequests of money;  
277 acquire, receive, hold, invest, and administer, in its own name,  
278 securities, funds, objects of value, or other property, real or  
279 personal; and make expenditures to or for the direct or indirect  
280 benefit of the Babcock ~~Crescent B~~ Ranch Preserve;

281 (c) Determined by the Fish and Wildlife Conservation  
282 Commission and the Florida Forest Service within the Department  
283 of Agriculture and Consumer Services to be consistent with the  
284 goals of the state in acquiring the ranch and in the best  
285 interests of the state; and

286 (d) Approved in writing by the Fish and Wildlife  
287 Conservation Commission and the Florida Forest Service to  
288 operate for the direct or indirect benefit of the ranch and in  
289 the best interest of the state. Such approval shall be given in  
290 a letter of agreement from the Fish and Wildlife Conservation

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291 Commission and the Florida Forest Service. Only one citizen  
292 support organization may be created to operate for the direct or  
293 indirect benefit of the Babcock ~~Crescent B~~ Ranch Preserve.

294 (2) USE OF PROPERTY.—

295 (a) The Fish and Wildlife Conservation Commission and the  
296 Florida Forest Service may permit, without charge, appropriate  
297 use of fixed property and facilities of the Babcock ~~Crescent B~~  
298 Ranch Preserve by a citizen support organization, subject to the  
299 provisions of this section. Such use must be directly in keeping  
300 with the approved purposes of the citizen support organization  
301 and may not be made at times or places that would unreasonably  
302 interfere with recreational opportunities for the general  
303 public.

304 (3) PARTNERSHIPS.—

305 (a) The Legislature recognizes that the Babcock ~~Crescent B~~  
306 Ranch Preserve will need a variety of facilities to enhance its  
307 public use and potential. Such facilities include, but are not  
308 limited to, improved access, camping areas, picnic shelters,  
309 management facilities, and environmental education facilities.  
310 The need for such facilities may exceed the ability of the state  
311 to provide such facilities in a timely manner with moneys  
312 available. The Legislature finds it to be in the public interest  
313 to provide incentives for partnerships with private  
314 organizations with the intent of producing additional revenue to  
315 help enhance the use and potential of the ranch.

316 Section 4. Section 259.1053, Florida Statutes, is amended  
317 to read:

318 259.1053 Babcock Ranch Preserve; ~~Babcock Ranch, Inc.;~~  
319 ~~creation; membership; organization; meetings.~~—

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

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

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

326 ~~(b) “Babeock Ranch, Inc.,” and “corporation” mean the not-~~  
327 ~~for-profit corporation created under this section to operate and~~  
328 ~~manage the Babeock Ranch Preserve as a working ranch.~~

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

331 (b) ~~(d)~~ “Commission” means the Fish and Wildlife  
332 Conservation Commission.

333 (c) ~~(e)~~ “Commissioner” means the Commissioner of  
334 Agriculture.

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

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

339 (f) ~~(h)~~ “Financially self-sustaining” means having  
340 management and operation expenditures not more than the revenues  
341 collected from fees and other receipts for resource use and  
342 development and from interest and invested funds.

343 (g) “Florida Forest Service” means the Florida Forest  
344 Service of the Department of Agriculture and Consumer Services.

345 ~~(i) “Management and operating expenditures” means expenses~~  
346 ~~of the corporation, including, but not limited to, salaries and~~  
347 ~~benefits of officers and staff, administrative and operating~~  
348 ~~expenses, costs of improvements to and maintenance of lands and~~

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349 ~~facilities of the Babcock Ranch Preserve, and other similar~~  
350 ~~expenses. Such expenditures shall be made from revenues~~  
351 ~~generated from the operation of the ranch and not from funds~~  
352 ~~appropriated by the Legislature except as provided in this~~  
353 ~~section.~~

354 ~~(j) "Member" means a person appointed to the board of~~  
355 ~~directors of the not for profit corporation created under this~~  
356 ~~section.~~

357 (h) ~~(k)~~ "Multiple use" means the management of all of the  
358 renewable surface resources of the Babcock Ranch Preserve to  
359 best meet the needs of the public, including the use of the land  
360 for some or all of the renewable surface resources or related  
361 services over areas large enough to allow for periodic  
362 adjustments in use to conform to the changing needs and  
363 conditions of the preserve while recognizing that a portion of  
364 the land will be used for some of the renewable surface  
365 resources available on that land. The goal of multiple use is  
366 the harmonious and coordinated management of the renewable  
367 surface resources without impairing the productivity of the land  
368 and considering the relative value of the renewable surface  
369 resources, and not necessarily a combination of uses to provide  
370 the greatest monetary return or the greatest unit output.

371 (i) ~~(l)~~ "Sustained yield of the renewable surface resources"  
372 means the achievement and maintenance of a high level of annual  
373 or regular periodic output of the various renewable surface  
374 resources of the preserve without impairing the productivity of  
375 the land.

376 (3) CREATION OF BABCOCK RANCH PRESERVE.—

377 (a) Upon the date of acquisition of the Babcock Crescent B

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378 Ranch, there is created the Babcock Ranch Preserve, which shall  
379 be managed in accordance with the purposes and requirements of  
380 this section.

381 (b) The preserve is established to protect and preserve the  
382 environmental, agricultural, scientific, scenic, geologic,  
383 watershed, fish, wildlife, historic, cultural, and recreational  
384 values of the preserve, and to provide for the multiple use and  
385 sustained yield of the renewable surface resources within the  
386 preserve consistent with this section.

387 ~~(c) Babcock Ranch, Inc., and its officers and employees~~  
388 ~~shall participate in the management of the Babcock Ranch~~  
389 ~~Preserve in an advisory capacity only until the management~~  
390 ~~agreement referenced in paragraph (11)(a) is terminated or~~  
391 ~~expires.~~

392 (c) ~~(d)~~ Nothing in This section does not shall preclude  
393 ~~Babcock Ranch, Inc., prior to assuming management and operation~~  
394 ~~of the preserve and thereafter, from allowing~~ the use of common  
395 varieties of mineral materials such as sand, stone, and gravel  
396 for construction and maintenance of roads and facilities within  
397 the preserve.

398 (d) ~~(e)~~ Nothing in This section does not affect shall be  
399 ~~construed as affecting~~ the constitutional responsibilities of  
400 the commission in the exercise of its regulatory and executive  
401 power with respect to wild animal life and freshwater aquatic  
402 life, including the regulation of hunting, fishing, and trapping  
403 within the preserve.

404 (e) ~~(f)~~ Nothing in This section does not shall be construed  
405 ~~to interfere with or prevent the implementation of ability of~~  
406 ~~Babcock Ranch, Inc., to implement~~ agricultural practices

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407 authorized by the agricultural land use designations established  
408 in the local comprehensive plans of either Charlotte County or  
409 Lee County as those plans apply to the Babcock Ranch Preserve.

410 ~~(g) To clarify the responsibilities of the lead managing~~  
411 ~~agencies and the not-for-profit corporation created under this~~  
412 ~~section, the lead managing agencies are directed to establish a~~  
413 ~~range of resource protection values for the Babcock Ranch~~  
414 ~~Preserve, and the corporation shall establish operational~~  
415 ~~parameters to conduct the business of the ranch within the range~~  
416 ~~of values. The corporation shall establish a range of~~  
417 ~~operational values for conducting the business of the ranch, and~~  
418 ~~the lead managing agencies providing ground support to the ranch~~  
419 ~~outside of each agency's jurisdictional responsibilities shall~~  
420 ~~establish management parameters within that range of values.~~

421 ~~(f) (h) Nothing in~~ This section does not shall preclude the  
422 maintenance and use of roads and trails or the relocation of  
423 roads in existence on the effective date of this section, or the  
424 construction, maintenance, and use of new trails, or any  
425 motorized access necessary for the administration of the land  
426 contained within the preserve, including motorized access  
427 necessary for emergencies involving the health or safety of  
428 persons within the preserve.

429 ~~(i) The Division of State Lands of the Department of~~  
430 ~~Environmental Protection shall perform staff duties and~~  
431 ~~functions for Babcock Ranch, Inc., the not-for-profit~~  
432 ~~corporation created under this section, until such time as the~~  
433 ~~corporation organizes to elect officers, file articles of~~  
434 ~~incorporation, and exercise its powers and duties.~~

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

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436 (a) The purpose of the Babcock Ranch Advisory Group is to  
437 assist the department by providing guidance and advice  
438 concerning the management and stewardship of the Babcock Ranch  
439 Preserve.

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

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

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

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

451 4. One member who has experience in domesticated livestock  
452 management, production, and marketing, including range  
453 management and livestock business management.

454 5. One member who has experience in agriculture operations  
455 or forestry management.

456 6. One member who has experience in hunting, fishing,  
457 nongame species management, or wildlife habitat management,  
458 restoration, and conservation.

459 7. One member who has experience in public outreach and  
460 education.

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

463 9. One member who is a resident of Charlotte County and  
464 active in an organization involved with the activities of the



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465 ranch.

466

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

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

471 1. Elect a chair and vice chair from among the group  
472 members.

473 2. Meet regularly as determined by the chair.

474 3. Serve without compensation, but with reimbursement for  
475 travel and per diem expenses.

476 ~~(a) Subject to filing articles of incorporation, there is~~  
477 ~~created a not-for-profit corporation, to be known as Babcock~~  
478 ~~Ranch, Inc., which shall be registered, incorporated, organized,~~  
479 ~~and operated in compliance with the provisions of chapter 617,~~  
480 ~~and which shall not be a unit or entity of state government. For~~  
481 ~~purposes of sovereign immunity, the corporation shall be a~~  
482 ~~corporation primarily acting as an instrumentality of the state~~  
483 ~~but otherwise shall not be an agency within the meaning of s.~~  
484 ~~20.03(11) or a unit or entity of state government.~~

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

488 ~~(c) Meetings and records of the corporation, its directors,~~  
489 ~~advisory committees, or similar groups created by the~~  
490 ~~corporation, including any not-for-profit subsidiaries, are~~  
491 ~~subject to the public records provisions of chapter 119 and the~~  
492 ~~public meetings and records provisions of s. 286.011.~~

493 ~~(5) APPLICABILITY OF SECTION.—In any conflict between a~~

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494 ~~provision of this section and a provision of chapter 617, the~~  
495 ~~provisions of this section shall prevail.~~

496 ~~(6) PURPOSE. The purpose of Babcock Ranch, Inc., is to~~  
497 ~~provide management and administrative services for the preserve,~~  
498 ~~to establish and implement management policies that will achieve~~  
499 ~~the purposes and requirements of this section, to cooperate with~~  
500 ~~state agencies to further the purposes of the preserve, and to~~  
501 ~~establish the administrative and accounting procedures for the~~  
502 ~~operation of the corporation.~~

503 ~~(7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY. The corporation~~  
504 ~~shall be governed by a nine member board of directors who shall~~  
505 ~~be appointed by the Board of Trustees of the Internal~~  
506 ~~Improvement Trust Fund; the executive director of the~~  
507 ~~commission; the Commissioner of Agriculture; the Babcock Florida~~  
508 ~~Company, a corporation registered to do business in the state,~~  
509 ~~or its successors or assigns; the Charlotte County Board of~~  
510 ~~County Commissioners; and the Lee County Board of County~~  
511 ~~Commissioners in the following manner:~~

512 ~~(a)1. The Board of Trustees of the Internal Improvement~~  
513 ~~Trust Fund shall appoint four members. One appointee shall have~~  
514 ~~expertise in domesticated livestock management, production, and~~  
515 ~~marketing, including range management and livestock business~~  
516 ~~management. One appointee shall have expertise in the management~~  
517 ~~of game and nongame wildlife and fish populations, including~~  
518 ~~hunting, fishing, and other recreational activities. One~~  
519 ~~appointee shall have expertise in the sustainable management of~~  
520 ~~forest lands for commodity purposes. One appointee shall have~~  
521 ~~expertise in financial management, budget and program analysis,~~  
522 ~~and small business operations.~~

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

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

528           ~~4. The Babcock Florida Company, or its successors or~~  
529 ~~assigns, shall appoint one member with expertise in the~~  
530 ~~activities and management of the Babcock Ranch on the date of~~  
531 ~~acquisition of the ranch by the state as provided under s.~~  
532 ~~259.1052. This appointee shall serve on the board of directors~~  
533 ~~only until the termination of or expiration of the management~~  
534 ~~agreement attached as Exhibit "E" to that certain Agreement for~~  
535 ~~Sale and Purchase approved by the Board of Trustees of the~~  
536 ~~Internal Improvement Trust Fund on November 22, 2005, and by Lee~~  
537 ~~County, a political subdivision of the state, on November 20,~~  
538 ~~2005. Upon termination of or expiration of the management~~  
539 ~~agreement, the person serving as the head of the property~~  
540 ~~owners' association, if any, required to be created under the~~  
541 ~~agreement for sale and purchase shall serve as a member of the~~  
542 ~~board of directors of Babcock Ranch, Inc.~~

543           ~~5. The Charlotte County Board of County Commissioners shall~~  
544 ~~appoint one member who shall be a resident of the county and who~~  
545 ~~shall be active in an organization concerned with the activities~~  
546 ~~of the ranch.~~

