

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 253.034, F.S.;
4 requiring public hearings relating to the development
5 of land management plans to be held in any one, rather
6 than each, county affected by such plans; amending s.
7 388.261, F.S.; revising provisions for the
8 distribution and use of state funds for local mosquito
9 control programs; amending s. 388.271, F.S.; revising
10 the date by which mosquito control districts must
11 submit their certified budgets for approval by the
12 department; amending s. 487.160, F.S.; deleting
13 provisions requiring the department to conduct a
14 survey and compile a report on restricted-use
15 pesticides; amending s. 534.083, F.S.; deleting
16 permitting requirements for livestock haulers;
17 creating s. 570.087, F.S.; providing for the
18 department and the Fish and Wildlife Conservation
19 Commission to enter into a memorandum of agreement to
20 develop best management practices for the agriculture
21 industry; authorizing the department to adopt certain
22 rules; providing that implementation of such best
23 management practices is voluntary; prohibiting
24 governmental agencies from adopting or enforcing
25 specified ordinances, resolutions, regulations, rules,
26 or policies; amending s. 570.07, F.S.; clarifying the
27 authority of the department to regulate certain open
28 burning; creating s. 570.64, F.S.; establishing the

29 | duties of the Division of Food, Nutrition, and
30 | Wellness within the department; providing for a
31 | director of the division; amending s. 570.902, F.S.;
32 | clarifying the applicability of definitions relating
33 | to certain designated programs and direct-support
34 | organizations; amending s. 570.903, F.S.; authorizing
35 | the department to establish direct-support
36 | organizations for museums and other programs of the
37 | department; deleting provisions that limit the
38 | establishment of direct-support organizations to
39 | particular museums and programs; deleting provisions
40 | authorizing direct-support organizations to enter into
41 | certain contracts or agreements; clarifying provisions
42 | prohibiting specified entities from receiving
43 | commissions, fees, or financial benefits in connection
44 | with the sale or exchange of real property and
45 | historical objects; providing for the termination of
46 | agreements between the department and direct-support
47 | organizations; providing for the distribution of
48 | certain assets; deleting provisions requiring the
49 | department to establish certain procedures relating to
50 | museum artifacts and records; amending s. 576.051,
51 | F.S.; authorizing the department to establish certain
52 | criteria for fertilizer sampling and analysis;
53 | amending s. 576.061, F.S.; requiring the department to
54 | adopt rules establishing certain investigational
55 | allowances for fertilizer deficiencies; providing a
56 | date by which such allowances are effective and other

57 allowances are repealed; amending s. 576.181, F.S.;

58 revising the department's authority to adopt rules

59 establishing certain criteria for fertilizer analysis;

60 amending s. 585.61, F.S.; deleting provisions for the

61 establishment of an animal disease diagnostic

62 laboratory in Suwannee County; amending s. 586.10,

63 F.S.; authorizing apiary inspectors to be certified

64 beekeepers under certain conditions; amending s.

65 589.02, F.S.; deleting annual and special meeting

66 requirements for the Florida Forestry Council;

67 amending s. 589.19, F.S.; establishing the Operation

68 Outdoor Freedom Program within the Florida Forest

69 Service to replace provisions for the designation of

70 specified hunt areas in state forests for wounded

71 veterans and servicemembers; providing purpose and

72 intent of the program; providing eligibility

73 requirements for program participation; providing

74 exceptions from eligibility requirements for certain

75 activities; providing for deposit and use of funds

76 donated to the program; limiting the liability of

77 private landowners who provide land for designation as

78 hunting sites for purposes of the program; amending s.

79 589.30, F.S.; revising references to certain Florida

80 Forest Service personnel titles; amending s. 590.02,

81 F.S.; authorizing the Florida Forest Service to allow

82 certain types of burning; specifying that sovereign

83 immunity applies to certain planning level activities;

84 deleting provisions relating to the composition and

85 | duties of the Florida Forest Training Center advisory
86 | council; prohibiting government entities from banning
87 | certain types of burning; authorizing the service to
88 | delegate authority to special districts to manage
89 | certain types of burning; revising such authority
90 | delegated to counties and municipalities; amending s.
91 | 590.11, F.S.; revising the prohibition on leaving
92 | certain recreational fires unattended, to which
93 | penalties apply; amending s. 590.125, F.S.; revising
94 | and providing definitions relating to open burning
95 | authorized by the Florida Forest Service; revising
96 | requirements for noncertified and certified burning;
97 | limiting the liability of the service and certain
98 | persons related to certain burns; amending s. 590.25,
99 | F.S.; revising provisions relating to criminal
100 | penalties for obstructing the prevention, detection,
101 | or suppression of wildfires; creating chapter 595,
102 | F.S., to establish the Florida School Food and
103 | Nutrition Act; creating s. 595.401, F.S.; providing a
104 | short title; creating s. 595.402, F.S.; providing
105 | definitions; creating s. 595.403, F.S.; declaring
106 | state policy relating to school food and nutrition
107 | services; transferring, renumbering, and amending ss.
108 | 570.98 and 570.981, F.S., relating to school food and
109 | nutrition services and the Florida Farm Fresh Schools
110 | Program; revising the department's duties and
111 | responsibilities for administering such services and
112 | program; revising requirements for school districts

113 and sponsors; transferring, renumbering, and amending
114 s. 570.982, F.S., relating to the children's summer
115 nutrition program; clarifying provisions;
116 transferring, renumbering, and amending s. 570.072,
117 F.S., relating to the authority of the department to
118 conduct, supervise, and administer commodity
119 distribution services for school food and nutrition
120 services; creating s. 595.501, F.S.; providing certain
121 penalties; transferring, renumbering, and amending s.
122 570.983, relating to the Food and Nutrition Services
123 Trust Fund; conforming a cross-reference; transferring
124 and renumbering s. 570.984, F.S., relating to the
125 Healthy Schools for Healthy Lives Council; amending s.
126 1001.42, F.S.; requiring district school boards to
127 perform duties relating to school lunch programs as
128 required by the department's rules; amending s.
129 1003.453, F.S.; deleting an obsolete provision;
130 requiring school districts to submit certain policies
131 to the Department of Agriculture and Consumer Services
132 and the Department of Education; repealing ss.
133 487.0615, 570.382, 570.97, and 590.50, F.S., relating
134 to the Pesticide Review Council, Arabian horse racing
135 and the Arabian Horse Council, the Gertrude Maxwell
136 Save a Pet Direct-Support Organization, and permits
137 for the sale of cypress products, respectively;
138 amending ss. 487.041, 550.2625, and 550.2633, F.S.;
139 conforming provisions; providing for the disbursement
140 of specified funds; providing an effective date.

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

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

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner prescribed by rule by the board and in accordance with the provisions of s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year of the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner prescribed by rule by the board. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules established by the board pursuant to this section. All land use plans, whether for single-use or multiple-use properties, shall include an analysis of the property to determine if any significant natural or cultural resources are located on the property. Such resources include archaeological and historic sites, state and federally listed plant and animal species, and imperiled natural communities and unique natural features. If such resources occur on the property, the manager shall consult with the Division of State Lands and other

169 appropriate agencies to develop management strategies to protect
170 such resources. Land use plans shall also provide for the
171 control of invasive nonnative plants and conservation of soil
172 and water resources, including a description of how the manager
173 plans to control and prevent soil erosion and soil or water
174 contamination. Land use plans submitted by a manager shall
175 include reference to appropriate statutory authority for such
176 use or uses and shall conform to the appropriate policies and
177 guidelines of the state land management plan. Plans for managed
178 areas larger than 1,000 acres shall contain an analysis of the
179 multiple-use potential of the property, which analysis shall
180 include the potential of the property to generate revenues to
181 enhance the management of the property. Additionally, the plan
182 shall contain an analysis of the potential use of private land
183 managers to facilitate the restoration or management of these
184 lands. In those cases where a newly acquired property has a
185 valid conservation plan that was developed by a soil and
186 conservation district, such plan shall be used to guide
187 management of the property until a formal land use plan is
188 completed.

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

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

193 388.261 State aid to counties and districts for arthropod
194 control; distribution priorities and limitations.—

195 (2) Every county or district budgeting local funds to be
196 used exclusively for the control of mosquitoes and other

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197 arthropods, under a plan submitted by the county or district and
198 approved by the department, ~~is shall be~~ eligible to receive
199 state funds and supplies, services, and equipment on a dollar-
200 for-dollar matching basis to the amount of local funds budgeted.
201 ~~If Should~~ state funds appropriated by the Legislature are be
202 insufficient to grant each county or district state funds on a
203 dollar-for-dollar matching basis to the amount budgeted in local
204 funds, the department shall distribute the funds as prescribed
205 by rule. Such rules shall provide for up to 80 percent of the
206 funds to be distributed to programs with local funds for
207 mosquito control budgets of less than \$1 million, if the county
208 or district meets the eligibility requirements. The funds shall
209 be distributed as equally as possible within the category of
210 counties pursuant to this section. The remaining funds shall be
211 distributed as prescribed by rule among the remaining counties
212 to support mosquito control and to support research, education,
213 and outreach ~~prorate said state funds based on the amount of~~
214 ~~matchable local funds budgeted for expenditure by each county or~~
215 ~~district.~~

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

218 388.271 Prerequisites to participation.—

219 (1) When state funds are involved, it is the duty of the
220 department to guide, review, approve, and coordinate the
221 activities of all county governments and special districts
222 receiving state funds in furtherance of the goal of integrated
223 arthropod control. Each county or district eligible to
224 participate hereunder may begin participation on October 1 of

225 any year by filing with the department not later than July 15 a
226 tentative work plan and tentative detailed work plan budget
227 providing for the control of arthropods. Following approval of
228 the plan and budget by the department, two copies of the
229 county's or district's certified budget based on the approved
230 work plan and detailed work plan budget shall be submitted to
231 the department by ~~not later than~~ September 30 ~~15~~ following.
232 State funds, supplies, and services shall be made available to
233 such county or district by and through the department
234 immediately upon release of funds by the Executive Office of the
235 Governor.

236 Section 4. Section 487.160, Florida Statutes, is amended
237 to read:

238 487.160 ~~Records; report.~~—Licensed private applicators
239 supervising 15 or more unlicensed applicators or mixer-loaders
240 and licensed public applicators and licensed commercial
241 applicators shall maintain records as the department may
242 determine by rule with respect to the application of restricted
243 pesticides, including, but not limited to, the type and quantity
244 of pesticide, method of application, crop treated, and dates and
245 location of application. Other licensed private applicators
246 shall maintain records as the department may determine by rule
247 with respect to the date, type, and quantity of restricted-use
248 pesticides used. Licensees shall keep records for a period of 2
249 years from date of the application of the pesticide to which the
250 records refer, and shall furnish to the department a copy of the
251 records upon written request by the department. ~~Every third~~
252 ~~year, the department shall conduct a survey and compile a report~~

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253 ~~on restricted-use pesticides in this state. This report shall~~
254 ~~include, but not be limited to, types and quantities of~~
255 ~~pesticides, methods of application, crops treated, and dates and~~
256 ~~locations of application; records of persons working under~~
257 ~~direct supervision; and reports of misuse, damage, or injury.~~

258 Section 5. Section 534.083, Florida Statutes, is amended
259 to read:

260 534.083 Livestock hauler's ~~permit; display of permit on~~
261 ~~vehicle; bill of lading.~~-

262 ~~(1) No person shall engage in the business of transporting~~
263 ~~or hauling for hire livestock on any street or highway, as~~
264 ~~defined in s. 316.003(53), without first having applied for and~~
265 ~~obtained from the department a permit which shall expire on~~
266 ~~December 31 of each year. The information supplied by the~~
267 ~~applicant on the application for permit shall be certified under~~
268 ~~oath. Cost of the permit shall be \$5 for each year or fraction~~
269 ~~thereof.~~

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

275 ~~(3) The metal tag or plate required under this section~~
276 ~~shall be attached to each vehicle used for transporting or~~
277 ~~hauling livestock in a conspicuous place in an upright position~~
278 ~~on the rear of the vehicle. When livestock is transported in a~~
279 ~~trailer type vehicle propelled or drawn by a motor truck or~~
280 ~~tractor, each such trailer shall have the tag or plate attached~~

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281 | ~~to the rear of the trailer in a conspicuous place in an upright~~
 282 | ~~position, and it shall not be necessary to have a tag attached~~
 283 | ~~to the motor truck or tractor.~~

284 | (4) Persons engaged in the business of transporting or
 285 | hauling livestock in the state shall, upon receiving such
 286 | livestock for transportation, issue a waybill or bill of lading
 287 | for all livestock transported or hauled by them, and such
 288 | waybill or bill of lading shall accompany the shipment of
 289 | livestock, with a copy thereof being furnished to the person
 290 | delivering livestock to the hauler. The waybill or bill of
 291 | lading shall show the place of origin and destination of the
 292 | shipment, the name of the owner of the livestock, date and time
 293 | of loading, name of person or company hauling the livestock, and
 294 | the number of animals and a general description thereof. The
 295 | waybill or bill of lading shall be signed by the person
 296 | delivering the livestock to the hauler certifying that the
 297 | information contained thereon is correct.

298 | Section 6. Subsection (28) of section 570.07, Florida
 299 | Statutes, is amended to read:

300 | 570.07 Department of Agriculture and Consumer Services;
 301 | functions, powers, and duties.—The department shall have and
 302 | exercise the following functions, powers, and duties:

303 | (28) For purposes of pollution control and the prevention
 304 | of wildfires, to regulate open burning connected with pile
 305 | burning as defined in s. 590.125(1) ~~land-clearing~~, agricultural,
 306 | or forestry operations.

307 | Section 7. Section 570.087, Florida Statutes, is created
 308 | to read:

309 570.087 Best management practices for wildlife.-The
310 department and the Fish and Wildlife Conservation Commission
311 recognize that agriculture provides a valuable benefit to the
312 conservation and management of fish and wildlife in the state
313 and agree to enter into a memorandum of agreement to develop and
314 adopt by rule voluntary best management practices for the
315 state's agriculture industry which reflect the industry's
316 existing contribution to the conservation and management of
317 freshwater aquatic life and wild animal life in the state.

318 (1) The department shall enter into a memorandum of
319 agreement with the Fish and Wildlife Conservation Commission for
320 the purpose of developing the best management practices pursuant
321 to this section and applying such best management practices on
322 agricultural lands within the state. The agreement may allow for
323 selected pilot projects in order to better facilitate the
324 development of the best management practices.

325 (2) The department may adopt rules establishing the best
326 management practices pursuant to this section. The rules must
327 include provisions for a notice of intent to implement the best
328 management practices and a system to assure the implementation
329 of the best management practices, including recordkeeping
330 requirements.

331 (3) Notwithstanding any other provision of law, including
332 s. 163.3162, the implementation of the best management practices
333 pursuant to this section is voluntary and except as specifically
334 provided under this section and s. 9, Art. IV of the State
335 Constitution, an agency, department, district, or unit of local
336 government may not adopt or enforce any ordinance, resolution,

337 regulation, rule, or policy regarding the best management
338 practices on land classified as agricultural land pursuant to s.
339 193.461.

340 Section 8. Section 570.64, Florida Statutes, is created to
341 read:

342 570.64 Division of Food, Nutrition, and Wellness.—

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

347 (2) The director of the division shall be appointed by,
348 and serve at the pleasure of, the commissioner. The director
349 shall supervise, direct, and coordinate activities of the
350 division, exercise such powers and duties as authorized by the
351 commissioner, enforce the provisions of chapter 595 and the
352 rules adopted thereunder, and any other powers and duties as
353 authorized by the department.

354 Section 9. Section 570.902, Florida Statutes, is amended
355 to read:

356 570.902 Definitions; ss. 570.902 and 570.903.—For the
357 purpose of this section ~~ss. 570.902~~ and s. 570.903:

358 (1) "Designated program" means the ~~specific~~ departmental
359 program which a direct-support organization has been created to
360 support.

361 (2) "Direct-support organization" or "organization" means
362 an organization which is a Florida corporation not for profit
363 incorporated under the provisions of chapter 617 and approved by
364 the department to operate for the benefit of a museum or a

365 ~~specific departmental~~ program.

366 (3) "Museum" means the Florida Agricultural Museum which
 367 is designated as the museum for agriculture and rural history of
 368 the State of Florida.

369 Section 10. Section 570.903, Florida Statutes, is amended
 370 to read:

371 570.903 Direct-support organization.-

372 (1) The department may authorize ~~When the Legislature~~
 373 ~~authorizes~~ the establishment of a direct-support organizations
 374 ~~organization~~ to provide assistance, funding, and promotional
 375 support for the museums, ~~the Florida Agriculture in the~~
 376 ~~Classroom Program, the Florida State Collection of Arthropods,~~
 377 ~~the Friends of the Florida State Forests Program of the Florida~~
 378 ~~Forest Service, the Forestry Arson Alert Program,~~ and other
 379 programs of the department. The following provisions shall
 380 govern the creation, use, powers, and duties of the direct-
 381 support organizations ~~organization~~:

382 (a) The department shall enter into a memorandum or letter
 383 of agreement with the direct-support organization, which shall
 384 specify the approval of the department, the powers and duties of
 385 the direct-support organization, and rules with which the
 386 direct-support organization must comply.

387 (b) The department may authorize ~~permit~~, without charge,
 388 appropriate use of property, facilities, and personnel of the
 389 department by the ~~a~~ direct-support organization, ~~subject to ss.~~
 390 ~~570.902 and 570.903~~. The use shall be for ~~directly in keeping~~
 391 ~~with~~ the approved purposes of the direct-support organization
 392 and may not be made at times or places that would unreasonably

393 interfere with opportunities for the general public to use
 394 department facilities ~~for established purposes.~~

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

401 (d) The department may not authorize ~~permit~~ the use of
 402 property, facilities, or personnel of the museum, department, or
 403 designated program by the ~~a~~ direct-support organization that
 404 does not provide equal employment opportunities to all persons
 405 regardless of race, color, religion, sex, age, or national
 406 origin.