547           ~~6. The Lee County Board of County Commissioners shall~~  
548 ~~appoint one member who shall be a resident of the county and who~~  
549 ~~shall have experience in land conservation and management. This~~  
550 ~~appointee, or a successor appointee, shall serve as a member of~~  
551 ~~the board of directors so long as the county participates in the~~

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552 ~~state land management plan.~~

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

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

559 ~~2. The remaining initial five appointees shall each serve a~~  
560 ~~2-year term.~~

561 ~~3. Each member appointed thereafter shall serve a 4-year~~  
562 ~~term.~~

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

566 ~~5. No member may serve more than 8 years in consecutive~~  
567 ~~terms.~~

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

572 ~~(d) No member shall vote in an official capacity upon any~~  
573 ~~measure that would inure to his or her special private gain or~~  
574 ~~loss, that he or she knows would inure to the special private~~  
575 ~~gain or loss of any principal by whom he or she is retained or~~  
576 ~~to the parent organization or subsidiary of a principal by which~~  
577 ~~he or she is retained, or that he or she knows would inure to~~  
578 ~~the special private gain or loss of a relative or business~~  
579 ~~associate of the member. Such member shall, prior to the vote~~  
580 ~~being taken, publicly state the nature of his or her interest in~~

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581 ~~the matter from which he or she is abstaining from voting and,~~  
582 ~~no later than 15 days following the date the vote occurs, shall~~  
583 ~~disclose the nature of his or her interest as a public record in~~  
584 ~~a memorandum filed with the person responsible for recording the~~  
585 ~~minutes of the meeting, who shall incorporate the memorandum in~~  
586 ~~the minutes of the meeting.~~

587 ~~(e) Each member of the board of directors is accountable~~  
588 ~~for the proper performance of the duties of office, and each~~  
589 ~~member owes a fiduciary duty to the people of the state to~~  
590 ~~ensure that funds provided in furtherance of this section are~~  
591 ~~disbursed and used as prescribed by law and contract. Any~~  
592 ~~official appointing a member may remove that member for~~  
593 ~~malfeasance, misfeasance, neglect of duty, incompetence,~~  
594 ~~permanent inability to perform official duties, unexcused~~  
595 ~~absence from three consecutive meetings of the board, arrest or~~  
596 ~~indictment for a crime that is a felony or misdemeanor involving~~  
597 ~~theft or a crime of dishonesty, or pleading nolo contendere to,~~  
598 ~~or being found guilty of, any crime.~~

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

603 ~~(g) No appointee shall be an employee of any governmental~~  
604 ~~entity.~~

605 ~~(8) ORGANIZATION; MEETINGS.—~~

606 ~~(a)1. The board of directors shall annually elect a~~  
607 ~~chairperson and a vice chairperson from among the board's~~  
608 ~~members. The members may, by a vote of five of the nine board~~  
609 ~~members, remove a member from the position of chairperson or~~

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610 ~~vice chairperson prior to the expiration of his or her term as~~  
611 ~~chairperson or vice chairperson. His or her successor shall be~~  
612 ~~elected to serve for the balance of the removed chairperson's or~~  
613 ~~vice chairperson's term.~~

614 ~~2. The chairperson shall ensure that records are kept of~~  
615 ~~the proceedings of the board of directors, and is the custodian~~  
616 ~~of all books, documents, and papers filed with the board, the~~  
617 ~~minutes of meetings of the board, and the official seal of the~~  
618 ~~corporation.~~

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

622 ~~2. A majority of the members of the board of directors~~  
623 ~~constitutes a quorum. Except as otherwise provided in this~~  
624 ~~section, the board of directors may take official action by a~~  
625 ~~majority of the members present at any meeting at which a quorum~~  
626 ~~is present. Members may not vote by proxy.~~

627 ~~(9) POWERS AND DUTIES.—~~

628 ~~(a) The board of directors shall adopt articles of~~  
629 ~~incorporation and bylaws necessary to govern its activities. The~~  
630 ~~adopted articles of incorporation and bylaws must be approved by~~  
631 ~~the Board of Trustees of the Internal Improvement Trust Fund~~  
632 ~~prior to filing with the Department of State.~~

633 ~~(b) The board of directors shall review and approve any~~  
634 ~~management plan developed pursuant to ss. 253.034 and 259.032~~  
635 ~~for the management of lands in the preserve prior to the~~  
636 ~~submission of that plan to the Board of Trustees of the Internal~~  
637 ~~Improvement Trust Fund for approval and implementation.~~

638 ~~(c)1. Except for the constitutional powers of the~~

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639 ~~commission as provided in s. 9, Art. IV of the State~~  
640 ~~Constitution, the board of directors shall have all necessary~~  
641 ~~and proper powers for the exercise of the authority vested in~~  
642 ~~the corporation, including, but not limited to, the power to~~  
643 ~~solicit and accept donations of funds, property, supplies, or~~  
644 ~~services from individuals, foundations, corporations, and other~~  
645 ~~public or private entities for the purposes of this section. All~~  
646 ~~funds received by the corporation shall be deposited into the~~  
647 ~~operating fund authorized under this section unless otherwise~~  
648 ~~directed by the Legislature.~~

649 ~~2. The board of directors may not increase the number of~~  
650 ~~its members.~~

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

656 ~~4. The corporation may not sell, convey, mortgage, pledge,~~  
657 ~~lease, exchange, transfer, or otherwise dispose of any real~~  
658 ~~property.~~

659 ~~5. The corporation may not purchase, take, receive,~~  
660 ~~subscribe for, or otherwise acquire, own, hold, vote, use,~~  
661 ~~employ, sell, mortgage, lend, pledge, or otherwise dispose of or~~  
662 ~~otherwise use and deal in and with, shares and other interests~~  
663 ~~in, or obligations of, other domestic or foreign corporations,~~  
664 ~~whether for profit or not for profit, associations,~~  
665 ~~partnerships, or individuals, or direct or indirect obligations~~  
666 ~~of the United States, or any other government, state, territory,~~  
667 ~~government district, municipality, or any instrumentality~~

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668 thereof.

669 ~~6. The corporation may not lend money for its corporate~~  
670 ~~purposes, invest and reinvest its funds, or take and hold real~~  
671 ~~and personal property as security for the payment of funds lent~~  
672 ~~or invested.~~

673 ~~7. The corporation may not merge with other corporations or~~  
674 ~~other business entities.~~

675 ~~8. The corporation may not enter into any contract, lease,~~  
676 ~~or other agreement related to the use of ground or surface~~  
677 ~~waters located in, on, or through the preserve without the~~  
678 ~~consent of the Board of Trustees of the Internal Improvement~~  
679 ~~Trust Fund and permits that may be required by the Department of~~  
680 ~~Environmental Protection or the appropriate water management~~  
681 ~~district under chapters 373 and 403.~~

682 ~~9. The corporation may not grant any easements in, on, or~~  
683 ~~across the preserve. Any easements to be granted for the use of,~~  
684 ~~access to, or ingress and egress across state property within~~  
685 ~~the preserve must be executed by the Board of Trustees of the~~  
686 ~~Internal Improvement Trust Fund as the owners of the state~~  
687 ~~property within the preserve. Any easements to be granted for~~  
688 ~~the use of, access to, or ingress and egress across property~~  
689 ~~within the preserve titled in the name of a local government~~  
690 ~~must be granted by the governing body of that local government.~~

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

694 ~~(d) The members may, with the written approval of the~~  
695 ~~commission and in consultation with the department, designate~~  
696 ~~hunting, fishing, and trapping zones and may establish~~



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697 ~~additional periods when no hunting, fishing, or trapping shall~~  
698 ~~be permitted for reasons of public safety, administration, and~~  
699 ~~the protection and enhancement of nongame habitat and nongame~~  
700 ~~species, as defined under s. 379.101.~~

701 ~~(c) The corporation shall have the sole and exclusive right~~  
702 ~~to use the words "Babcock Ranch, Inc.," and any seal, emblem, or~~  
703 ~~other insignia adopted by the members. Without the express~~  
704 ~~written authority of the corporation, no person may use the~~  
705 ~~words "Babcock Ranch, Inc.," as the name under which that person~~  
706 ~~conducts or purports to conduct business, for the purpose of~~  
707 ~~trade or advertisement, or in any manner that may suggest any~~  
708 ~~connection with the corporation.~~

709 ~~(f) The corporation may from time to time appoint advisory~~  
710 ~~committees to further any part of this section. The advisory~~  
711 ~~committees shall be reflective of the expertise necessary for~~  
712 ~~the particular function for which the committee is created, and~~  
713 ~~may include public agencies, private entities, and not-for-~~  
714 ~~profit conservation and agricultural representatives.~~

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

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

722 ~~(10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING~~  
723 ~~REQUIREMENTS.—~~

724 ~~(a) The board of directors may establish and manage an~~  
725 ~~operating fund to address the corporation's unique cash-flow~~

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726 ~~needs and to facilitate the management and operation of the~~  
727 ~~preserve as a working ranch.~~

728 ~~(b) The board of directors shall provide for an annual~~  
729 ~~financial audit of the corporate accounts and records to be~~  
730 ~~conducted by an independent certified public accountant in~~  
731 ~~accordance with rules adopted by the Auditor General under s.~~  
732 ~~11.45(8). The audit report shall be submitted no later than 3~~  
733 ~~months following the end of the fiscal year to the Auditor~~  
734 ~~General, the President of the Senate, the Speaker of the House~~  
735 ~~of Representatives, and the appropriate substantive and fiscal~~  
736 ~~committees of the Legislature. The Auditor General, the Office~~  
737 ~~of Program Policy Analysis and Government Accountability, and~~  
738 ~~the substantive or fiscal committees of the Legislature to which~~  
739 ~~legislation affecting the Babcock Ranch Preserve may be referred~~  
740 ~~shall have the authority to require and receive from the~~  
741 ~~corporation or from the independent auditor any records relative~~  
742 ~~to the operation of the corporation.~~

743 ~~(c) Not later than January 15 of each year, Babcock Ranch,~~  
744 ~~Inc., shall submit to the Board of Trustees of the Internal~~  
745 ~~Improvement Trust Fund, the President of the Senate, the Speaker~~  
746 ~~of the House of Representatives, the department, and the~~  
747 ~~commission a comprehensive and detailed report of its~~  
748 ~~operations, activities, and accomplishments for the prior year,~~  
749 ~~including information on the status of the ecological, cultural,~~  
750 ~~and financial resources being managed by the corporation, and~~  
751 ~~benefits provided by the preserve to local communities. The~~  
752 ~~report shall also include a section describing the corporation's~~  
753 ~~goals for the current year.~~

754 ~~(d) The board of directors shall prepare an annual budget~~

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755 ~~with the goal of achieving a financially self-sustaining~~  
756 ~~operation within 15 full fiscal years after the initial~~  
757 ~~acquisition of the Babcock Ranch by the state. The department~~  
758 ~~shall provide necessary assistance, including details as~~  
759 ~~necessary, to the corporation for the timely formulation and~~  
760 ~~submission of an annual legislative budget request for~~  
761 ~~appropriations, if any, to support the administration,~~  
762 ~~operation, and maintenance of the preserve. A request for~~  
763 ~~appropriations shall be submitted to the department and shall be~~  
764 ~~included in the department's annual legislative budget request.~~  
765 ~~Requests for appropriations shall be submitted to the department~~  
766 ~~in time to allow the department to meet the requirements of s.~~  
767 ~~216.023. The department may not deny a request or refuse to~~  
768 ~~include in its annual legislative budget submission a request~~  
769 ~~from the corporation for an appropriation.~~

770 ~~(c) Notwithstanding any other provision of law, all moneys~~  
771 ~~received from donations or from management of the preserve shall~~  
772 ~~be retained by the corporation in the operating fund and shall~~  
773 ~~be available, without further appropriation, for the~~  
774 ~~administration, preservation, restoration, operation and~~  
775 ~~maintenance, improvements, repairs, and related expenses~~  
776 ~~incurred with respect to properties being managed by the~~  
777 ~~corporation. Except as provided in this section, moneys received~~  
778 ~~by the corporation for the management of the preserve shall not~~  
779 ~~be subject to distribution by the state. Upon assuming~~  
780 ~~management responsibilities for the preserve, the corporation~~  
781 ~~shall optimize the generation of income based on existing~~  
782 ~~marketing conditions to the extent that activities do not~~  
783 ~~unreasonably diminish the long-term environmental, agricultural,~~

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784 scenic, and natural values of the preserve, or the multiple use  
785 and sustained yield capability of the land.