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

414 ~~(b) Notwithstanding the provisions of s. 287.057, the~~
 415 ~~direct-support organization may enter into contracts or~~
 416 ~~agreements with or without competitive bidding for the~~
 417 ~~restoration of objects, historical buildings, and other~~
 418 ~~historical materials or for the purchase of objects, historical~~
 419 ~~buildings, and other historical materials which are to be added~~
 420 ~~to the collections of the museum, or benefit the designated~~

421 ~~program. However, before the direct-support organization may~~
422 ~~enter into a contract or agreement without competitive bidding,~~
423 ~~the direct-support organization shall file a certification of~~
424 ~~conditions and circumstances with the internal auditor of the~~
425 ~~department justifying each contract or agreement.~~

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

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

433 (4) A department employee, direct-support organization or
434 museum employee, volunteer, or director, or ~~Neither a designated~~
435 ~~program or a museum, nor a nonprofit corporation trustee or~~
436 ~~employee may not:~~

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

441 (b) Be a business associate of any individual, firm, or
442 organization involved in the sale or exchange of real or
443 personal property to the direct-support organization, the
444 museum, or the designated program.

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

449 (6) The identity of a donor or prospective donor who
 450 desires to remain anonymous and all information identifying such
 451 donor or prospective donor are confidential and exempt from the
 452 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 453 Constitution.

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

458 (8) The department may terminate its agreement with a
 459 direct-support organization at any time if the department
 460 determines that the direct-support organization no longer meets
 461 the objectives of this section ~~The department shall establish by~~
 462 ~~rule archival procedures relating to museum artifacts and~~
 463 ~~records. The rules shall provide procedures which protect the~~
 464 ~~museum's artifacts and records equivalent to those procedures~~
 465 ~~which have been established by the Department of State under~~
 466 ~~chapters 257 and 267.~~

467 (9) Upon termination of the direct-support organization,
 468 the assets of the direct-support organization shall be
 469 distributed pursuant to its articles of incorporation or by-laws
 470 or, if not provided for, to the department.

471 Section 11. Subsection (3) of section 576.051, Florida
 472 Statutes, is amended to read:

473 576.051 Inspection, sampling, analysis.—

474 (3) The official analysis shall be made from the official
 475 sample. The department, before making the official analysis,
 476 shall take a sufficient portion from the official sample for

477 check analysis and place that portion in a bottle sealed and
478 identified by number, date, and the preparer's initials. The
479 official check sample shall be kept until the analysis of the
480 official sample is completed. However, the licensee may obtain
481 upon request a portion of the official check sample. Upon
482 completion of the analysis of the official sample, a true copy
483 of the fertilizer analysis report shall be mailed to the
484 licensee of the fertilizer from whom the official sample was
485 taken and to the dealer or agent, if any, and purchaser, if
486 known. This fertilizer analysis report shall show all
487 determinations of plant nutrient and pesticides. If the official
488 analysis conforms with the provisions of this law, the official
489 check sample may be destroyed. If the official analysis does not
490 conform with the provisions of this law, the official check
491 sample shall be retained for a period of 90 days from the date
492 of the fertilizer analysis report of the official sample. If
493 within that time the licensee of the fertilizer from whom the
494 official sample was taken, upon receipt of the fertilizer
495 analysis report, makes written demand for analysis of the
496 official check sample by a referee chemist, a portion of the
497 official check sample sufficient for analysis shall be sent to a
498 referee chemist who is mutually acceptable to the department and
499 the licensee for analysis at the expense of the licensee. The
500 referee chemist, upon completion of the analysis, shall forward
501 to the department and to the licensee a fertilizer analysis
502 report bearing a proper identification mark or number; and the
503 fertilizer analysis report shall be verified by an affidavit of
504 the person making the analysis. If the results reported on the

505 fertilizer analysis report agree within the matching criteria
506 defined in department rule ~~checks within three tenths of 1~~
507 ~~actual percent~~ with the department's analysis on each element
508 for which analysis was made, the mean average of the two
509 analyses shall be accepted as final and binding on all
510 concerned. However, if the referee's fertilizer analysis report
511 results do not agree within the matching criteria defined in
512 department rule with ~~shows a variation of greater than three~~
513 ~~tenths of 1 actual percent from~~ the department's analysis in any
514 one or more elements for which an analysis was made, upon demand
515 of either the department or the licensee from whom the official
516 sample was taken, a portion of the official check sample
517 sufficient for analysis shall be submitted to a second referee
518 chemist who is mutually acceptable to the department and to the
519 licensee from whom the official sample was taken, at the expense
520 of the party or parties requesting the referee analysis. If no
521 demand is made for an analysis by a second referee chemist, the
522 department's fertilizer analysis report shall be accepted as
523 final and binding on all concerned. The second referee chemist,
524 upon completion of the analysis, shall make a fertilizer
525 analysis report as provided in this subsection for the first
526 referee chemist. The mean average of the two analyses nearest in
527 conformity to each other shall be accepted as final and binding
528 on all concerned.

529 Section 12. Subsection (1) of section 576.061, Florida
530 Statutes, is amended to read:

531 576.061 Plant nutrient investigational allowances,
532 deficiencies, and penalties.—

533 (1) A commercial fertilizer is deemed deficient if the
 534 analysis of any nutrient is below the guarantee by an amount
 535 exceeding the investigational allowances. The department shall
 536 adopt rules, which shall take effect on July 1, 2014, that
 537 establish the investigational allowances used to determine
 538 whether a fertilizer is deficient in plant food.

539 (a) Effective July 1, 2014, this paragraph and paragraphs
 540 (b)-(f) are repealed. Until July 1, 2014, investigational
 541 allowances shall be are set as provided in paragraphs (b)-(f).
 542 follows:

543 (b)-(a) Primary plant nutrients; investigational
 544 allowances.-

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	Total	Available	
Guaranteed	Nitrogen	Phosphate	Potash
Percent	Percent	Percent	Percent

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04 or less	0.49	0.67	0.41
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05	0.51	0.67	0.43
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06	0.52	0.67	0.47
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07	0.54	0.68	0.53
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08	0.55	0.68	0.60
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552	09	0.57	0.68	0.65
553	10	0.58	0.69	0.70
554	12	0.61	0.69	0.79
555	14	0.63	0.70	0.87
556	16	0.67	0.70	0.94
557	18	0.70	0.71	1.01
558	20	0.73	0.72	1.08
559	22	0.75	0.72	1.15
560	24	0.78	0.73	1.21
561	26	0.81	0.73	1.27
562	28	0.83	0.74	1.33
563	30	0.86	0.75	1.39
564	32 or more	0.88	0.76	1.44
565	For guarantees not listed, calculate the appropriate value by			
566				

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584 Magnesium 0.2 unit+5 percent of guarantee

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

586 Boron 0.003 unit+15 percent of guarantee

587 Cobalt 0.0001 unit+30 percent of guarantee

588 Chlorine 0.005 unit+10 percent of guarantee

589 Copper 0.005 unit+10 percent of guarantee

590 Iron 0.005 unit+10 percent of guarantee

591 Manganese 0.005 unit+10 percent of guarantee

592 Molybdenum 0.0001 unit+30 percent of guarantee

593 Sodium 0.005 unit+10 percent of guarantee

594 Zinc 0.005 unit+10 percent of guarantee

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

599 (e)~~(d)~~ Liming materials and gypsum.-

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Investigational Allowances

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

(f)~~(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.

Section 13. 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 this chapter, and specifically to determine the composition and uses of fertilizer as defined in this chapter, including, but not limited to ~~without limiting the foregoing general terms,~~ the taking and handling of samples, the establishment of investigational allowances, deficiencies, matching criteria for referee analysis, and penalties where not specifically provided for in this chapter; to prohibit the sale or use in fertilizer

622 of any material proven to be detrimental to agriculture, public
 623 health, or the environment, or of questionable value; to provide
 624 for the incorporation into fertilizer of such other substances
 625 as pesticides and proper labeling of such mixture; and to
 626 prescribe the information which shall appear on the label other
 627 than specifically set forth in this chapter.

628 Section 14. Section 585.61, Florida Statutes, is amended
 629 to read:

630 585.61 Animal disease diagnostic laboratory ~~laboratories~~.—

631 (1) There is ~~hereby created and~~ established an animal
 632 disease diagnostic laboratory in Osceola County ~~and Suwannee~~
 633 ~~County. The laboratory complex in Osceola County is~~ designated
 634 as the "Bronson Animal Disease Diagnostic Laboratory."