786 ~~(f) All parties in contract with the corporation and all~~  
787 ~~holders of leases from the corporation which are authorized to~~  
788 ~~occupy, use, or develop properties under the management~~  
789 ~~jurisdiction of the corporation must procure proper insurance as~~  
790 ~~is reasonable or customary to insure against any loss in~~  
791 ~~connection with the properties or with activities authorized in~~  
792 ~~the leases or contracts.~~

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

794 ~~(a) A comprehensive business plan for the management and~~  
795 ~~operation of the preserve as a working ranch and amendments to~~  
796 ~~the business plan may be developed only with input from the~~  
797 ~~department and the commission, and may be implemented by Babcock~~  
798 ~~Ranch, Inc., only upon expiration of the management agreement~~  
799 ~~attached as Exhibit "E" to that certain agreement for sale and~~  
800 ~~purchase approved by the Board of Trustees of the Internal~~  
801 ~~Improvement Trust Fund on November 22, 2005, and by Lee County~~  
802 ~~on November 20, 2005.~~

803 ~~(b) Any final decision of Babcock Ranch, Inc., to adopt or~~  
804 ~~amend the comprehensive business plan or to approve any activity~~  
805 ~~related to the management of the renewable surface resources of~~  
806 ~~the preserve shall be made in sessions that are open to the~~  
807 ~~public. The board of directors shall establish procedures for~~  
808 ~~providing adequate public information and opportunities for~~  
809 ~~public comment on the proposed comprehensive business plan for~~  
810 ~~the preserve or for amendments to the comprehensive business~~  
811 ~~plan adopted by the members.~~

812 ~~(c) Not less than 2 years prior to the corporation's~~

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813 ~~assuming management and operation responsibilities for the~~  
814 ~~preserve, the corporation, with input from the commission and~~  
815 ~~the department, must begin developing the comprehensive business~~  
816 ~~plan to carry out the purposes of this section. To the extent~~  
817 ~~consistent with these purposes, the comprehensive business plan~~  
818 ~~shall provide for:~~

819 ~~1. The management and operation of the preserve as a~~  
820 ~~working ranch;~~

821 ~~2. The protection and preservation of the environmental,~~  
822 ~~agricultural, scientific, scenic, geologic, watershed, fish,~~  
823 ~~wildlife, historic, cultural, and recreational values of the~~  
824 ~~preserve;~~

825 ~~3. The promotion of high quality hunting experiences for~~  
826 ~~the public, with emphasis on deer, turkey, and other game~~  
827 ~~species;~~

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

830 ~~5. Public use of and access to the preserve for recreation;~~  
831 ~~and~~

832 ~~6. The use of renewable resources and management~~  
833 ~~alternatives that, to the extent practicable, benefit local~~  
834 ~~communities and small businesses and enhance the coordination of~~  
835 ~~management objectives with those on surrounding public or~~  
836 ~~private lands. The use of renewable resources and management~~  
837 ~~alternatives should provide cost savings to the corporation~~  
838 ~~through the exchange of services, including, but not limited to,~~  
839 ~~labor and maintenance of facilities, for resources or services~~  
840 ~~provided to the corporation.~~

841 ~~(d) On or before the date on which title to the portion of~~

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842 ~~the Babcock Crescent B Ranch being purchased by the state as~~  
843 ~~provided in s. 259.1052 is vested in the Board of Trustees of~~  
844 ~~the Internal Improvement Trust Fund, Babcock Ranch Management,~~  
845 ~~LLC, a limited liability company incorporated in this state,~~  
846 ~~shall provide the commission and the department with the~~  
847 ~~management plan and business plan in place for the operation of~~  
848 ~~the ranch as of November 22, 2005, the date on which the board~~  
849 ~~of trustees approved the purchase.~~

850 (5) ~~(12)~~ MANAGEMENT OF PRESERVE; FEES.—

851 (a) The department corporation shall assume all authority  
852 provided by this section to manage and operate the preserve as a  
853 working ranch upon the termination or expiration of the  
854 management agreement attached as Exhibit "E" to that certain  
855 Agreement for Sale and Purchase approved by the Board of  
856 Trustees of the Internal Improvement Trust Fund on November 22,  
857 2005, and by Lee County on November 20, 2005 ~~a determination by~~  
858 ~~the Board of Trustees of the Internal Improvement Trust Fund~~  
859 ~~that the corporation is able to conduct business, and that~~  
860 ~~provision has been made for essential services on the preserve,~~  
861 ~~which, to the maximum extent practicable, shall be made no later~~  
862 ~~than 60 days prior to the termination of the management~~  
863 ~~agreement referenced in paragraph (11)(a).~~

864 (b) Upon assuming management and operation of the preserve,  
865 the department corporation shall:

866 1. ~~With input from the commission and the department,~~  
867 Manage and operate the preserve and the uses thereof, including,  
868 but not limited to, the activities necessary to administer and  
869 operate the preserve as a working ranch; the activities  
870 necessary for the preservation and development of the land and

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871 renewable surface resources of the preserve; the activities  
872 necessary for interpretation of the history of the preserve on  
873 behalf of the public; the activities necessary for the  
874 management, public use, and occupancy of facilities and lands  
875 within the preserve; and the maintenance, rehabilitation,  
876 repair, and improvement of property within the preserve.†

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

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

885 3.4. Establish procedures for entering into lease  
886 agreements and other agreements for the use and occupancy of the  
887 facilities of the preserve. The procedures shall ensure  
888 reasonable competition and set guidelines for determining  
889 reasonable fees, terms, and conditions for such agreements.†~~and~~

890 ~~4.5.~~ Assess reasonable fees for admission to, use of, and  
891 occupancy of the preserve to offset costs of operating the  
892 preserve as a working ranch. These fees are independent of fees  
893 assessed by the commission for the privilege of hunting,  
894 fishing, or pursuing outdoor recreational activities within the  
895 preserve, and shall be deposited into the Incidental Trust Fund  
896 of the Florida Forest Service, subject to appropriation by the  
897 Legislature operating fund established by the board of directors  
898 under the authority provided under this section.

899 (c) The commission, in cooperation with the department,

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900 shall:

901 1. Establish and implement public hunting and other fish  
902 and wildlife management activities. Tier I and Tier II public  
903 hunting opportunities shall be provided consistent with the  
904 management plan and the recreation master plan.

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

908 b. Tier II public hunting shall be provided specifically by  
909 fee-based permitting to ensure compatibility with livestock  
910 grazing and other essential agricultural operations on the  
911 preserve.

912 2. Establish and administer permit fees for Tier II public  
913 hunting to capitalize on the value of hunting on portions of the  
914 preserve and to help ensure that the preserve is financially  
915 self-sufficient. The fees shall be deposited into the State Game  
916 Trust Fund of the Fish and Wildlife Conservation Commission to  
917 be used to offset the costs of providing public hunting and to  
918 support fish and wildlife management and other land management  
919 activities on the preserve.

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

922 1. Negotiate directly with, and enter into such agreements,  
923 leases, contracts, and other arrangements with, any person,  
924 firm, association, organization, corporation, or governmental  
925 entity, including entities of federal, state, and local  
926 governments, as are necessary and appropriate to carry out the  
927 purposes and activities authorized by this section.

928 2. Grant privileges, leases, concessions, and permits for



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929 the use of land for the accommodation of visitors to the  
930 preserve; however, natural curiosities or objects of interest  
931 may not be granted, leased, or rented on terms that deny or  
932 interfere with free access to them by the public. Such grants,  
933 leases, and permits may be made and given without advertisement  
934 or securing competitive bids. Such grants, leases, or permits  
935 may not be assigned or transferred by any grantee without  
936 consent of the Board of Trustees of the Internal Improvement  
937 Trust Fund or its designated agent.

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

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

943 ~~(b) Officers and employees of Babcock Ranch, Inc., are~~  
944 ~~private employees. At the request of the board of directors, the~~  
945 ~~commission and the department may provide state employees for~~  
946 ~~the purpose of implementing this section. Any state employees~~  
947 ~~provided to assist the directors in implementing this section~~  
948 ~~for more than 30 days shall be provided on a reimbursable basis.~~  
949 ~~Reimbursement to the commission and the department shall be made~~  
950 ~~from the corporation's operating fund provided under this~~  
951 ~~section and not from any funds appropriated to the corporation~~  
952 ~~by the Legislature.~~

953 ~~(6) (14) DISSOLUTION OF BABCOCK RANCH, INC., AND BABCOCK~~  
954 ~~RANCH ADVISORY GROUP.—~~

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

957 ~~(b) Upon dissolution of the corporation, the management~~

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958 ~~responsibilities provided in this section shall revert to the~~  
 959 ~~commission and the department unless otherwise provided by the~~  
 960 ~~Legislature under the act dissolving Babcock Ranch, Inc.~~

961 (a) (e) Upon dissolution of Babcock Ranch, Inc. the  
 962 corporation, all of its statutory powers, duties, and functions;  
 963 records, personnel, and property; and unexpended balances of  
 964 appropriations, allocations, or other funds shall be transferred  
 965 to the Florida Department of Agriculture and Consumer Services,  
 966 unless otherwise provided by law. Any cash balances of funds  
 967 shall revert to the Incidental Trust Fund of the Florida Forest  
 968 Service General Revenue Fund or such other state fund as may be  
 969 provided under the act dissolving Babcock Ranch, Inc.

970 (b) The Babcock Ranch Advisory Group shall dissolve on June  
 971 30, 2018, unless reenacted by the Legislature.

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

974 388.261 State aid to counties and districts for arthropod  
 975 control; distribution priorities and limitations.—

976 (2) Every county or district budgeting local funds to be  
 977 used exclusively for the control of mosquitoes and other  
 978 arthropods, under a plan submitted by the county or district and  
 979 approved by the department, is ~~shall be~~ eligible to receive  
 980 state funds and supplies, services, and equipment on a dollar-  
 981 for-dollar matching basis to the amount of local funds budgeted.  
 982 If ~~Should~~ state funds appropriated by the Legislature are ~~be~~  
 983 insufficient to grant each county or district state funds on a  
 984 dollar-for-dollar matching basis to the amount budgeted in local  
 985 funds, the department shall distribute the funds as prescribed  
 986 by rule. Such rules shall provide for up to 80 percent of the

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987 funds to be distributed to programs with local funds for  
988 mosquito control budgets of less than \$1 million, if the county  
989 or district meets the eligibility requirements. The funds shall  
990 be distributed as equally as possible within the category of  
991 counties pursuant to this section. The remaining funds shall be  
992 distributed as prescribed by rule among the remaining counties  
993 to support mosquito control and to support research, education,  
994 and outreach ~~prorate said state funds based on the amount of~~  
995 ~~matchable local funds budgeted for expenditure by each county or~~  
996 ~~district.~~

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

999 388.271 Prerequisites to participation.—

1000 (1) When state funds are involved, it is the duty of the  
1001 department to guide, review, approve, and coordinate the  
1002 activities of all county governments and special districts  
1003 receiving state funds in furtherance of the goal of integrated  
1004 arthropod control. Each county or district eligible to  
1005 participate hereunder may begin participation on October 1 of  
1006 any year by filing with the department not later than July 15 a  
1007 tentative work plan and tentative detailed work plan budget  
1008 providing for the control of arthropods. Following approval of  
1009 the plan and budget by the department, two copies of the  
1010 county's or district's certified budget based on the approved  
1011 work plan and detailed work plan budget shall be submitted to  
1012 the department by not later than September 30 ~~15~~ following.  
1013 State funds, supplies, and services shall be made available to  
1014 such county or district by and through the department  
1015 immediately upon release of funds by the Executive Office of the

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1016 Governor.

1017 Section 7. Section 487.160, Florida Statutes, is amended to  
1018 read:

1019 487.160 Records; ~~report.~~—Licensed private applicators  
1020 supervising 15 or more unlicensed applicators or mixer-loaders  
1021 and licensed public applicators and licensed commercial  
1022 applicators shall maintain records as the department may  
1023 determine by rule with respect to the application of restricted  
1024 pesticides, including, but not limited to, the type and quantity  
1025 of pesticide, method of application, crop treated, and dates and  
1026 location of application. Other licensed private applicators  
1027 shall maintain records as the department may determine by rule  
1028 with respect to the date, type, and quantity of restricted-use  
1029 pesticides used. Licensees shall keep records for a period of 2  
1030 years from date of the application of the pesticide to which the  
1031 records refer, and shall furnish to the department a copy of the  
1032 records upon written request by the department. ~~Every third~~  
1033 ~~year, the department shall conduct a survey and compile a report~~  
1034 ~~on restricted-use pesticides in this state. This report shall~~  
1035 ~~include, but not be limited to, types and quantities of~~  
1036 ~~pesticides, methods of application, crops treated, and dates and~~  
1037 ~~locations of application; records of persons working under~~  
1038 ~~direct supervision; and reports of misuse, damage, or injury.~~

1039 Section 8. Section 534.083, Florida Statutes, is amended to  
1040 read:1041 534.083 Livestock hauler's ~~permit; display of permit on~~  
1042 ~~vehicle; bill of lading.~~—1043 (1) ~~No person shall engage in the business of transporting~~  
1044 ~~or hauling for hire livestock on any street or highway, as~~

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1045 ~~defined in s. 316.003(53), without first having applied for and~~  
1046 ~~obtained from the department a permit which shall expire on~~  
1047 ~~December 31 of each year. The information supplied by the~~  
1048 ~~applicant on the application for permit shall be certified under~~  
1049 ~~oath. Cost of the permit shall be \$5 for each year or fraction~~  
1050 ~~thereof.~~

1051 ~~(2) The department shall issue a metal tag or plate to~~  
1052 ~~every person or company required to obtain a permit to transport~~  
1053 ~~or haul for hire livestock, which shall bear the serial number~~  
1054 ~~of the permit. Such a tag or plate shall be issued for each~~  
1055 ~~vehicle used by the hauler.~~

1056 ~~(3) The metal tag or plate required under this section~~  
1057 ~~shall be attached to each vehicle used for transporting or~~  
1058 ~~hauling livestock in a conspicuous place in an upright position~~  
1059 ~~on the rear of the vehicle. When livestock is transported in a~~  
1060 ~~trailer type vehicle propelled or drawn by a motor truck or~~  
1061 ~~tractor, each such trailer shall have the tag or plate attached~~  
1062 ~~to the rear of the trailer in a conspicuous place in an upright~~  
1063 ~~position, and it shall not be necessary to have a tag attached~~  
1064 ~~to the motor truck or tractor.~~

1065 ~~(4) Persons engaged in the business of transporting or~~  
1066 ~~hauling livestock in the state shall, upon receiving such~~  
1067 ~~livestock for transportation, issue a waybill or bill of lading~~  
1068 ~~for all livestock transported or hauled by them, and such~~  
1069 ~~waybill or bill of lading shall accompany the shipment of~~  
1070 ~~livestock, with a copy thereof being furnished to the person~~  
1071 ~~delivering livestock to the hauler. The waybill or bill of~~  
1072 ~~lading shall show the place of origin and destination of the~~  
1073 ~~shipment, the name of the owner of the livestock, date and time~~

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1074 of loading, name of person or company hauling the livestock, and  
1075 the number of animals and a general description thereof. The  
1076 waybill or bill of lading shall be signed by the person  
1077 delivering the livestock to the hauler certifying that the  
1078 information contained thereon is correct.