635 (2) The construction and operation of ~~all~~ the laboratory
 636 ~~laboratories~~ established by this section shall be under the
 637 supervision and control of the department. It shall be the duty
 638 of the department to operate the laboratory ~~these laboratories~~
 639 in an efficient manner so that any person who maintains animals
 640 in this state may obtain prompt reliable diagnosis of animal
 641 diseases, including any disease which may affect poultry eggs,
 642 in this state, and recommendations for the control and
 643 eradication of such diseases, to the end that diseases of
 644 animals may be reduced and controlled, and eradicated when
 645 possible.

646 (3) Any person who maintains animals in the state may use
 647 the services of the laboratory ~~laboratories~~ under the terms of
 648 this section and the rules adopted for such use by the
 649 department. The department shall require any user of its

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650 services to pay a fee not to exceed \$300 for any one of the
651 services requested. All laboratory fees collected shall be
652 deposited in the Animal Industry Diagnostic Laboratory Account
653 within the General Inspection Trust Fund. The fees collected
654 shall be used to improve the diagnostic laboratory services as
655 provided for by the Legislature in the General Appropriations
656 Act.

657 Section 15. Paragraph (f) of subsection (3) of section
658 586.10, Florida Statutes, is amended to read:

659 586.10 Powers and duties of department; preemption of
660 local government ordinances.—

661 (3) The department may:

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

- 666 1. Name of the apiary.
- 667 2. Name of the owner of the apiary.
- 668 3. Mailing address of the apiary owner.
- 669 4. Location of the apiary.
- 670 5. Number of hives in the apiary.
- 671 6. Pest problems associated with the apiary.
- 672 7. Brands used by beekeepers where applicable.

673
674 Notwithstanding s. 112.313, an apiary inspector may be a
675 certified beekeeper as long as the inspector does not inspect
676 his or her own apiary.

677 Section 16. Section 589.02, Florida Statutes, is amended

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678 | to read:

679 | 589.02 Headquarters and meetings of council.—The official
 680 | headquarters of the council shall be in Tallahassee, but it may
 681 | hold meetings at such other places in the state as it may
 682 | determine by resolutions or as may be selected by a majority of
 683 | the members of the council in any call for a meeting. ~~The annual~~
 684 | ~~meeting of the council shall be held on the first Monday in~~
 685 | ~~October of each year. Special meetings may be called at any time~~
 686 | ~~by the chair or upon the written request of a majority of the~~
 687 | ~~members.~~ The council shall annually elect from its members a
 688 | chair, a vice chair, and a secretary. ~~The election shall be held~~
 689 | ~~at the annual meeting of the council.~~ A majority of the members
 690 | of the council shall constitute a quorum for such purposes.

691 | Section 17. Subsection (4) of section 589.19, Florida
 692 | Statutes, is amended to read:

693 | 589.19 Creation of certain state forests; naming of
 694 | certain state forests; Operation Outdoor Freedom Program.—

695 | (4) (a) To honor the nation's disabled veterans and injured
 696 | active duty servicemembers, the Florida Forest Service shall
 697 | coordinate efforts to develop an Operation Outdoor Freedom
 698 | Program to provide hunting and other activities for eligible
 699 | veterans and servicemembers in designated state forest areas and
 700 | on designated public and private lands. The Legislature finds it
 701 | to be in the public interest for the Florida Forest Service to
 702 | develop partnerships with the Fish and Wildlife Conservation
 703 | Commission and other public and private organizations in order
 704 | to provide the needed resources and funding to make the program
 705 | successful ~~The Florida Forest Service shall designate one or~~

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706 ~~more areas of state forests as an "Operation Outdoor Freedom~~
707 ~~Special Hunt Area" to honor wounded veterans and servicemembers.~~
708 ~~The purpose of such designated areas is to provide special~~
709 ~~outdoor recreational opportunities for eligible veterans and~~
710 ~~servicemembers.~~

711 (b) Participation in the Operation Outdoor Freedom Program
712 shall be limited to Florida residents, as defined in s.
713 379.101(30)(b), ~~The Florida Forest Service shall limit guest~~
714 ~~admittance to such designated areas to any person who:~~

715 1. Are honorably discharged military veterans certified by
716 the United States Department of Veterans Affairs or its
717 predecessor or by any branch of the United States Armed Forces
718 to be at least 30 percent permanently service-connected disabled
719 ~~Is an active duty member of any branch of the United States~~
720 ~~Armed Forces and has a combat-related injury as determined by~~
721 ~~his or her branch of the United States Armed Forces; or~~

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

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

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

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

734
 735 Proof of eligibility under this subsection, as prescribed by the
 736 Florida Forest Service, may be required.

737 (c) Notwithstanding the eligibility requirements for
 738 program participation in paragraph (b), guided or unguided
 739 invitation-only activities may be conducted as part of the
 740 Operation Outdoor Freedom Program for injured or disabled
 741 veterans and injured or disabled active duty servicemembers of
 742 any branch of the United States Armed Forces in designated state
 743 forest areas and on designated public and private lands. The
 744 Florida Forest Service may grant admittance to ~~such~~ designated
 745 areas and lands to a person who is not an eligible veteran or
 746 servicemember for the sole purpose ~~purposes~~ of accompanying an
 747 eligible veteran or servicemember who requires the person's
 748 assistance to use such ~~designated~~ areas and lands.

749 (d) The Florida Forest Service may cooperate with state
 750 and federal agencies, local governments, private landowners, and
 751 other entities in connection with the Operation Outdoor Freedom
 752 Program. Donations to the Operation Outdoor Freedom Program
 753 ~~Funding required for specialized accommodations shall be~~
 754 deposited into the account of ~~provided through~~ the Friends of
 755 Florida State Forests Program created under s. 589.012 and used
 756 for Operation Outdoor Freedom Program activities.

757 (e)1. A private landowner who provides land for
 758 designation and use as an Operation Outdoor Freedom Program
 759 hunting site shall have limited liability pursuant to s.
 760 375.251.

761 2. A private landowner who consents to the designation and

762 use of land as part of the Operation Outdoor Freedom Program
 763 without compensation shall be considered a volunteer, as defined
 764 in s. 110.501, and shall be covered by state liability
 765 protection pursuant to s. 768.28, including s. 768.28(9).

766 3. This subsection does not:

767 a. Relieve any person of liability that would otherwise
 768 exist for deliberate, willful, or malicious injury to persons or
 769 property.

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

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

773 (g)-(e) The Florida Forest Service may adopt rules to
 774 administer this subsection.

775 Section 18. Section 589.30, Florida Statutes, is amended
 776 to read:

777 589.30 Duty of district or center manager ~~forester~~.—It
 778 shall be the duty of the district or center manager ~~forester~~ to
 779 direct all work in accordance with the law and regulations of
 780 the Florida Forest Service; gather and disseminate information
 781 in the management of commercial timber, including establishment,
 782 protection and utilization; and assist in the development and
 783 use of forest lands for outdoor recreation, watershed
 784 protection, and wildlife habitat. The district or center manager
 785 ~~forester~~ or his or her representative shall provide
 786 encouragement and technical assistance to individuals and urban
 787 and county officials in the planning, establishment, and
 788 management of trees and plant associations to enhance the beauty
 789 of the urban and suburban environment and meet outdoor

790 recreational needs.

791 Section 19. Subsections (1), (2), (3), (7), and (10) of
792 section 590.02, Florida Statutes, are amended to read:

793 590.02 Florida Forest Service; powers, authority, and
794 duties; liability; building structures; Florida Center for
795 Wildfire and Forest Resources Management Training.—

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

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

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

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

806 (d) To appoint center managers, forest area supervisors,
807 forestry program administrators, a forest protection bureau
808 chief, a forest protection assistant bureau chief, a field
809 operations bureau chief, deputy chiefs of field operations,
810 district managers, forest operations administrators, senior
811 forest rangers, investigators, forest rangers, firefighter
812 rotorcraft pilots, and other employees who may, at the Florida
813 Forest Service's discretion, be certified as forestry
814 firefighters pursuant to s. 633.35(4). Other provisions of law
815 notwithstanding, center managers, district managers, forest
816 protection assistant bureau chief, and deputy chiefs of field
817 operations shall have Selected Exempt Service status in the

818 state personnel designation;

819 (e) To develop a training curriculum for forestry
820 firefighters which must contain the basic volunteer structural
821 fire training course approved by the Florida State Fire College
822 of the Division of State Fire Marshal and a minimum of 250 hours
823 of wildfire training;

824 (f) To make rules to accomplish the purposes of this
825 chapter;

826 (g) To provide fire management services and emergency
827 response assistance and to set and charge reasonable fees for
828 performance of those services. Moneys collected from such fees
829 shall be deposited into the Incidental Trust Fund of the Florida
830 Forest Service; ~~and~~

831 (h) To require all state, regional, and local government
832 agencies operating aircraft in the vicinity of an ongoing
833 wildfire to operate in compliance with the applicable state
834 Wildfire Aviation Plan; and

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

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

844 (3) Employees of the Florida Forest Service and of
845 federal, state, and local agencies, and all other persons and

846 entities that are under contract or agreement with the Florida
847 Forest Service to assist in firefighting operations as well as
848 those entities, called upon by the Florida Forest Service to
849 assist in firefighting may, in the performance of their duties,
850 set counterfires, remove fences and other obstacles, dig
851 trenches, cut firelines, use water from public and private
852 sources, and carry on all other customary activities in the
853 fighting of wildfires without incurring liability to any person
854 or entity. The manner in which the Florida Forest Service
855 monitors a smoldering wildfire, smoldering prescribed fire, or
856 fights any wildfire are planning level activities for which
857 sovereign immunity applies and is not waived.