1079 Section 9. Subsection (28) of section 570.07, Florida  
1080 Statutes, is amended to read:

1081 570.07 Department of Agriculture and Consumer Services;  
1082 functions, powers, and duties.—The department shall have and  
1083 exercise the following functions, powers, and duties:

1084 (28) For purposes of pollution control and the prevention  
1085 of wildfires, to regulate open burning connected with pile  
1086 burning as defined in s. 590.125(1) ~~land-clearing~~, agricultural,  
1087 or forestry operations.

1088 Section 10. Section 570.087, Florida Statutes, is created  
1089 to read:

1090 570.087 Best management practices for wildlife.—

1091 (1) LEGISLATIVE FINDINGS.—The Fish and Wildlife  
1092 Conservation Commission and the Department of Agriculture and  
1093 Consumer Services have long recognized that agriculture provides  
1094 a valuable benefit to the conservation and management of fish  
1095 and wildlife in this state and have agreed to enter into a  
1096 memorandum of agreement to develop and adopt by rule voluntary  
1097 best management practices for this state's agriculture industry  
1098 which reflect the industry's existing contribution to the  
1099 conservation and management of freshwater aquatic life and wild  
1100 animal life in this state.

1101 (2) DEVELOPMENT.—The Department of Agriculture and Consumer  
1102 Services shall enter into a memorandum of agreement with the

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1103 Fish and Wildlife Conservation Commission for the purpose of  
1104 developing the best management practices contemplated by this  
1105 section and their application on agricultural lands within this  
1106 state. This agreement may allow for selected pilot projects in  
1107 an effort to facilitate development of best management  
1108 practices.

1109 (3) ADOPTION OF RULES.—The Department of Agriculture and  
1110 Consumer Services has rulemaking authority to adopt rules  
1111 establishing the best management practices contemplated by this  
1112 section for this state's agricultural industry. Such rules must  
1113 incorporate provisions for a notice of intent to implement the  
1114 practices and a system to assure the implementation of the  
1115 practices, including recordkeeping requirements.

1116 (4) VOLUNTARY IMPLEMENTATION.—Notwithstanding any law to  
1117 the contrary, including s. 163.3162, the implementation of the  
1118 best management practices contemplated by this section is  
1119 voluntary. Except as specifically provided herein or in s. 9,  
1120 Art. IV of the State Constitution, an agency, department, or  
1121 district or any unit of local government may not adopt or  
1122 enforce any ordinance, resolution, regulation, rule, or policy  
1123 regarding the best management practices on land classified as  
1124 agricultural land pursuant to s. 193.461.

1125 Section 11. Section 570.64, Florida Statutes, is created to  
1126 read:

1127 570.64 Division of Food, Nutrition, and Wellness.—

1128 (1) The duties of the Division of Food, Nutrition, and  
1129 Wellness include, but are not limited to, administering and  
1130 enforcing the powers and responsibilities of the division  
1131 prescribed in chapter 595 and the rules adopted thereunder.

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1132       (2) The director of the division shall be appointed by, and  
1133 serve at the pleasure of, the commissioner. The director shall  
1134 supervise, direct, and coordinate activities of the division,  
1135 exercise such powers and duties as authorized by the  
1136 commissioner, enforce the provisions of chapter 595 and the  
1137 rules adopted thereunder, and any other powers and duties as  
1138 authorized by the department.

1139       Section 12. Section 570.902, Florida Statutes, is amended  
1140 to read:

1141       570.902 Definitions; ss. 570.902 and 570.903.—For the  
1142 purpose of this section ~~ss. 570.902~~ and s. 570.903:

1143       (1) "Designated program" means the ~~specific~~ departmental  
1144 program which a direct-support organization has been created to  
1145 support.

1146       (2) "Direct-support organization" or "organization" means  
1147 an organization which is a Florida corporation not for profit  
1148 incorporated under the provisions of chapter 617 and approved by  
1149 the department to operate for the benefit of a museum or a  
1150 ~~specific departmental~~ program.

1151       (3) "Museum" means the Florida Agricultural Museum which is  
1152 designated as the museum for agriculture and rural history of  
1153 the State of Florida.

1154       Section 13. Section 570.903, Florida Statutes, is amended  
1155 to read:

1156       570.903 Direct-support organization.—

1157       (1) The department may authorize ~~When the Legislature~~  
1158 ~~authorizes~~ the establishment of a direct-support organizations  
1159 ~~organization~~ to provide assistance, funding, and promotional  
1160 support for the museums, ~~the Florida Agriculture in the~~



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1161 ~~Classroom Program, the Florida State Collection of Arthropods,~~  
 1162 ~~the Friends of the Florida State Forests Program of the Florida~~  
 1163 ~~Forest Service, the Forestry Arson Alert Program,~~ and other  
 1164 programs of the department. 7 The following provisions shall  
 1165 govern the creation, use, powers, and duties of the direct-  
 1166 support organizations ~~organization~~:

1167 (a) The department shall enter into a memorandum or letter  
 1168 of agreement with the direct-support organization, which shall  
 1169 specify the approval of the department, the powers and duties of  
 1170 the direct-support organization, and rules with which the  
 1171 direct-support organization must comply.

1172 (b) The department may authorize ~~permit~~, without charge,  
 1173 appropriate use of property, facilities, and personnel of the  
 1174 department by the ~~a~~ direct-support organization, ~~subject to ss.~~  
 1175 ~~570.902 and 570.903.~~ The use shall be for ~~directly in keeping~~  
 1176 ~~with~~ the approved purposes of the direct-support organization  
 1177 and may not be made at times or places that would unreasonably  
 1178 interfere with opportunities for the general public to use  
 1179 department facilities ~~for established purposes~~.

1180 (c) The department shall prescribe by agreement ~~contract or~~  
 1181 ~~by rule~~ conditions with which the ~~a~~ direct-support organization  
 1182 must comply in order to use property, facilities, or personnel  
 1183 of the department ~~or museum~~. Such conditions ~~rules~~ shall provide  
 1184 for budget and audit review and oversight by the department.

1185 (d) The department may not authorize ~~permit~~ the use of  
 1186 property, facilities, or personnel of the museum, department, or  
 1187 designated program by the ~~a~~ direct-support organization that  
 1188 does not provide equal employment opportunities to all persons  
 1189 regardless of race, color, religion, sex, age, or national

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1190 origin.

1191 (2) (a) The direct-support organization may ~~shall be~~  
1192 ~~empowered to~~ conduct programs and activities; raise funds;  
1193 request and receive grants, gifts, and bequests of money;  
1194 acquire, receive, hold, invest, and administer, in its own name,  
1195 securities, funds, objects of value, or other property, real or  
1196 personal; and make expenditures to or for the direct or indirect  
1197 benefit of the museum or designated program.

1198 ~~(b) Notwithstanding the provisions of s. 287.057, the~~  
1199 ~~direct-support organization may enter into contracts or~~  
1200 ~~agreements with or without competitive bidding for the~~  
1201 ~~restoration of objects, historical buildings, and other~~  
1202 ~~historical materials or for the purchase of objects, historical~~  
1203 ~~buildings, and other historical materials which are to be added~~  
1204 ~~to the collections of the museum, or benefit the designated~~  
1205 ~~program. However, before the direct-support organization may~~  
1206 ~~enter into a contract or agreement without competitive bidding,~~  
1207 ~~the direct-support organization shall file a certification of~~  
1208 ~~conditions and circumstances with the internal auditor of the~~  
1209 ~~department justifying each contract or agreement.~~

1210 (b) (e) Notwithstanding the provisions of s. 287.025(1) (e),  
1211 the direct-support organization may enter into contracts to  
1212 insure property of the museum or designated programs and may  
1213 insure objects or collections on loan from others in satisfying  
1214 security terms of the lender.

1215 (3) The direct-support organization shall provide for an  
1216 annual financial audit in accordance with s. 215.981.

1217 (4) A department employee, direct-support organization or  
1218 museum employee, volunteer, or director, or ~~Neither a designated~~

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1219 program ~~or a museum, nor a nonprofit corporation trustee or~~  
1220 ~~employee~~ may not:

1221 (a) Receive a commission, fee, or financial benefit in  
1222 connection with the sale or exchange of real or personal  
1223 property or historical objects ~~or properties~~ to the direct-  
1224 support organization, the museum, or the designated program; or

1225 (b) Be a business associate of any individual, firm, or  
1226 organization involved in the sale or exchange of real or  
1227 personal property to the direct-support organization, the  
1228 museum, or the designated program.

1229 (5) All moneys received by the direct-support organization  
1230 shall be deposited into an account of the direct-support  
1231 organization and shall be used by the organization in a manner  
1232 consistent with the goals of the museum or designated program.

1233 (6) The identity of a donor or prospective donor who  
1234 desires to remain anonymous and all information identifying such  
1235 donor or prospective donor are confidential and exempt from the  
1236 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
1237 Constitution.

1238 (7) The Commissioner of Agriculture, or the commissioner's  
1239 designee, may serve on the board of trustees and the executive  
1240 committee of any direct-support organization established to  
1241 benefit the museum or any designated program.

1242 (8) The department may terminate its agreement with a  
1243 direct-support organization at any time if the department  
1244 determines that the direct-support organization no longer meets  
1245 the objectives of this section ~~The department shall establish by~~  
1246 ~~rule archival procedures relating to museum artifacts and~~  
1247 ~~records. The rules shall provide procedures which protect the~~

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1248 ~~museum's artifacts and records equivalent to those procedures~~  
1249 ~~which have been established by the Department of State under~~  
1250 ~~chapters 257 and 267.~~

1251 (9) Upon termination of the direct-support organization,  
1252 the assets of the direct-support organization shall be  
1253 distributed pursuant to its articles of incorporation or by-laws  
1254 or, if not provided for, to the department.

1255 Section 14. Subsection (3) of section 576.051, Florida  
1256 Statutes, is amended to read:

1257 576.051 Inspection, sampling, analysis.—

1258 (3) The official analysis shall be made from the official  
1259 sample. The department, before making the official analysis,  
1260 shall take a sufficient portion from the official sample for  
1261 check analysis and place that portion in a bottle sealed and  
1262 identified by number, date, and the preparer's initials. The  
1263 official check sample shall be kept until the analysis of the  
1264 official sample is completed. However, the licensee may obtain  
1265 upon request a portion of the official check sample. Upon  
1266 completion of the analysis of the official sample, a true copy  
1267 of the fertilizer analysis report shall be mailed to the  
1268 licensee of the fertilizer from whom the official sample was  
1269 taken and to the dealer or agent, if any, and purchaser, if  
1270 known. This fertilizer analysis report shall show all  
1271 determinations of plant nutrient and pesticides. If the official  
1272 analysis conforms with the provisions of this law, the official  
1273 check sample may be destroyed. If the official analysis does not  
1274 conform with the provisions of this law, the official check  
1275 sample shall be retained for a period of 90 days from the date  
1276 of the fertilizer analysis report of the official sample. If

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1277 within that time the licensee of the fertilizer from whom the  
1278 official sample was taken, upon receipt of the fertilizer  
1279 analysis report, makes written demand for analysis of the  
1280 official check sample by a referee chemist, a portion of the  
1281 official check sample sufficient for analysis shall be sent to a  
1282 referee chemist who is mutually acceptable to the department and  
1283 the licensee for analysis at the expense of the licensee. The  
1284 referee chemist, upon completion of the analysis, shall forward  
1285 to the department and to the licensee a fertilizer analysis  
1286 report bearing a proper identification mark or number; and the  
1287 fertilizer analysis report shall be verified by an affidavit of  
1288 the person making the analysis. If the results reported on the  
1289 fertilizer analysis report agree within the matching criteria  
1290 defined in department rule ~~checks within three tenths of 1~~  
1291 ~~actual percent~~ with the department's analysis on each element  
1292 for which analysis was made, the mean average of the two  
1293 analyses shall be accepted as final and binding on all  
1294 concerned. However, if the referee's fertilizer analysis report  
1295 results do not agree within the matching criteria defined in  
1296 department rule with ~~shows a variation of greater than three~~  
1297 ~~tenths of 1 actual percent from~~ the department's analysis in any  
1298 one or more elements for which an analysis was made, upon demand  
1299 of either the department or the licensee from whom the official  
1300 sample was taken, a portion of the official check sample  
1301 sufficient for analysis shall be submitted to a second referee  
1302 chemist who is mutually acceptable to the department and to the  
1303 licensee from whom the official sample was taken, at the expense  
1304 of the party or parties requesting the referee analysis. If no  
1305 demand is made for an analysis by a second referee chemist, the

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1306 department's fertilizer analysis report shall be accepted as  
 1307 final and binding on all concerned. The second referee chemist,  
 1308 upon completion of the analysis, shall make a fertilizer  
 1309 analysis report as provided in this subsection for the first  
 1310 referee chemist. The mean average of the two analyses nearest in  
 1311 conformity to each other shall be accepted as final and binding  
 1312 on all concerned.

1313 Section 15. Subsection (1) of section 576.061, Florida  
 1314 Statutes, is amended to read:

1315 576.061 Plant nutrient investigational allowances,  
 1316 deficiencies, and penalties.—

1317 (1) (a) A commercial fertilizer is deemed deficient if the  
 1318 analysis of any nutrient is below the guarantee by an amount  
 1319 exceeding the investigational allowances.

1320 (b) The department shall adopt rules, which shall take  
 1321 effect on July 1, 2014, that establish the investigational  
 1322 allowances used to determine whether a fertilizer is deficient  
 1323 in plant food.

1324 (c) Until the rules described in paragraph (b) take effect,  
 1325 investigational allowances are ~~set~~ as follows:

1326 1. ~~(a)~~ Primary plant nutrients; investigational allowances.—  
 1327

	Total	Available	
Guaranteed	Nitrogen	Phosphate	Potash
Percent	Percent	Percent	Percent
04 or less	0.49	0.67	0.41

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1330			
	05	0.51	0.67
1331			0.43
	06	0.52	0.67
1332			0.47
	07	0.54	0.68
1333			0.53
	08	0.55	0.68
1334			0.60
	09	0.57	0.68
1335			0.65
	10	0.58	0.69
1336			0.70
	12	0.61	0.69
1337			0.79
	14	0.63	0.70
1338			0.87
	16	0.67	0.70
1339			0.94
	18	0.70	0.71
1340			1.01
	20	0.73	0.72
1341			1.08
	22	0.75	0.72
1342			1.15
	24	0.78	0.73
1343			1.21
	26	0.81	0.73
1344			1.27

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1345	28	0.83	0.74	1.33
1346	30	0.86	0.75	1.39
1347	32 or more	0.88	0.76	1.44

1349 For guarantees not listed, calculate the appropriate value by  
 1350 interpolation.

1351 2.~~(b)~~ Nitrogen investigational allowances.-

		Investigational Allowances
	Nitrogen Breakdown	Percent

1354 Nitrate nitrogen 0.40

1355 Ammoniacal nitrogen 0.40

1356 Water soluble nitrogen  
 or urea nitrogen 0.40

1357 Water insoluble nitrogen 0.30

1360 In no case may the investigational allowance exceed 50 percent  
 1361 of the amount guaranteed.

1362 3.~~(e)~~ Secondary and micro plant nutrients, total or



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soluble.-	
Element	Investigational Allowances Percent
Calcium	0.2 unit+5 percent of guarantee
Magnesium	0.2 unit+5 percent of guarantee
Sulfur (free and combined)	0.2 unit+5 percent of guarantee
Boron	0.003 unit+15 percent of guarantee
Cobalt	0.0001 unit+30 percent of guarantee
Chlorine	0.005 unit+10 percent of guarantee
Copper	0.005 unit+10 percent of guarantee
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

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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.

4.~~(d)~~ Liming materials and gypsum.—

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

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

This paragraph expires July 1, 2014.

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

576.181 Administration; rules; procedure.—

(2) The department may adopt rules ~~is authorized, by rule,~~ to implement, make specific, and interpret the provisions of

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1401 this chapter, and specifically to determine the composition and  
1402 uses of fertilizer as defined in this chapter, including, but  
1403 not limited to ~~without limiting the foregoing general terms~~, the  
1404 taking and handling of samples, the establishment of  
1405 investigational allowances, deficiencies, matching criteria for  
1406 referee analysis, and penalties where not specifically provided  
1407 for in this chapter; to prohibit the sale or use in fertilizer  
1408 of any material proven to be detrimental to agriculture, public  
1409 health, or the environment, or of questionable value; to provide  
1410 for the incorporation into fertilizer of such other substances  
1411 as pesticides and proper labeling of such mixture; and to  
1412 prescribe the information which shall appear on the label other  
1413 than specifically set forth in this chapter.

1414 Section 17. Section 585.61, Florida Statutes, is amended to  
1415 read:

1416 585.61 Animal disease diagnostic laboratory ~~laboratories~~.—

1417 (1) There is ~~hereby created and~~ established an animal  
1418 disease diagnostic laboratory in Osceola County ~~and Suwannee~~  
1419 ~~County. The laboratory complex in Osceola County is~~ designated  
1420 as the "Bronson Animal Disease Diagnostic Laboratory."

1421 (2) The construction and operation of ~~all~~ the laboratory  
1422 ~~laboratories~~ established by this section shall be under the  
1423 supervision and control of the department. It shall be the duty  
1424 of the department to operate the laboratory ~~these laboratories~~  
1425 in an efficient manner so that any person who maintains animals  
1426 in this state may obtain prompt reliable diagnosis of animal  
1427 diseases, including any disease which may affect poultry eggs,  
1428 in this state, and recommendations for the control and  
1429 eradication of such diseases, to the end that diseases of

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1430 animals may be reduced and controlled, and eradicated when  
1431 possible.

1432 (3) Any person who maintains animals in the state may use  
1433 the services of the laboratory ~~laboratories~~ under the terms of  
1434 this section and the rules adopted for such use by the  
1435 department. The department shall require any user of its  
1436 services to pay a fee not to exceed \$300 for any one of the  
1437 services requested. All laboratory fees collected shall be  
1438 deposited in the Animal Industry Diagnostic Laboratory Account  
1439 within the General Inspection Trust Fund. The fees collected  
1440 shall be used to improve the diagnostic laboratory services as  
1441 provided for by the Legislature in the General Appropriations  
1442 Act.

1443 Section 18. Paragraph (f) of subsection (3) of section  
1444 586.10, Florida Statutes, is amended to read:

1445 586.10 Powers and duties of department; preemption of local  
1446 government ordinances.—

1447 (3) The department may:

1448 (f) Inspect or cause to be inspected all apiaries in the  
1449 state at such intervals as it may deem best and keep a complete,  
1450 accurate, and current list of all inspected apiaries to include  
1451 the:

- 1452 1. Name of the apiary.
- 1453 2. Name of the owner of the apiary.
- 1454 3. Mailing address of the apiary owner.
- 1455 4. Location of the apiary.
- 1456 5. Number of hives in the apiary.
- 1457 6. Pest problems associated with the apiary.
- 1458 7. Brands used by beekeepers where applicable.

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1459

1460 Notwithstanding s. 112.313, an apiary inspector may be a  
1461 certified beekeeper as long as the inspector does not inspect  
1462 his or her own apiary.

1463 Section 19. Subsection (3) is added to section 586.15,  
1464 Florida Statutes, to read:

1465 586.15 Penalty for violation.—

1466 (3) In addition to the penalties provided in this section  
1467 and in chapter 500, the Department of Agriculture and Consumer  
1468 Services may collect costs related to enforcing prohibitions  
1469 against the adulteration or misbranding of honey. All costs  
1470 shall be deposited into the General Inspection Trust Fund.

1471 Section 20. Section 589.02, Florida Statutes, is amended to  
1472 read:

1473 589.02 Headquarters and meetings of council.—The official  
1474 headquarters of the council shall be in Tallahassee, but it may  
1475 hold meetings at such other places in the state as it may  
1476 determine by resolutions or as may be selected by a majority of  
1477 the members of the council in any call for a meeting. ~~The annual~~  
1478 ~~meeting of the council shall be held on the first Monday in~~  
1479 ~~October of each year. Special meetings may be called at any time~~  
1480 ~~by the chair or upon the written request of a majority of the~~  
1481 ~~members.~~ The council shall annually elect from its members a  
1482 chair, a vice chair, and a secretary. ~~The election shall be held~~  
1483 ~~at the annual meeting of the council.~~ A majority of the members  
1484 of the council shall constitute a quorum for such purposes.

1485 Section 21. Subsection (4) of section 589.19, Florida  
1486 Statutes, is amended to read:

1487 589.19 Creation of certain state forests; naming of certain

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1488 state forests; Operation Outdoor Freedom Program.—

1489 (4) (a) To honor the nation's disabled veterans and injured  
1490 active duty servicemembers, the Florida Forest Service shall  
1491 coordinate efforts to develop an Operation Outdoor Freedom  
1492 Program to provide hunting and other activities for eligible  
1493 veterans and servicemembers in designated state forest areas and  
1494 on designated public and private lands. The Legislature finds it  
1495 to be in the public interest for the Florida Forest Service to  
1496 develop partnerships with the Fish and Wildlife Conservation  
1497 Commission and other public and private organizations in order  
1498 to provide the needed resources and funding to make the program  
1499 successful ~~The Florida Forest Service shall designate one or~~  
1500 ~~more areas of state forests as an "Operation Outdoor Freedom~~  
1501 ~~Special Hunt Area" to honor wounded veterans and servicemembers.~~  
1502 ~~The purpose of such designated areas is to provide special~~  
1503 ~~outdoor recreational opportunities for eligible veterans and~~  
1504 ~~servicemembers.~~

1505 (b) Participation in the Operation Outdoor Freedom Program  
1506 shall be limited to Florida residents, as defined in s.  
1507 379.101(30)(b), ~~The Florida Forest Service shall limit guest~~  
1508 ~~admittance to such designated areas to any person who:~~

- 1509 1. Are honorably discharged military veterans certified by  
1510 the United States Department of Veterans Affairs or its  
1511 predecessor or by any branch of the United States Armed Forces  
1512 to be at least 30 percent permanently service-connected disabled  
1513 ~~Is an active duty member of any branch of the United States~~  
1514 ~~Armed Forces and has a combat-related injury as determined by~~  
1515 ~~his or her branch of the United States Armed Forces; or~~
- 1516 2. Have been awarded the Military Order of the Purple

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1517 ~~Heart; or Is a veteran who served during a period of wartime~~  
1518 ~~service as defined in s. 1.01(14) or peacetime service as~~  
1519 ~~defined in s. 296.02 and:~~

1520 ~~a. Has a service-connected disability as determined by the~~  
1521 ~~United States Department of Veterans Affairs; or~~

1522 ~~b. Was discharged or released from military service because~~  
1523 ~~of a disability acquired or aggravated while serving on active~~  
1524 ~~duty~~

1525 3. Are active duty servicemembers with a service-connected  
1526 injury as determined by his or her branch of the United States  
1527 Armed Forces.

1528  
1529 Proof of eligibility under this subsection, as prescribed by the  
1530 Florida Forest Service, may be required.

1531 (c) Notwithstanding the eligibility requirements for  
1532 program participation in paragraph (b), guided or unguided  
1533 invitation-only activities may be conducted as part of the  
1534 Operation Outdoor Freedom Program for injured or disabled  
1535 veterans and injured or disabled active duty servicemembers of  
1536 any branch of the United States Armed Forces in designated state  
1537 forest areas and on designated public and private lands. The  
1538 Florida Forest Service may grant admittance to ~~such~~ designated  
1539 areas and lands to a person who is not an eligible veteran or  
1540 servicemember for the sole purpose ~~purposes~~ of accompanying an  
1541 eligible veteran or servicemember who requires the person's  
1542 assistance to use such ~~designated~~ areas and lands.

1543 (d) The Florida Forest Service may cooperate with state and  
1544 federal agencies, local governments, private landowners, and  
1545 other entities in connection with the Operation Outdoor Freedom

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1546 Program. Donations to the Operation Outdoor Freedom Program  
1547 ~~Funding required for specialized accommodations~~ shall be  
1548 deposited into the account of ~~provided through~~ the Friends of  
1549 Florida State Forests Program created under s. 589.012 and used  
1550 for Operation Outdoor Freedom Program activities.

1551 (e)1. A private landowner who provides land for designation  
1552 and use as an Operation Outdoor Freedom Program hunting site  
1553 shall have limited liability pursuant to s. 375.251.

1554 2. A private landowner who consents to the designation and  
1555 use of land as part of the Operation Outdoor Freedom Program  
1556 without compensation shall be considered a volunteer, as defined  
1557 in s. 110.501, and shall be covered by state liability  
1558 protection pursuant to s. 768.28, including s. 768.28(9).

1559 3. This subsection does not:

1560 a. Relieve any person of liability that would otherwise  
1561 exist for deliberate, willful, or malicious injury to persons or  
1562 property.

1563 b. Create or increase the liability of any person.

1564 (f) The Legislature shall designate the second Saturday of  
1565 each November as Operation Outdoor Freedom Day.

1566 (g) ~~(e)~~ The Florida Forest Service may adopt rules to  
1567 administer this subsection.