858 (7) The Florida Forest Service may organize, staff, equip,
859 and operate the Florida ~~Center for Wildfire and Forest Resources~~
860 ~~Management~~ Training Center. The center shall serve as a site
861 where fire and forest resource managers can obtain current
862 knowledge, techniques, skills, and theory as they relate to
863 their respective disciplines.

864 (a) The center may establish cooperative efforts involving
865 federal, state, and local entities; hire appropriate personnel;
866 and engage others by contract or agreement with or without
867 compensation to assist in carrying out the training and
868 operations of the center.

869 (b) The center shall provide wildfire suppression training
870 opportunities for rural fire departments, volunteer fire
871 departments, and other local fire response units.

872 (c) The center will focus on curriculum related to, but
873 not limited to, fuel reduction, an incident management system,

874 prescribed burning certification, multiple-use land management,
 875 water quality, forest health, environmental education, and
 876 wildfire suppression training for structural firefighters.

877 (d) The center may assess appropriate fees for food,
 878 lodging, travel, course materials, and supplies in order to meet
 879 its operational costs and may grant free meals, room, and
 880 scholarships to persons and other entities in exchange for
 881 instructional assistance.

882 ~~(c) An advisory committee consisting of the following~~
 883 ~~individuals or their designees must review program curriculum,~~
 884 ~~course content, and scheduling: the director of the Florida~~
 885 ~~Forest Service; the assistant director of the Florida Forest~~
 886 ~~Service; the director of the School of Forest Resources and~~
 887 ~~Conservation of the University of Florida; the director of the~~
 888 ~~Division of Recreation and Parks of the Department of~~
 889 ~~Environmental Protection; the director of the Division of the~~
 890 ~~State Fire Marshal; the director of the Florida Chapter of The~~
 891 ~~Nature Conservancy; the executive vice president of the Florida~~
 892 ~~Forestry Association; the president of the Florida Farm Bureau~~
 893 ~~Federation; the executive director of the Fish and Wildlife~~
 894 ~~Conservation Commission; the executive director of a water~~
 895 ~~management district as appointed by the Commissioner of~~
 896 ~~Agriculture; the supervisor of the National Forests in Florida;~~
 897 ~~the president of the Florida Fire Chief's Association; and the~~
 898 ~~executive director of the Tall Timbers Research Station.~~

899 (10) (a) Notwithstanding the provisions of s. 252.38, the
 900 Florida Forest Service has exclusive authority to require and
 901 issue authorizations for broadcast burning and agricultural and

902 silvicultural pile burning. An agency, commission, department,
 903 county, municipality, or other political subdivision of the
 904 state may not adopt or enforce laws, regulations, rules, or
 905 policies pertaining to broadcast burning or agricultural and
 906 silvicultural pile burning ~~unless an emergency order is declared~~
 907 ~~in accordance with s. 252.38(3).~~

908 (b) The Florida Forest Service may delegate to a county,
 909 ~~or~~ municipality, or special district its authority:r

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

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

917 Section 20. Subsection (1) of section 590.11, Florida
 918 Statutes, is amended to read:

919 590.11 Recreational fires.—

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

924 Section 21. Subsections (1) and (2), paragraphs (b) and
 925 (c) of subsection (3), and paragraph (a) of subsection (4) of
 926 section 590.125, Florida Statutes, are amended to read:

927 590.125 Open burning authorized by the Florida Forest
 928 Service.—

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

930 (a) "Certified pile burner" means an individual who
 931 successfully completes the pile burning certification program of
 932 the Florida Forest Service and possesses a valid pile burner
 933 certification number.

934 (b) "Certified pile burning" means a pile burn conducted
 935 in accordance with a written pile burning plan by a certified
 936 pile burner.

937 (c)~~(b)~~ "Certified prescribed burn manager" means an
 938 individual who successfully completes the certified prescribed
 939 burning program of the Florida Forest Service and possesses a
 940 valid certification number.

941 (d) "Certified prescribed burning" means prescribed
 942 burning in accordance with a written prescription conducted by a
 943 certified prescribed burn manager.

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

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

947 1. Broadcast burning, no continued lateral movement of
 948 fire across the authorized area into entirely unburned fuels
 949 within the authorized area ~~Wildland burning or certified~~
 950 ~~prescribed burning, no spreading flames exist.~~

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

953 3. Certified pile ~~Vegetative land-clearing debris~~ burning
 954 or pile burning in an area designated as smoke sensitive by the
 955 Florida Forest Service, no visible flames, smoke, or emissions
 956 exist.

957 (g) "Gross negligence" means conduct so reckless or

958 wanting in care that it constitutes a conscious disregard or
959 indifference to the life, safety, or rights of persons exposed
960 to such conduct.

961 ~~(d) "Land-clearing operation" means the uprooting or~~
962 ~~clearing of vegetation in connection with the construction of~~
963 ~~buildings and rights-of-way, land development, and mineral~~
964 ~~operations. The term does not include the clearing of yard~~
965 ~~trash.~~

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

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

974 (j)(f) "Prescribed burning" means the controlled
975 application of fire by broadcast burning ~~in accordance with a~~
976 written prescription for vegetative fuels under specified
977 environmental conditions, while following appropriate
978 precautionary measures to guard against the spread of fire
979 beyond the ~~that ensure that the fire is confined to a~~
980 predetermined area to accomplish the planned fire or land
981 management objectives.

982 (k)(g) "Prescription" means a written plan establishing
983 the conditions and methods for conducting ~~criteria necessary for~~
984 starting, controlling, and extinguishing a certified prescribed
985 burn.

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

988 (m)~~(h)~~ "Yard trash" means vegetative matter resulting from
 989 landscaping and yard maintenance operations and other such
 990 routine property cleanup activities. The term includes materials
 991 such as leaves, shrub trimmings, grass clippings, brush, and
 992 palm fronds.

993 (2) NONCERTIFIED BURNING.—

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

997 1. There is specific consent of the landowner or his or
 998 her designee;

999 2. Authorization has been obtained from the Florida Forest
 1000 Service or its designated agent before starting the burn;

1001 3. There are adequate firebreaks at the burn site and
 1002 sufficient personnel and firefighting equipment for the
 1003 containment ~~control~~ of the fire;

1004 4. The fire remains within the boundary of the authorized
 1005 area;

1006 5. The person named responsible in the burn authorization
 1007 or a designee ~~An authorized person~~ is present at the burn site
 1008 until the fire is completed ~~extinguished~~;

1009 6. The Florida Forest Service does not cancel the
 1010 authorization; and

1011 7. The Florida Forest Service determines that air quality
 1012 and fire danger are favorable for safe burning.

1013 (b) A person who broadcast burns or pile burns ~~wild land~~

1014 ~~or vegetative land-clearing debris~~ in a manner that violates any
 1015 requirement of this subsection commits a misdemeanor of the
 1016 second degree, punishable as provided in s. 775.082 or s.
 1017 775.083.

1018 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 1019 PURPOSE.—

1020 (b) Certified prescribed burning pertains only to
 1021 broadcast burning for purposes of silviculture, wildland fire
 1022 hazard reduction, wildlife management, ecological maintenance
 1023 and restoration, and agriculture ~~range and pasture management~~.

1024 It must be conducted in accordance with this subsection and:

1025 1. May be accomplished only when a certified prescribed
 1026 burn manager is present on site with a copy of the prescription
 1027 and directly supervises the certified prescribed burn until the
 1028 burn is completed, after which the certified prescribed burn
 1029 manager is not required to be present ~~from ignition of the burn~~
 1030 ~~to its completion~~.

1031 2. Requires that a written prescription be prepared before
 1032 receiving authorization to burn from the Florida Forest Service.

1033 a. A new prescription or authorization is not required for
 1034 smoldering that occurs within the authorized burn area unless
 1035 new ignitions are conducted by the certified prescribed burn
 1036 manager.

1037 b. Monitoring the smoldering activity of a certified
 1038 prescribed burn does not require a prescription or an additional
 1039 authorization even if flames begin to spread within the
 1040 authorized burn area due to ongoing smoldering.

1041 3. Requires that the specific consent of the landowner or

1042 his or her designee be obtained before requesting an
 1043 authorization.

1044 4. Requires that an authorization to burn be obtained from
 1045 the Florida Forest Service before igniting the burn.

1046 5. Requires that there be adequate firebreaks at the burn
 1047 site and sufficient personnel and firefighting equipment to
 1048 contain for the control of the fire within the authorized burn
 1049 area.

1050 a. Fire spreading outside the authorized burn area on the
 1051 day of the certified prescribed burn ignition does not
 1052 constitute conclusive proof of inadequate firebreaks,
 1053 insufficient personnel, or a lack of firefighting equipment.

1054 b. If the certified prescribed burn is contained within
 1055 the authorized burn area during the authorized period, a strong
 1056 rebuttable presumption shall exist that adequate firebreaks,
 1057 sufficient personnel, and sufficient firefighting equipment were
 1058 present.

1059 c. Continued smoldering of a certified prescribed burn
 1060 resulting in a subsequent wildfire does not by itself constitute
 1061 evidence of gross negligence under this section.

1062 6. Is considered to be in the public interest and does not
 1063 constitute a public or private nuisance when conducted under
 1064 applicable state air pollution statutes and rules.

1065 7. Is considered to be a property right of the property
 1066 owner if vegetative fuels are burned as required in this
 1067 subsection.

1068 (c) ~~Neither~~ A property owner or leaseholder or ~~nor~~ his or
 1069 her agent, contractor, or legally authorized designee is not

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1070 liable pursuant to s. 590.13 for damage or injury caused by the
1071 fire, including the reignition of a smoldering, previously
1072 contained burn, or resulting smoke or considered to be in
1073 violation of subsection (2) for burns conducted in accordance
1074 with this subsection, unless gross negligence is proven. The
1075 Florida Forest Service is not liable for burns for which it
1076 issues authorizations.

1077 (4) CERTIFIED PILE BURNING.—

1078 (a) Certified pile burning pertains to the disposal of
1079 piled, naturally occurring debris from an agricultural,
1080 silvicultural, ~~or temporary~~ land-clearing, or tree cutting
1081 debris originating on site operation. ~~A land-clearing operation~~
1082 ~~is temporary if it operates for 6 months or less.~~ Certified pile
1083 burning must be conducted in accordance with the following:

1084 1. A certified pile burner must ensure, before ignition,
1085 that the piles are properly placed and that the content of the
1086 piles is conducive to efficient burning.

1087 2. A certified pile burner must ensure that the authorized
1088 burn is completed ~~piles are properly extinguished~~ no later than
1089 1 hour after sunset. If the burn is conducted in an area
1090 designated by the Florida Forest Service as smoke sensitive, a
1091 certified pile burner must ensure that the authorized burn is
1092 completed ~~piles are properly extinguished~~ at least 1 hour before
1093 sunset.

1094 3. A written pile burning plan must be prepared before
1095 receiving authorization from the Florida Forest Service to burn
1096 and must be on site and available for inspection by a department
1097 representative.

1098 4. The specific consent of the landowner or his or her
 1099 agent must be obtained before requesting authorization to burn.

1100 5. An authorization to burn must be obtained from the
 1101 Florida Forest Service or its designated agent before igniting
 1102 the burn.

1103 6. There must be adequate firebreaks and sufficient
 1104 personnel and firefighting equipment at the burn site to contain
 1105 the burn to the piles authorized ~~control the fire.~~

1106 Section 22. Section 590.25, Florida Statutes, is amended
 1107 to read:

1108 590.25 Penalty for ~~preventing or~~ obstructing the
 1109 prevention, detection, or suppression ~~extinguishment~~ of
 1110 wildfires.—Whoever interferes ~~shall interfere~~ with, obstructs
 1111 ~~obstruct~~ or commits ~~commit~~ any act aimed to obstruct the
 1112 prevention, detection, or suppression ~~extinguishment~~ of
 1113 wildfires by the employees of the Florida Forest Service or any
 1114 other person engaged in the prevention, detection, or
 1115 suppression ~~extinguishment~~ of a wildfire, or who damages or
 1116 destroys any equipment being used for such purpose, commits
 1117 ~~shall be guilty of~~ a felony of the third degree, punishable as
 1118 provided in s. 775.082, s. 775.083, or s. 775.084.

1119 Section 23. Chapter 595, Florida Statutes, is created,
 1120 shall consist of sections 595.401-595.701, Florida Statutes, and
 1121 shall be entitled "School Food and Nutrition Services."

1122 Section 24. Section 595.401, Florida Statutes, is created
 1123 to read:

1124 595.401 Short title.—This chapter may be cited as the
 1125 "Florida School Food and Nutrition Act."

1126 Section 25. Section 595.402, Florida Statutes, is created
 1127 to read:

1128 595.402 Definitions.—As used in this chapter, the term:

1129 (1) "Commissioner" means the Commissioner of Agriculture.

1130 (2) "Department" means the Department of Agriculture and
 1131 Consumer Services.

1132 (3) "Program" means any one or more of the school food and
 1133 nutrition service programs that the department has
 1134 responsibility over including, but not limited to, the National
 1135 School Lunch Program, the Special Milk Program, the School
 1136 Breakfast Program, the Summer Food Service Program, the Fresh
 1137 Fruit and Vegetable Program, and any other program that relates
 1138 to school nutrition.

1139 (4) "School district" means any of the 67 county school
 1140 districts, including the respective district school board.

1141 (5) "Sponsor" means any entity that is conducting a
 1142 program under a current agreement with the department.

1143 Section 26. Section 595.403, Florida Statutes, is created
 1144 to read:

1145 595.403 State policy.—The Legislature, in recognition of
 1146 the demonstrated relationship between good nutrition and the
 1147 capacity of students to develop and learn, declares that it is
 1148 the policy of the state to provide standards for school food and
 1149 nutrition services and to require each school district to
 1150 establish and maintain an appropriate school food and nutrition
 1151 service program consistent with the nutritional needs of
 1152 students. To implement that policy, the state shall provide
 1153 funds to meet the state National School Lunch Act matching

1154 requirements. The funds provided shall be distributed in such a
 1155 manner as to comply with the requirements of the National School
 1156 Lunch Act.

1157 Section 27. Section 570.98, Florida Statutes, is
 1158 transferred, renumbered as section 595.404, Florida Statutes,
 1159 and amended to read:

1160 595.404 ~~570.98~~ School food and nutrition service program;
 1161 powers and duties of the department ~~programs.~~

1162 ~~(1)~~ The department has the following powers and duties:
 1163 ~~shall~~

1164 (1) To conduct, supervise, and administer the program ~~all~~
 1165 ~~school food and nutrition programs~~ that will be carried out
 1166 using federal or state funds, or funds from any other source.

1167 (2) To fully ~~The department shall~~ cooperate ~~fully~~ with the
 1168 United States Government and its agencies and instrumentalities
 1169 so that the department may receive the benefit of all federal
 1170 financial allotments and assistance possible to carry out the
 1171 purposes of this chapter.

1172 (3) To implement and adopt by rule, as required, federal
 1173 regulations to maximize federal assistance for the program. ~~The~~
 1174 ~~department may~~

1175 (4) To act as agent of, or contract with, the Federal
 1176 Government, another state agency, or any county or municipal
 1177 government, or sponsor for the administration of the program
 1178 ~~school food and nutrition programs~~, including the distribution
 1179 of funds provided by the Federal Government to support the
 1180 program ~~school food and nutrition programs~~.

1181 (5) To make a reasonable effort to ensure that any school

1182 designated as a "severe need school" receives the highest rate
1183 of reimbursement to which it is entitled under 42 U.S.C. s. 1773
1184 for each breakfast meal served.

1185 (6) To develop and propose legislation necessary to
1186 implement the program, encourage the development of innovative
1187 school food and nutrition services, and expand participation in
1188 the program.

1189 (7) To annually allocate among the sponsors, as
1190 applicable, funds provided from the school breakfast supplement
1191 in the General Appropriations Act based on each district's total
1192 number of free and reduced-price breakfast meals served.

1193 (8) To employ such persons as are necessary to perform its
1194 duties under this chapter.

1195 (9) To adopt rules covering the administration, operation,
1196 and enforcement of the program as well as to implement the
1197 provisions of this chapter.

1198 (10) To adopt and implement an appeal process by rule, as
1199 required by federal regulations, for applicants and participants
1200 under the program, notwithstanding s. 120.569 and ss. 120.57-
1201 120.595.

1202 (11) To assist, train, and review each sponsor in its
1203 implementation of the program.

1204 (12) To advance funds from the program's annual
1205 appropriation to sponsors, when requested, in order to implement
1206 the provisions of this chapter and in accordance with federal
1207 regulations.

1208 Section 28. Subsections (1) through (5) of section
1209 570.981, Florida Statutes, are transferred, renumbered as

1210 section 595.405, Florida Statutes, and amended to read:

1211 595.405 ~~570.981~~ Program requirements for school districts
 1212 and sponsors food service programs.—

1213 ~~(1) In recognition of the demonstrated relationship~~
 1214 ~~between good nutrition and the capacity of students to develop~~
 1215 ~~and learn, it is the policy of the state to provide standards~~
 1216 ~~for school food service and to require district school boards to~~
 1217 ~~establish and maintain an appropriate private school food~~
 1218 ~~service program consistent with the nutritional needs of~~
 1219 ~~students.~~

1220 ~~(2) The department shall adopt rules covering the~~
 1221 ~~administration and operation of the school food service~~
 1222 ~~programs.~~

1223 (1)~~(3)~~ Each school district ~~school board~~ shall consider
 1224 the recommendations of the district school superintendent and
 1225 adopt policies to provide for an appropriate food and nutrition
 1226 service program for students consistent with federal law and
 1227 department rules ~~rule~~.