1568 Section 22. Section 589.30, Florida Statutes, is amended to  
1569 read:

1570 589.30 Duty of district or center manager ~~forester~~.—It  
1571 shall be the duty of the district or center manager ~~forester~~ to  
1572 direct all work in accordance with the law and regulations of  
1573 the Florida Forest Service; gather and disseminate information  
1574 in the management of commercial timber, including establishment,



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1575 protection and utilization; and assist in the development and  
1576 use of forest lands for outdoor recreation, watershed  
1577 protection, and wildlife habitat. The district or center manager  
1578 ~~forester~~ or his or her representative shall provide  
1579 encouragement and technical assistance to individuals and urban  
1580 and county officials in the planning, establishment, and  
1581 management of trees and plant associations to enhance the beauty  
1582 of the urban and suburban environment and meet outdoor  
1583 recreational needs.

1584 Section 23. Subsections (1), (2), (3), (7), and (10) of  
1585 section 590.02, Florida Statutes, are amended to read:

1586 590.02 Florida Forest Service; powers, authority, and  
1587 duties; liability; building structures; Florida Center for  
1588 Wildfire and Forest Resources Management Training.—

1589 (1) The Florida Forest Service has the following powers,  
1590 authority, and duties:

1591 (a) To enforce the provisions of this chapter;

1592 (b) To prevent, detect, and suppress, ~~and extinguish~~  
1593 wildfires wherever they may occur on public or private land in  
1594 this state and to do all things necessary in the exercise of  
1595 such powers, authority, and duties;

1596 (c) To provide firefighting crews, who shall be under the  
1597 control and direction of the Florida Forest Service and its  
1598 designated agents;

1599 (d) To appoint center managers, forest area supervisors,  
1600 forestry program administrators, a forest protection bureau  
1601 chief, a forest protection assistant bureau chief, a field  
1602 operations bureau chief, deputy chiefs of field operations,  
1603 district managers, forest operations administrators, senior

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1604 forest rangers, investigators, forest rangers, firefighter  
1605 rotorcraft pilots, and other employees who may, at the Florida  
1606 Forest Service's discretion, be certified as forestry  
1607 firefighters pursuant to s. 633.35(4). Other provisions of law  
1608 notwithstanding, center managers, district managers, forest  
1609 protection assistant bureau chief, and deputy chiefs of field  
1610 operations shall have Selected Exempt Service status in the  
1611 state personnel designation;

1612 (e) To develop a training curriculum for forestry  
1613 firefighters which must contain the basic volunteer structural  
1614 fire training course approved by the Florida State Fire College  
1615 of the Division of State Fire Marshal and a minimum of 250 hours  
1616 of wildfire training;

1617 (f) To make rules to accomplish the purposes of this  
1618 chapter;

1619 (g) To provide fire management services and emergency  
1620 response assistance and to set and charge reasonable fees for  
1621 performance of those services. Moneys collected from such fees  
1622 shall be deposited into the Incidental Trust Fund of the Florida  
1623 Forest Service; ~~and~~

1624 (h) To require all state, regional, and local government  
1625 agencies operating aircraft in the vicinity of an ongoing  
1626 wildfire to operate in compliance with the applicable state  
1627 Wildfire Aviation Plan; and

1628 (i) To authorize broadcast burning, prescribed burning,  
1629 pile burning, and land clearing debris burning to carry out the  
1630 duties of this chapter and the rules adopted thereunder.

1631 (2) The Florida Forest Service's employees, and the  
1632 firefighting crews under their control and direction, may enter

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1633 upon any lands for the purpose of preventing, detecting, and  
1634 suppressing wildfires and investigating smoke complaints or open  
1635 burning not in compliance with authorization and to enforce the  
1636 provisions of this chapter.

1637 (3) Employees of the Florida Forest Service and of federal,  
1638 state, and local agencies, and all other persons and entities  
1639 that are under contract or agreement with the Florida Forest  
1640 Service to assist in firefighting operations as well as those  
1641 entities, called upon by the Florida Forest Service to assist in  
1642 firefighting may, in the performance of their duties, set  
1643 counterfires, remove fences and other obstacles, dig trenches,  
1644 cut firelines, use water from public and private sources, and  
1645 carry on all other customary activities in the fighting of  
1646 wildfires without incurring liability to any person or entity.  
1647 The manner in which the Florida Forest Service monitors a  
1648 smoldering wildfire, smoldering prescribed fire, or fights any  
1649 wildfire are planning level activities for which sovereign  
1650 immunity applies and is not waived.

1651 (7) The Florida Forest Service may organize, staff, equip,  
1652 and operate the Florida ~~Center for Wildfire and Forest Resources~~  
1653 ~~Management~~ Training Center. The center shall serve as a site  
1654 where fire and forest resource managers can obtain current  
1655 knowledge, techniques, skills, and theory as they relate to  
1656 their respective disciplines.

1657 (a) The center may establish cooperative efforts involving  
1658 federal, state, and local entities; hire appropriate personnel;  
1659 and engage others by contract or agreement with or without  
1660 compensation to assist in carrying out the training and  
1661 operations of the center.

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1662 (b) The center shall provide wildfire suppression training  
1663 opportunities for rural fire departments, volunteer fire  
1664 departments, and other local fire response units.

1665 (c) The center will focus on curriculum related to, but not  
1666 limited to, fuel reduction, an incident management system,  
1667 prescribed burning certification, multiple-use land management,  
1668 water quality, forest health, environmental education, and  
1669 wildfire suppression training for structural firefighters.

1670 (d) The center may assess appropriate fees for food,  
1671 lodging, travel, course materials, and supplies in order to meet  
1672 its operational costs and may grant free meals, room, and  
1673 scholarships to persons and other entities in exchange for  
1674 instructional assistance.

1675 ~~(e) An advisory committee consisting of the following~~  
1676 ~~individuals or their designees must review program curriculum,~~  
1677 ~~course content, and scheduling: the director of the Florida~~  
1678 ~~Forest Service; the assistant director of the Florida Forest~~  
1679 ~~Service; the director of the School of Forest Resources and~~  
1680 ~~Conservation of the University of Florida; the director of the~~  
1681 ~~Division of Recreation and Parks of the Department of~~  
1682 ~~Environmental Protection; the director of the Division of the~~  
1683 ~~State Fire Marshal; the director of the Florida Chapter of The~~  
1684 ~~Nature Conservancy; the executive vice president of the Florida~~  
1685 ~~Forestry Association; the president of the Florida Farm Bureau~~  
1686 ~~Federation; the executive director of the Fish and Wildlife~~  
1687 ~~Conservation Commission; the executive director of a water~~  
1688 ~~management district as appointed by the Commissioner of~~  
1689 ~~Agriculture; the supervisor of the National Forests in Florida;~~  
1690 ~~the president of the Florida Fire Chief's Association; and the~~

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1691 ~~executive director of the Tall Timbers Research Station.~~

1692 (10) (a) Notwithstanding the provisions of s. 252.38, the  
1693 Florida Forest Service has exclusive authority to require and  
1694 issue authorizations for broadcast burning and agricultural and  
1695 silvicultural pile burning. An agency, commission, department,  
1696 county, municipality, or other political subdivision of the  
1697 state may not adopt or enforce laws, regulations, rules, or  
1698 policies pertaining to broadcast burning or agricultural and  
1699 silvicultural pile burning ~~unless an emergency order is declared~~  
1700 ~~in accordance with s. 252.38(3).~~

1701 (b) The Florida Forest Service may delegate to a county, ~~or~~  
1702 municipality, or special district its authority:~~7~~

1703 1. As delegated by the Department of Environmental  
1704 Protection pursuant to ss. 403.061(28) and 403.081, to manage  
1705 and enforce regulations pertaining to ~~require and issue~~  
1706 ~~authorizations for the burning of yard trash and debris from~~  
1707 ~~land clearing operations~~ in accordance with s. 590.125(6).

1708 2. To manage the open burning of land clearing debris in  
1709 accordance with s. 590.125.

1710 Section 24. Subsection (1) of section 590.11, Florida  
1711 Statutes, is amended to read:

1712 590.11 Recreational fires.—

1713 (1) It is unlawful for any individual or group of  
1714 individuals to build a warming fire, bonfire, or campfire and  
1715 leave it unattended while visible flame, smoke, or emissions  
1716 exist ~~unextinguished.~~

1717 Section 25. Subsections (1) and (2), paragraphs (b) and (c)  
1718 of subsection (3), and paragraph (a) of subsection (4) of  
1719 section 590.125, Florida Statutes, are amended to read:

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1720 590.125 Open burning authorized by the Florida Forest  
1721 Service.—

1722 (1) DEFINITIONS.—As used in this section, the term:

1723 (a) “Certified pile burner” means an individual who  
1724 successfully completes the pile burning certification program of  
1725 the Florida Forest Service and possesses a valid pile burner  
1726 certification number.

1727 (b) “Certified pile burning” means a pile burn conducted in  
1728 accordance with a written pile burning plan by a certified pile  
1729 burner.

1730 (c) ~~(b)~~ “Certified prescribed burn manager” means an  
1731 individual who successfully completes the certified prescribed  
1732 burning program of the Florida Forest Service and possesses a  
1733 valid certification number.

1734 (d) “Certified prescribed burning” means prescribed burning  
1735 in accordance with a written prescription conducted by a  
1736 certified prescribed burn manager.

1737 (e) “Contained” means that fire and smoldering exist  
1738 entirely within established or natural firebreaks.

1739 (f) ~~(e)~~ “Completed” ~~“Extinguished”~~ means that for:

1740 1. Broadcast burning, no continued lateral movement of fire  
1741 across the authorized area into entirely unburned fuels within  
1742 the authorized area ~~Wildland burning or certified prescribed~~  
1743 burning, no spreading flames exist.

1744 2. Certified pile ~~Vegetative land-clearing debris~~ burning  
1745 or pile burning, no visible flames exist.

1746 3. Certified pile ~~Vegetative land-clearing debris~~ burning  
1747 or pile burning in an area designated as smoke sensitive by the  
1748 Florida Forest Service, no visible flames, smoke, or emissions

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1749 exist.

1750 (g) "Gross negligence" means conduct so reckless or wanting  
1751 in care that it constitutes a conscious disregard or  
1752 indifference to the life, safety, or rights of persons exposed  
1753 to such conduct.

1754 ~~(d) "Land-clearing operation" means the uprooting or~~  
1755 ~~clearing of vegetation in connection with the construction of~~  
1756 ~~buildings and rights-of-way, land development, and mineral~~  
1757 ~~operations. The term does not include the clearing of yard~~  
1758 ~~trash.~~

1759 (h)(e) "Pile burning" means the burning of silvicultural,  
1760 agricultural, or land-clearing, or and tree-cutting debris  
1761 originating onsite, which is stacked together in a round or  
1762 linear fashion, including, but not limited to, a windrow. Pile  
1763 burning authorized by the Florida Forest Service is a temporary  
1764 procedure, which operates on the same site for 6 months or less.

1765 (i) "Pile burn plan" means a written plan establishing the  
1766 method of conducting a certified pile burn.

1767 (j)(f) "Prescribed burning" means the controlled  
1768 application of fire by broadcast burning in accordance with a  
1769 written prescription for vegetative fuels under specified  
1770 environmental conditions, while following appropriate  
1771 precautionary measures to guard against the spread of fire  
1772 beyond that ensure that the fire is confined to a predetermined  
1773 area to accomplish the planned fire or land management  
1774 objectives.

1775 (k)(g) "Prescription" means a written plan establishing the  
1776 conditions and method for conducting criteria necessary for  
1777 starting, controlling, and extinguishing a certified prescribed

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1778 burn.

1779 (1) "Smoldering" means the continued consumption of fuels,  
1780 which may emit flames and smoke, after a fire is contained.

1781 (m) ~~(h)~~ "Yard trash" means vegetative matter resulting from  
1782 landscaping and yard maintenance operations and other such  
1783 routine property cleanup activities. The term includes materials  
1784 such as leaves, shrub trimmings, grass clippings, brush, and  
1785 palm fronds.

1786 (2) NONCERTIFIED BURNING.—

1787 (a) Persons may be authorized to broadcast burn or pile  
1788 ~~burn wild land or vegetative land clearing debris~~ in accordance  
1789 with this subsection if:

1790 1. There is specific consent of the landowner or his or her  
1791 designee;

1792 2. Authorization has been obtained from the Florida Forest  
1793 Service or its designated agent before starting the burn;

1794 3. There are adequate firebreaks at the burn site and  
1795 sufficient personnel and firefighting equipment for the  
1796 containment ~~control~~ of the fire;

1797 4. The fire remains within the boundary of the authorized  
1798 area;

1799 5. The person named responsible in the burn authorization  
1800 or a designee ~~An authorized person~~ is present at the burn site  
1801 until the fire is completed ~~extinguished~~;

1802 6. The Florida Forest Service does not cancel the  
1803 authorization; and

1804 7. The Florida Forest Service determines that air quality  
1805 and fire danger are favorable for safe burning.

1806 (b) A person who broadcast burns or pile burns ~~wild land or~~



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1807 ~~vegetative land-clearing debris~~ in a manner that violates any  
1808 requirement of this subsection commits a misdemeanor of the  
1809 second degree, punishable as provided in s. 775.082 or s.  
1810 775.083.

1811 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
1812 PURPOSE.—

1813 (b) Certified prescribed burning pertains only to broadcast  
1814 burning for purposes of silviculture, wildland fire hazard  
1815 reduction, wildlife management, ecological maintenance and  
1816 restoration, and agriculture range and pasture management. It  
1817 must be conducted in accordance with this subsection and:

1818 1. May be accomplished only when a certified prescribed  
1819 burn manager is present on site with a copy of the prescription  
1820 and directly supervises the certified prescribed burn until the  
1821 burn is completed, after which the certified prescribed burn  
1822 manager is not required to be present ~~from ignition of the burn~~  
1823 ~~to its completion.~~

1824 2. Requires that a written prescription be prepared before  
1825 receiving authorization to burn from the Florida Forest Service.

1826 a. A new prescription or authorization is not required for  
1827 smoldering that occurs within the authorized burn area unless  
1828 new ignitions are conducted by the certified prescribed burn  
1829 manager.

1830 b. Monitoring the smoldering activity of a certified  
1831 prescribed burn does not require a prescription or an additional  
1832 authorization even if flames begin to spread within the  
1833 authorized burn area due to ongoing smoldering.

1834 3. Requires that the specific consent of the landowner or  
1835 his or her designee be obtained before requesting an

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1836 authorization.

1837 4. Requires that an authorization to burn be obtained from  
1838 the Florida Forest Service before igniting the burn.

1839 5. Requires that there be adequate firebreaks at the burn  
1840 site and sufficient personnel and firefighting equipment to  
1841 contain for the control of the fire within the authorized burn  
1842 area.

1843 a. Fire spreading outside the authorized burn area on the  
1844 day of the certified prescribed burn ignition does not  
1845 constitute conclusive proof of inadequate firebreaks,  
1846 insufficient personnel, or a lack of firefighting equipment.

1847 b. If the certified prescribed burn is contained within the  
1848 authorized burn area during the authorized period, a strong  
1849 rebuttable presumption shall exist that adequate firebreaks,  
1850 sufficient personnel, and sufficient firefighting equipment were  
1851 present.

1852 c. Continued smoldering of a certified prescribed burn  
1853 resulting in a subsequent wildfire does not by itself constitute  
1854 evidence of gross negligence under this section.

1855 6. Is considered to be in the public interest and does not  
1856 constitute a public or private nuisance when conducted under  
1857 applicable state air pollution statutes and rules.

1858 7. Is considered to be a property right of the property  
1859 owner if vegetative fuels are burned as required in this  
1860 subsection.

1861 (c) ~~Neither~~ A property owner or leaseholder, ~~nor~~ his or her  
1862 agent, contractor, or legally authorized designee is not liable  
1863 pursuant to s. 590.13 for damage or injury caused by the fire,  
1864 including the reignition of a smoldering, previously contained

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1865 burn, or resulting smoke or considered to be in violation of  
1866 subsection (2) for burns conducted in accordance with this  
1867 subsection, unless gross negligence is proven. The Florida  
1868 Forest Service is not liable for burns for which it issues  
1869 authorizations.

1870 (4) CERTIFIED PILE BURNING.—

1871 (a) Certified pile burning pertains to the disposal of  
1872 piled, naturally occurring debris from an agricultural,  
1873 silvicultural, ~~or temporary~~ land-clearing, or tree cutting  
1874 debris originating on site operation. A land-clearing operation  
1875 is temporary if it operates for 6 months or less. Certified pile  
1876 burning must be conducted in accordance with the following:

1877 1. A certified pile burner must ensure, before ignition,  
1878 that the piles are properly placed and that the content of the  
1879 piles is conducive to efficient burning.

1880 2. A certified pile burner must ensure that the authorized  
1881 burn is completed ~~piles are properly extinguished~~ no later than  
1882 1 hour after sunset. If the burn is conducted in an area  
1883 designated by the Florida Forest Service as smoke sensitive, a  
1884 certified pile burner must ensure that the authorized burn is  
1885 completed ~~piles are properly extinguished~~ at least 1 hour before  
1886 sunset.

1887 3. A written pile burning plan must be prepared before  
1888 receiving authorization from the Florida Forest Service to burn  
1889 and must be on site and available for inspection by a department  
1890 representative.

1891 4. The specific consent of the landowner or his or her  
1892 agent must be obtained before requesting authorization to burn.

1893 5. An authorization to burn must be obtained from the

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1894 Florida Forest Service or its designated agent before igniting  
1895 the burn.

1896 6. There must be adequate firebreaks and sufficient  
1897 personnel and firefighting equipment at the burn site to contain  
1898 the burn to the piles authorized ~~control the fire.~~

1899 Section 26. Section 590.25, Florida Statutes, is amended to  
1900 read:

1901 590.25 Penalty for ~~preventing or~~ obstructing the  
1902 prevention, detection, or suppression ~~extinguishment~~ of  
1903 wildfires.—Whoever interferes ~~shall interfere~~ with, obstructs  
1904 ~~obstruct~~ or commits ~~commit~~ any act aimed to obstruct the  
1905 prevention, detection, or suppression ~~extinguishment~~ of  
1906 wildfires by the employees of the Florida Forest Service or any  
1907 other person engaged in the prevention, detection, or  
1908 suppression ~~extinguishment~~ of a wildfire, or who damages or  
1909 destroys any equipment being used for such purpose, commits  
1910 ~~shall be guilty of~~ a felony of the third degree, punishable as  
1911 provided in s. 775.082, s. 775.083, or s. 775.084.

1912 Section 27. Chapter 595, Florida Statutes, is created,  
1913 shall consist of sections 595.401-595.701, Florida Statutes, and  
1914 shall be entitled "School Food and Nutrition Services."

1915 Section 28. Section 595.401, Florida Statutes, is created  
1916 to read:

1917 595.401 Short title.—This chapter may be cited as the  
1918 "Florida School Food and Nutrition Act."

1919 Section 29. Section 595.402, Florida Statutes, is created  
1920 to read:

1921 595.402 Definitions.—As used in this chapter, the term:

1922 (1) "Commissioner" means the Commissioner of Agriculture.

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1923       (2) "Department" means the Department of Agriculture and  
1924 Consumer Services.

1925       (3) "Program" means any one or more of the school food and  
1926 nutrition service programs that the department has  
1927 responsibility over including, but not limited to, the National  
1928 School Lunch Program, the Special Milk Program, the School  
1929 Breakfast Program, the Summer Food Service Program, the Fresh  
1930 Fruit and Vegetable Program, and any other program that relates  
1931 to school nutrition.

1932       (4) "School district" means any of the 67 county school  
1933 districts, including the respective district school board.

1934       (5) "Sponsor" means any entity that is conducting a program  
1935 under a current agreement with the department.

1936       Section 30. Section 595.403, Florida Statutes, is created  
1937 to read:

1938       595.403 State policy.—The Legislature, in recognition of  
1939 the demonstrated relationship between good nutrition and the  
1940 capacity of students to develop and learn, declares that it is  
1941 the policy of the state to provide standards for school food and  
1942 nutrition services and to require each school district to  
1943 establish and maintain an appropriate school food and nutrition  
1944 service program consistent with the nutritional needs of  
1945 students. To implement that policy, the state shall provide  
1946 funds to meet the state National School Lunch Act matching  
1947 requirements. The funds provided shall be distributed in such a  
1948 manner as to comply with the requirements of the National School  
1949 Lunch Act.

1950       Section 31. Section 570.98, Florida Statutes, is  
1951 transferred, renumbered as section 595.404, Florida Statutes,

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1952 and amended to read:

1953 595.404 ~~570.98~~ School food and nutrition service program;  
1954 powers and duties of the department programs.-

1955 ~~(1)~~ The department has the following powers and duties:  
1956 shall

1957 (1) To conduct, supervise, and administer the program ~~all~~  
1958 ~~school food and nutrition programs~~ that will be carried out  
1959 using federal or state funds, or funds from any other source.

1960 (2) To fully ~~The department shall~~ cooperate ~~fully~~ with the  
1961 United States Government and its agencies and instrumentalities  
1962 so that the department may receive the benefit of all federal  
1963 financial allotments and assistance possible to carry out the  
1964 purposes of this chapter.

1965 (3) To implement and adopt by rule, as required, federal  
1966 regulations to maximize federal assistance for the program. ~~The~~  
1967 ~~department may~~

1968 (4) To act as agent of, or contract with, the Federal  
1969 Government, another state agency, or any county or municipal  
1970 government, or sponsor for the administration of the program  
1971 ~~school food and nutrition programs~~, including the distribution  
1972 of funds provided by the Federal Government to support the  
1973 program ~~school food and nutrition programs~~.

1974 (5) To make a reasonable effort to ensure that any school  
1975 designated as a "severe need school" receives the highest rate  
1976 of reimbursement to which it is entitled under 42 U.S.C. s. 1773  
1977 for each breakfast meal served.

1978 (6) To develop and propose legislation necessary to  
1979 implement the program, encourage the development of innovative  
1980 school food and nutrition services, and expand participation in

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1981 the program.

1982 (7) To annually allocate among the sponsors, as applicable,  
 1983 funds provided from the school breakfast supplement in the  
 1984 General Appropriations Act based on each district's total number  
 1985 of free and reduced-price breakfast meals served.

1986 (8) To employ such persons as are necessary to perform its  
 1987 duties under this chapter.

1988 (9) To adopt rules covering the administration, operation,  
 1989 and enforcement of the program as well as to implement the  
 1990 provisions of this chapter.

1991 (10) To adopt and implement an appeal process by rule, as  
 1992 required by federal regulations, for applicants and participants  
 1993 under the program, notwithstanding s. 120.569 and ss. 120.57-  
 1994 120.595.

1995 (11) To assist, train, and review each sponsor in its  
 1996 implementation of the program.

1997 (12) To advance funds from the program's annual  
 1998 appropriation to sponsors, when requested, in order to implement  
 1999 the provisions of this chapter and in accordance with federal  
 2000 regulations.

2001 Section 32. Subsections (1) through (5) of section 570.981,  
 2002 Florida Statutes, are transferred, renumbered as section  
 2003 595.405, Florida Statutes, and amended to read:

2004 595.405 ~~570.981~~ Program requirements for school districts  
 2005 and sponsors food service programs.-

2006 ~~(1) In recognition of the demonstrated relationship between~~  
 2007 ~~good nutrition and the capacity of students to develop and~~  
 2008 ~~learn, it is the policy of the state to provide standards for~~  
 2009 ~~school food service and to require district school boards to~~

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2010 ~~establish and maintain an appropriate private school food~~  
2011 ~~service program consistent with the nutritional needs of~~  
2012 ~~students.~~

2013 ~~(2) The department shall adopt rules covering the~~  
2014 ~~administration and operation of the school food service~~  
2015 ~~programs.~~

2016 (1)~~(3)~~ Each school district ~~school board~~ shall consider the  
2017 recommendations of the district school superintendent and adopt  
2018 policies to provide for an appropriate food and nutrition  
2019 service program for students consistent with federal law and  
2020 department rules ~~rule~~.

2021 ~~(4) The state shall provide the state National School Lunch~~  
2022 ~~Act matching requirements. The funds provided shall be~~  
2023 ~~distributed in such a manner as to comply with the requirements~~  
2024 ~~of the National School Lunch Act.~~

2025 (2)~~(5)(a)~~ Each school district ~~school board~~ shall implement  
2026 school breakfast programs that make breakfast meals available to  
2027 all students in each elementary school. Universal school  
2028 breakfast programs shall be offered in schools in which 80  
2029 percent or more of the students are eligible for free or  
2030 reduced-price meals. Each school shall, to the maximum extent  
2031 practicable, make breakfast meals available to students at an  
2032 alternative site location, which may include, but need not be  
2033 limited to, alternative breakfast options as described in  
2034 publications of the Food and Nutrition Service of the United  
2035 States Department of Agriculture for the federal School  
2036 Breakfast Program.

2037 (3)~~(b)~~ Each school district must annually set prices for  
2038 breakfast meals at rates that, combined with federal



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2039 reimbursements and state allocations, are sufficient to defray  
2040 costs of school breakfast programs without requiring allocations  
2041 from the district's operating funds, except if the district  
2042 school board approves lower rates.

2043 (4) ~~(e)~~ Each school district ~~school board~~ is encouraged to  
2044 provide universal-free school breakfast meals to all students in  
2045 each elementary, middle, and high school. Each school district  
2046 ~~school board~~ shall approve or disapprove a policy, after  
2047 receiving public testimony concerning the proposed policy at two  
2048 or more regular meetings, which makes universal-free school  
2049 breakfast meals available to all students in each elementary,  
2050 middle, and high school in which 80 percent or more of the  
2051 students are eligible for free or reduced-price meals.

2052 (5) ~~(d)~~ Each elementary, middle, and high school shall make  
2053 a breakfast meal available if a student arrives at school on the  
2054 ~~school~~ bus less than 15 minutes before the first bell rings and  
2055 shall allow the student at least 15 minutes to eat the  
2056 breakfast.

2057 (6) ~~(e)~~ Each school district shall annually provide to all  
2058 students in each elementary, middle, and high school information  
2059 prepared by the district's food service administration regarding  
2060 its school breakfast programs. The information shall be  
2061 communicated through school announcements and written notices  
2062 ~~notice~~ sent to all parents.

2063 (7) ~~(f)~~ A school district ~~school board~~ may operate a  
2064 breakfast program providing for food preparation at the school  
2065 site or in central locations with distribution to designated  
2066 satellite schools or any combination thereof.