1228 ~~(4) The state shall provide the state National School~~
 1229 ~~Lunch Act matching requirements. The funds provided shall be~~
 1230 ~~distributed in such a manner as to comply with the requirements~~
 1231 ~~of the National School Lunch Act.~~

1232 (2)~~(5)~~~~(a)~~ Each school district ~~school board~~ shall
 1233 implement school breakfast programs that make breakfast meals
 1234 available to all students in each elementary school. Universal
 1235 school breakfast programs shall be offered in schools in which
 1236 80 percent or more of the students are eligible for free or
 1237 reduced-price meals. Each school shall, to the maximum extent

1238 practicable, make breakfast meals available to students at an
1239 alternative site location, which may include, but need not be
1240 limited to, alternative breakfast options as described in
1241 publications of the Food and Nutrition Service of the United
1242 States Department of Agriculture for the federal School
1243 Breakfast Program.

1244 (3)~~(b)~~ Each school district must annually set prices for
1245 breakfast meals at rates that, combined with federal
1246 reimbursements and state allocations, are sufficient to defray
1247 costs of school breakfast programs without requiring allocations
1248 from the district's operating funds, except if the district
1249 school board approves lower rates.

1250 (4)~~(e)~~ Each school district ~~school board~~ is encouraged to
1251 provide universal-free school breakfast meals to all students in
1252 each elementary, middle, and high school. Each school district
1253 ~~school board~~ shall approve or disapprove a policy, after
1254 receiving public testimony concerning the proposed policy at two
1255 or more regular meetings, which makes universal-free school
1256 breakfast meals available to all students in each elementary,
1257 middle, and high school in which 80 percent or more of the
1258 students are eligible for free or reduced-price meals.

1259 (5)~~(d)~~ Each elementary, middle, and high school shall make
1260 a breakfast meal available if a student arrives at school on the
1261 ~~school~~ bus less than 15 minutes before the first bell rings and
1262 shall allow the student at least 15 minutes to eat the
1263 breakfast.

1264 (6)~~(e)~~ Each school district shall annually provide to all
1265 students in each elementary, middle, and high school information

1266 prepared by the district's food service administration regarding
 1267 its school breakfast programs. The information shall be
 1268 communicated through school announcements and written notices
 1269 ~~notice~~ sent to all parents.

1270 ~~(7)(f)~~ A school district ~~school board~~ may operate a
 1271 breakfast program providing for food preparation at the school
 1272 site or in central locations with distribution to designated
 1273 satellite schools or any combination thereof.

1274 (8) Each sponsor shall complete all corrective action
 1275 plans required by the department or a federal agency to be in
 1276 compliance with the program.

1277 ~~(g) The commissioner shall make every reasonable effort to~~
 1278 ~~ensure that any school designated as a "severe need school"~~
 1279 ~~receives the highest rate of reimbursement to which it is~~
 1280 ~~entitled under 42 U.S.C. s. 1773 for each breakfast meal served.~~

1281 ~~(h) The department shall annually allocate among the~~
 1282 ~~school districts funds provided from the school breakfast~~
 1283 ~~supplement in the General Appropriations Act based on each~~
 1284 ~~district's total number of free and reduced price breakfast~~
 1285 ~~meals served.~~

1286 Section 29. Subsection (6) of section 570.981, Florida
 1287 Statutes, is transferred, renumbered as section 595.406, Florida
 1288 Statutes, and amended to read:

1289 595.406 ~~570.981~~ Florida Farm Fresh Schools Program School
 1290 ~~food service programs.-~~

1291 ~~(6) The Legislature, recognizing that school children need~~
 1292 ~~nutritious food not only for healthy physical and intellectual~~
 1293 ~~development but also to combat diseases related to poor~~

1294 ~~nutrition and obesity, establishes the Florida Farm Fresh~~
 1295 ~~Schools Program within the department. The program shall comply~~
 1296 ~~with the regulations of the National School Lunch Program and~~
 1297 ~~require:~~

1298 (1)(a) In order to implement the Florida Farm Fresh
 1299 Schools Program, the department shall ~~to~~ develop policies
 1300 pertaining to school food services which encourage:

1301 (a)1. Sponsors ~~School districts~~ to buy fresh and high-
 1302 quality foods grown in this state when feasible.

1303 (b)2. Farmers in this state to sell their products to
 1304 sponsors, school districts, and schools.

1305 (c)3. Sponsors ~~School districts and schools~~ to demonstrate
 1306 a preference for competitively priced organic food products.

1307 (d)(b) Sponsors ~~School districts and schools~~ to make
 1308 reasonable efforts to select foods based on a preference for
 1309 those that have maximum nutritional content.

1310 (2)(e) The department shall ~~to~~ provide outreach, guidance,
 1311 and training to sponsors ~~school districts,~~ schools, school food
 1312 service directors, parent and teacher organizations, and
 1313 students about the benefit ~~benefits~~ of fresh food products from
 1314 farms in this state.

1315 Section 30. Section 570.982, Florida Statutes, is
 1316 transferred, renumbered as section 595.407, Florida Statutes,
 1317 and amended to read:

1318 595.407 ~~570.982~~ Children's summer nutrition program.—

1319 (1) This section may be cited as the "Ms. Willie Ann Glenn
 1320 Act."

1321 (2) Each school district ~~school board~~ shall develop a plan

1322 to sponsor a summer nutrition program to operate sites in the
1323 school district as follows:

1324 (a) Within 5 miles of at least one elementary school at
1325 which 50 percent or more of the students are eligible for free
1326 or reduced-price school meals and for the duration of 35
1327 consecutive days, ~~and~~

1328 (b) ~~Except as operated pursuant to paragraph (a),~~ Within
1329 10 miles of each elementary school at which 50 percent or more
1330 of the students are eligible for free or reduced-price school
1331 meals, except as operated pursuant to paragraph (a).

1332 (3) (a) A school district ~~school board~~ may be exempt from
1333 sponsoring a summer nutrition program pursuant to this section.
1334 A school district ~~school board~~ seeking such exemption must
1335 include the issue on an agenda at a regular or special school
1336 district ~~school board~~ meeting that is publicly noticed, provide
1337 residents an opportunity to participate in the discussion, and
1338 vote on whether to be exempt from this section. The school
1339 district ~~school board~~ shall notify the department commissioner
1340 within 10 days after it decides to become exempt from this
1341 section.

1342 (b) Each year, the school district ~~school board~~ shall
1343 reconsider its decision to be exempt from the provisions of this
1344 section and shall vote on whether to continue the exemption from
1345 sponsoring a summer nutrition program. The school district
1346 ~~school board~~ shall notify the department commissioner within 10
1347 days after each subsequent year's decision to continue the
1348 exemption.

1349 (c) If a school district ~~school board~~ elects to be exempt

1350 from sponsoring a summer nutrition program under this section,
 1351 the school district ~~school board~~ may encourage not-for-profit
 1352 entities to sponsor the program. If a not-for-profit entity
 1353 chooses to sponsor the summer nutrition program but fails to
 1354 perform with regard to the program, ~~the district school board,~~
 1355 the school district, and the department are not required to
 1356 continue the program and shall be held harmless from any
 1357 liability arising from the discontinuation of the summer
 1358 nutrition program.

1359 (4) The superintendent of schools may collaborate with
 1360 municipal and county governmental agencies and private, not-for-
 1361 profit leaders in implementing the plan. Although schools have
 1362 proven to be the optimal site for a summer nutrition program,
 1363 any not-for-profit entity may serve as a site or sponsor. By
 1364 April 15 of each year, each school district with a summer
 1365 nutrition program shall report to the department the district's
 1366 summer nutrition program sites in compliance with this section.

1367 (5) The department shall provide to each school district
 1368 ~~school board~~ by February 15 of each year a list of local
 1369 organizations that have filed letters of intent to participate
 1370 in the summer nutrition program in order that a school district
 1371 may ~~school board is able to~~ determine how many sites are needed
 1372 to serve the children and where to place each site.

1373 Section 31. Section 570.072, Florida Statutes, is
 1374 transferred, renumbered as section 595.408, Florida Statutes,
 1375 and amended to read:

1376 595.408 ~~570.072~~ Commodity distribution services;
 1377 ~~responsibility of~~ department responsibilities and functions.-

1378 (1) (a) The department shall conduct, supervise, and
 1379 administer all commodity distribution services that will be
 1380 carried on using federal or state funds, or funds from any other
 1381 source, or commodities received and distributed from the United
 1382 States or any of its agencies.