2067 (8) Each sponsor shall complete all corrective action plans

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2068 required by the department or a federal agency to be in  
2069 compliance with the program.

2070 ~~(g) The commissioner shall make every reasonable effort to~~  
2071 ~~ensure that any school designated as a "severe need school"~~  
2072 ~~receives the highest rate of reimbursement to which it is~~  
2073 ~~entitled under 42 U.S.C. s. 1773 for each breakfast meal served.~~

2074 ~~(h) The department shall annually allocate among the school~~  
2075 ~~districts funds provided from the school breakfast supplement in~~  
2076 ~~the General Appropriations Act based on each district's total~~  
2077 ~~number of free and reduced-price breakfast meals served.~~

2078 Section 33. Subsection (6) of section 570.981, Florida  
2079 Statutes, is transferred, renumbered as section 595.406, Florida  
2080 Statutes, and amended to read:

2081 595.406 ~~570.981~~ Florida Farm Fresh Schools Program School  
2082 food service programs.-

2083 ~~(6) The Legislature, recognizing that school children need~~  
2084 ~~nutritious food not only for healthy physical and intellectual~~  
2085 ~~development but also to combat diseases related to poor~~  
2086 ~~nutrition and obesity, establishes the Florida Farm Fresh~~  
2087 ~~Schools Program within the department. The program shall comply~~  
2088 ~~with the regulations of the National School Lunch Program and~~  
2089 ~~require:-~~

2090 (1)(a) In order to implement the Florida Farm Fresh Schools  
2091 Program, the department shall ~~to~~ develop policies pertaining to  
2092 school food services which encourage:

2093 (a)1. Sponsors School districts to buy fresh and high-  
2094 quality foods grown in this state when feasible.

2095 (b)2. Farmers in this state to sell their products to  
2096 sponsors, school districts, and schools.

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2097 ~~(c)3.~~ Sponsors ~~School districts and schools~~ to demonstrate  
2098 a preference for competitively priced organic food products.

2099 ~~(d)4.~~ Sponsors ~~School districts and schools~~ to make  
2100 reasonable efforts to select foods based on a preference for  
2101 those that have maximum nutritional content.

2102 ~~(2)5.~~ The department shall ~~to~~ provide outreach, guidance,  
2103 and training to sponsors ~~school districts~~, schools, school food  
2104 service directors, parent and teacher organizations, and  
2105 students about the benefit ~~benefits~~ of fresh food products from  
2106 farms in this state.

2107 Section 34. Section 570.982, Florida Statutes, is  
2108 transferred, renumbered as section 595.407, Florida Statutes,  
2109 and amended to read:

2110 595.407 ~~570.982~~ Children's summer nutrition program.—

2111 (1) This section may be cited as the "Ms. Willie Ann Glenn  
2112 Act."

2113 (2) Each school district ~~school board~~ shall develop a plan  
2114 to sponsor a summer nutrition program to operate sites in the  
2115 school district as follows:

2116 (a) Within 5 miles of at least one elementary school at  
2117 which 50 percent or more of the students are eligible for free  
2118 or reduced-price school meals and for the duration of 35  
2119 consecutive days. ~~and~~

2120 (b) ~~Except as operated pursuant to paragraph (a),~~ Within 10  
2121 miles of each elementary school at which 50 percent or more of  
2122 the students are eligible for free or reduced-price school  
2123 meals, except as operated pursuant to paragraph (a).

2124 (3) (a) A school district ~~school board~~ may be exempt from  
2125 sponsoring a summer nutrition program pursuant to this section.

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2126 A school district ~~school board~~ seeking such exemption must  
2127 include the issue on an agenda at a regular or special school  
2128 district ~~school board~~ meeting that is publicly noticed, provide  
2129 residents an opportunity to participate in the discussion, and  
2130 vote on whether to be exempt from this section. The school  
2131 district ~~school board~~ shall notify the department commissioner  
2132 within 10 days after it decides to become exempt from this  
2133 section.

2134 (b) Each year, the school district ~~school board~~ shall  
2135 reconsider its decision to be exempt from the provisions of this  
2136 section and shall vote on whether to continue the exemption from  
2137 sponsoring a summer nutrition program. The school district  
2138 ~~school board~~ shall notify the department commissioner within 10  
2139 days after each subsequent year's decision to continue the  
2140 exemption.

2141 (c) If a school district ~~school board~~ elects to be exempt  
2142 from sponsoring a summer nutrition program under this section,  
2143 the school district ~~school board~~ may encourage not-for-profit  
2144 entities to sponsor the program. If a not-for-profit entity  
2145 chooses to sponsor the summer nutrition program but fails to  
2146 perform with regard to the program, ~~the district school board,~~  
2147 the school district, and the department are not required to  
2148 continue the program and shall be held harmless from any  
2149 liability arising from the discontinuation of the summer  
2150 nutrition program.

2151 (4) The superintendent of schools may collaborate with  
2152 municipal and county governmental agencies and private, not-for-  
2153 profit leaders in implementing the plan. Although schools have  
2154 proven to be the optimal site for a summer nutrition program,

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2155 any not-for-profit entity may serve as a site or sponsor. By  
2156 April 15 of each year, each school district with a summer  
2157 nutrition program shall report to the department the district's  
2158 summer nutrition program sites in compliance with this section.

2159 (5) The department shall provide to each school district  
2160 ~~school board~~ by February 15 of each year a list of local  
2161 organizations that have filed letters of intent to participate  
2162 in the summer nutrition program in order that a school district  
2163 may ~~school board is able to~~ determine how many sites are needed  
2164 to serve the children and where to place each site.

2165 Section 35. Section 570.072, Florida Statutes, is  
2166 transferred and renumbered as section 595.408, Florida Statutes.

2167 Section 36. Section 595.501, Florida Statutes, is created  
2168 to read:

2169 595.501 Penalties.—Any person, sponsor, or school district  
2170 that violates any provision of this chapter or any rule adopted  
2171 thereunder or otherwise does not comply with the program is  
2172 subject to a suspension or revocation of their agreement, loss  
2173 of reimbursement, or a financial penalty in accordance with  
2174 federal or state law or both. This section does not restrict the  
2175 applicability of any other law.

2176 Section 37. Section 570.983, Florida Statutes, is  
2177 transferred, renumbered as section 595.601, Florida Statutes,  
2178 and amended to read:

2179 595.601 ~~570.983~~ Food and Nutrition Services Trust Fund.—  
2180 Chapter 99-37, Laws of Florida, recreated the Food and Nutrition  
2181 Services Trust Fund to record revenue and disbursements of  
2182 Federal Food and Nutrition funds received by the department as  
2183 authorized in s. 595.405 ~~570.981~~.

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2184 Section 38. Section 570.984, Florida Statutes, is  
 2185 transferred and renumbered as section 595.701, Florida Statutes,  
 2186 to read:

2187 595.701 ~~570.984~~ Healthy Schools for Healthy Lives Council.—

2188 (1) There is created within the Department of Agriculture  
 2189 and Consumer Services the Healthy Schools for Healthy Lives  
 2190 Council, which shall consist of 11 members appointed by the  
 2191 Commissioner of Agriculture. The council shall advise the  
 2192 department on matters relating to nutritional standards and the  
 2193 prevention of childhood obesity, nutrition education,  
 2194 anaphylaxis, and other needs to further the development of the  
 2195 various school nutrition programs.

2196 (2) The meetings, powers, duties, procedures, and  
 2197 recordkeeping of the Healthy Schools for Healthy Lives Council  
 2198 shall be governed by s. 570.0705, relating to advisory  
 2199 committees established within the department.

2200 Section 39. Subsection (16) of section 1001.42, Florida  
 2201 Statutes, is amended to read:

2202 1001.42 Powers and duties of district school board.—The  
 2203 district school board, acting as a board, shall exercise all  
 2204 powers and perform all duties listed below:

2205 (16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities and  
 2206 exercise such powers and perform such duties as may be assigned  
 2207 to it by law or as may be required by rules of the Department of  
 2208 Agriculture and Consumer Services ~~State Board of Education~~ or,  
 2209 as in the opinion of the district school board, are necessary to  
 2210 ensure school lunch services, consistent with needs of students;  
 2211 effective and efficient operation of the program; and the proper  
 2212 articulation of the school lunch program with other phases of

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2213 education in the district.

2214 Section 40. Subsection (1) of section 1003.453, Florida  
2215 Statutes, is amended to read:

2216 1003.453 School wellness and physical education policies;  
2217 nutrition guidelines.—

2218 (1) Each school district shall electronically submit ~~to the~~  
2219 ~~Department of Education a copy of its~~ local school wellness  
2220 policy to the Department of Agriculture and Consumer Services ~~as~~  
2221 ~~required by the Child Nutrition and WIC Reauthorization Act of~~  
2222 ~~2004 and a copy of its physical education policy required under~~  
2223 ~~s. 1003.455 to the Department of Education.~~ Each school district  
2224 shall annually review its local school wellness policy and  
2225 physical education policy and provide a procedure for public  
2226 input and revisions. In addition, each school district shall  
2227 provide its revised local school ~~send an updated copy of its~~  
2228 wellness policy and revised physical education policy to the  
2229 applicable department ~~and to the Department of Agriculture and~~  
2230 ~~Consumer Services~~ when a change or revision is made.

2231 Section 41. Sections 487.0615, 570.382, 570.97, and 590.50,  
2232 Florida Statutes, are repealed.

2233 Section 42. Subsection (5) of section 487.041, Florida  
2234 Statutes, is amended to read:

2235 487.041 Registration.—

2236 ~~(5) The department shall provide summary information to the~~  
2237 ~~Pesticide Review Council regarding applications for registration~~  
2238 ~~of those pesticides for which data received in the registration~~  
2239 ~~process indicate that the pesticide, when used according to~~  
2240 ~~label instructions and precautions, may have a significant~~  
2241 ~~potential for adverse effects on human health or the~~

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2242 ~~environment. The council shall be kept apprised of the status of~~  
2243 ~~these applications while under review and of the final action by~~  
2244 ~~the Commissioner of Agriculture regarding the registration of~~  
2245 ~~these pesticides.~~

2246 Section 43. Paragraph (b) of subsection (8) of section  
2247 550.2625, Florida Statutes, is amended to read:

2248 550.2625 Horseracing; minimum purse requirement, Florida  
2249 breeders' and owners' awards.—

2250 (8)

2251 ~~(b) The division shall deposit these collections to the~~  
2252 ~~credit of the General Inspection Trust Fund in a special account~~  
2253 ~~to be known as the "Florida Arabian Horse Racing Promotion~~  
2254 ~~Account." The Department of Agriculture and Consumer Services~~  
2255 ~~shall administer the funds and adopt suitable and reasonable~~  
2256 ~~rules for the administration thereof. The moneys in the Florida~~  
2257 ~~Arabian Horse Racing Promotion Account shall be allocated solely~~  
2258 ~~for supplementing and augmenting purses and prizes and for the~~  
2259 ~~general promotion of owning and breeding of racing Arabian~~  
2260 ~~horses in this state; and the moneys may not be used to defray~~  
2261 ~~any expense of the Department of Agriculture and Consumer~~  
2262 ~~Services in the administration of this chapter, except that the~~  
2263 ~~moneys generated by Arabian horse registration fees received~~  
2264 ~~pursuant to s. 570.382 may be used as provided in paragraph~~  
2265 ~~(5)(b) of that section.~~

2266 Section 44. Paragraphs (b) and (c) of subsection (2) of  
2267 section 550.2633, Florida Statutes, are amended to read:

2268 550.2633 Horseracing; distribution of abandoned interest in  
2269 or contributions to pari-mutuel pools.—

2270 (2) All moneys or other property which has escheated to and



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2271 become the property of the state as provided herein and which is  
2272 held by a permitholder authorized to conduct pari-mutuel pools  
2273 in this state shall be paid annually by the permitholder to the  
2274 recipient designated in this subsection within 60 days after the  
2275 close of the race meeting of the permitholder. Section 550.1645  
2276 notwithstanding, the moneys shall be paid by the permitholder as  
2277 follows:

2278       (b) ~~Except as provided in paragraph (e),~~ Funds from quarter  
2279 horse races shall be paid to the Florida Quarter Horse Breeders  
2280 and Owners Association and shall be allocated solely for  
2281 supplementing and augmenting purses and prizes and for the  
2282 general promotion of owning and breeding of racing quarter  
2283 horses in this state, as provided for in s. 550.2625.

2284       ~~(c) Funds for Arabian horse races conducted under a quarter  
2285 horse racing permit shall be deposited into the General  
2286 Inspection Trust Fund in a special account to be known as the  
2287 "Florida Arabian Horse Racing Promotion Account" and shall be  
2288 used for the payment of breeders' awards and stallion awards as  
2289 provided for in s. 570.382.~~

2290       Section 45. In order to effectuate the repeal of s. 570.97,  
2291 Florida Statutes, and to honor the wishes of the donor, for the  
2292 2013-2014 fiscal year, the sum of \$59,239 in nonrecurring funds  
2293 is appropriated to the Department of Agriculture and Consumer  
2294 Services in the expenses appropriation category for deposit in  
2295 the General Inspection Trust Fund to be used by the Division of  
2296 Animal Industry for disbursement to Florida Animal Friend, Inc.

2297       Section 46. This act shall take effect upon becoming a law.