1383 (b) The department shall determine the benefits each
 1384 applicant or recipient of assistance is entitled to receive
 1385 under this chapter, provided that each applicant or recipient is
 1386 a resident of this state and a citizen of the United States or
 1387 is an alien lawfully admitted for permanent residence or
 1388 otherwise permanently residing in the United States under color
 1389 of law.

1390 (2) The department shall cooperate fully with the United
 1391 States Government and its agencies and instrumentalities so that
 1392 the department may receive the benefit of all federal financial
 1393 allotments and assistance possible to carry out the purposes of
 1394 this chapter.

1395 (3) The department may:

1396 (a) Accept any duties with respect to commodity
 1397 distribution services as are delegated to it by an agency of the
 1398 federal government or any state, county, or municipal
 1399 government.†

1400 (b) Act as agent of, or contract with, the federal
 1401 government, state government, or any county or municipal
 1402 government in the administration of commodity distribution
 1403 services to secure the benefits of any public assistance that is
 1404 available from the federal government or any of its agencies,
 1405 and in the distribution of funds received from the federal

1406 government, state government, or any county or municipal
 1407 government for commodity distribution services within the
 1408 state. ~~and~~

1409 (c) Accept from any person or organization all offers of
 1410 personal services, commodities, or other aid or assistance.

1411 (4) This chapter does not limit, abrogate, or abridge the
 1412 powers and duties of any other state agency.

1413 Section 32. Section 595.501, Florida Statutes, is created
 1414 to read:

1415 595.501 Penalties.-Any person, sponsor, or school district
 1416 that violates any provision of this chapter or any rule adopted
 1417 thereunder or otherwise does not comply with the program is
 1418 subject to a suspension or revocation of their agreement, loss
 1419 of reimbursement, or a financial penalty in accordance with
 1420 federal or state law or both. This section does not restrict the
 1421 applicability of any other law.

1422 Section 33. Section 570.983, Florida Statutes, is
 1423 transferred, renumbered as section 595.601, Florida Statutes,
 1424 and amended to read:

1425 595.601 ~~570.983~~ Food and Nutrition Services Trust Fund.-
 1426 Chapter 99-37, Laws of Florida, recreated the Food and Nutrition
 1427 Services Trust Fund to record revenue and disbursements of
 1428 Federal Food and Nutrition funds received by the department as
 1429 authorized in s. 595.405 ~~570.981~~.

1430 Section 34. Section 570.984, Florida Statutes, is
 1431 transferred and renumbered as section 595.701, Florida Statutes,
 1432 to read:

1433 595.701 ~~570.984~~ Healthy Schools for Healthy Lives

1434 Council.—

1435 (1) There is created within the Department of Agriculture
 1436 and Consumer Services the Healthy Schools for Healthy Lives
 1437 Council, which shall consist of 11 members appointed by the
 1438 Commissioner of Agriculture. The council shall advise the
 1439 department on matters relating to nutritional standards and the
 1440 prevention of childhood obesity, nutrition education,
 1441 anaphylaxis, and other needs to further the development of the
 1442 various school nutrition programs.

1443 (2) The meetings, powers, duties, procedures, and
 1444 recordkeeping of the Healthy Schools for Healthy Lives Council
 1445 shall be governed by s. 570.0705, relating to advisory
 1446 committees established within the department.

1447 Section 35. Subsection (16) of section 1001.42, Florida
 1448 Statutes, is amended to read:

1449 1001.42 Powers and duties of district school board.—The
 1450 district school board, acting as a board, shall exercise all
 1451 powers and perform all duties listed below:

1452 (16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities
 1453 and exercise such powers and perform such duties as may be
 1454 assigned to it by law or as may be required by rules of the
 1455 Department of Agriculture and Consumer Services ~~State Board of~~
 1456 ~~Education~~ or, as in the opinion of the district school board,
 1457 are necessary to ensure school lunch services, consistent with
 1458 needs of students; effective and efficient operation of the
 1459 program; and the proper articulation of the school lunch program
 1460 with other phases of education in the district.

1461 Section 36. Subsection (1) of section 1003.453, Florida

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1462 Statutes, is amended to read:

1463 1003.453 School wellness and physical education policies;
1464 nutrition guidelines.—

1465 (1) Each school district shall electronically submit ~~to~~
1466 ~~the Department of Education a copy of its~~ local school wellness
1467 policy to the Department of Agriculture and Consumer Services as
1468 ~~required by the Child Nutrition and WIC Reauthorization Act of~~
1469 ~~2004 and a copy of its~~ physical education policy required under
1470 s. 1003.455 to the Department of Education. Each school district
1471 shall annually review its local school wellness policy and
1472 physical education policy and provide a procedure for public
1473 input and revisions. In addition, each school district shall
1474 provide its revised local school ~~send an updated copy of its~~
1475 wellness policy and revised physical education policy to the
1476 applicable department ~~and to the Department of Agriculture and~~
1477 ~~Consumer Services~~ when a change or revision is made.

1478 Section 37. Sections 487.0615, 570.382, 570.97, and
1479 590.50, Florida Statutes, are repealed.

1480 Section 38. Subsection (5) of section 487.041, Florida
1481 Statutes, is amended to read:

1482 487.041 Registration.—

1483 ~~(5) The department shall provide summary information to~~
1484 ~~the Pesticide Review Council regarding applications for~~
1485 ~~registration of those pesticides for which data received in the~~
1486 ~~registration process indicate that the pesticide, when used~~
1487 ~~according to label instructions and precautions, may have a~~
1488 ~~significant potential for adverse effects on human health or the~~
1489 ~~environment. The council shall be kept apprised of the status of~~

1490 ~~these applications while under review and of the final action by~~
 1491 ~~the Commissioner of Agriculture regarding the registration of~~
 1492 ~~these pesticides.~~

1493 Section 39. Paragraph (b) of subsection (8) of section
 1494 550.2625, Florida Statutes, is amended to read:

1495 550.2625 Horseracing; minimum purse requirement, Florida
 1496 breeders' and owners' awards.—

1497 (8)

1498 ~~(b) The division shall deposit these collections to the~~
 1499 ~~credit of the General Inspection Trust Fund in a special account~~
 1500 ~~to be known as the "Florida Arabian Horse Racing Promotion~~
 1501 ~~Account." The Department of Agriculture and Consumer Services~~
 1502 ~~shall administer the funds and adopt suitable and reasonable~~
 1503 ~~rules for the administration thereof. The moneys in the Florida~~
 1504 ~~Arabian Horse Racing Promotion Account shall be allocated solely~~
 1505 ~~for supplementing and augmenting purses and prizes and for the~~
 1506 ~~general promotion of owning and breeding of racing Arabian~~
 1507 ~~horses in this state; and the moneys may not be used to defray~~
 1508 ~~any expense of the Department of Agriculture and Consumer~~
 1509 ~~Services in the administration of this chapter, except that the~~
 1510 ~~moneys generated by Arabian horse registration fees received~~
 1511 ~~pursuant to s. 570.382 may be used as provided in paragraph~~
 1512 ~~(5)(b) of that section.~~

1513 Section 40. Paragraphs (b) and (c) of subsection (2) of
 1514 section 550.2633, Florida Statutes, are amended to read:

1515 550.2633 Horseracing; distribution of abandoned interest
 1516 in or contributions to pari-mutuel pools.—

1517 (2) All moneys or other property which has escheated to

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1518 and become the property of the state as provided herein and
 1519 which is held by a permitholder authorized to conduct pari-
 1520 mutuel pools in this state shall be paid annually by the
 1521 permitholder to the recipient designated in this subsection
 1522 within 60 days after the close of the race meeting of the
 1523 permitholder. Section 550.1645 notwithstanding, the moneys shall
 1524 be paid by the permitholder as follows:

1525 (b) ~~Except as provided in paragraph (c),~~ Funds from
 1526 quarter horse races shall be paid to the Florida Quarter Horse
 1527 Breeders and Owners Association and shall be allocated solely
 1528 for supplementing and augmenting purses and prizes and for the
 1529 general promotion of owning and breeding of racing quarter
 1530 horses in this state, as provided for in s. 550.2625.

1531 ~~(c) Funds for Arabian horse races conducted under a~~
 1532 ~~quarter horse racing permit shall be deposited into the General~~
 1533 ~~Inspection Trust Fund in a special account to be known as the~~
 1534 ~~"Florida Arabian Horse Racing Promotion Account" and shall be~~
 1535 ~~used for the payment of breeders' awards and stallion awards as~~
 1536 ~~provided for in s. 570.382.~~

1537 Section 41. In order to effectuate the repeal of s.
 1538 570.97, Florida Statutes, and to honor the wishes of the donor,
 1539 for the 2013-2014 fiscal year, the sum of \$59,239 in
 1540 nonrecurring funds is appropriated to the Department of
 1541 Agriculture and Consumer Services in the expenses appropriation
 1542 category for deposit in the General Inspection Trust Fund to be
 1543 used by the Division of Animal Industry for disbursement to
 1544 Florida Animal Friend, Inc.

1545 Section 42. This act shall take effect upon becoming a

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1546 | law.