



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; amending s.  
13          259.10521, F.S.; revising provisions relating to the  
14          citizen support organization for the Babcock Ranch  
15          Preserve and use of the ranch property; amending s.  
16          259.1053, F.S.; revising provisions of the Babcock  
17          Preserve Ranch Act to conform to the termination or  
18          expiration of the management agreement and the  
19          dissolution of Babcock Ranch, Inc.; creating the  
20          Babcock Ranch Advisory Group; providing for the  
21          department to manage and operate the preserve;  
22          requiring certain fees to be deposited into the  
23          Incidental Trust Fund of the Florida Forest Service,  
24          subject to appropriation; directing the Fish and  
25          Wildlife Commission, in cooperation with the Florida  
26          Forest Service, to establish, implement, and  
27          administer certain activities and fees; requiring such  
28          fees to be deposited into the State Game Trust Fund of



29 | the Fish and Wildlife Conservation Commission and used  
30 | for specified purposes; authorizing the Board of  
31 | Trustees of the Internal Improvement Trust Fund to  
32 | negotiate and enter into certain agreements and grant  
33 | certain privileges, leases, concessions, and permits;  
34 | providing for transfer of the Babcock Ranch, Inc., to  
35 | the department upon dissolution of the corporation;  
36 | providing for certain funds to revert to the  
37 | Incidental Trust Fund of the Florida Forest Service  
38 | upon such dissolution; amending s. 388.261, F.S.;  
39 | revising provisions for the distribution and use of  
40 | state funds for local mosquito control programs;  
41 | amending s. 388.271, F.S.; revising the date by which  
42 | mosquito control districts must submit their certified  
43 | budgets for approval by the department; amending s.  
44 | 487.160, F.S.; deleting provisions requiring the  
45 | department to conduct a survey and compile a report on  
46 | restricted-use pesticides; amending s. 534.083, F.S.;  
47 | deleting permitting requirements for livestock  
48 | haulers; creating s. 570.087, F.S.; providing for the  
49 | department and the Fish and Wildlife Conservation  
50 | Commission to enter into a memorandum of agreement to  
51 | develop best management practices for the agriculture  
52 | industry; authorizing the department to adopt certain  
53 | rules; providing that implementation of such best  
54 | management practices is voluntary; prohibiting  
55 | governmental agencies from adopting or enforcing  
56 | specified ordinances, resolutions, regulations, rules,



57 | or policies; amending s. 570.07, F.S.; clarifying the  
58 | authority of the department to regulate certain open  
59 | burning; creating s. 570.64, F.S.; establishing the  
60 | duties of the Division of Food, Nutrition, and  
61 | Wellness within the department; providing for a  
62 | director of the division; amending s. 570.902, F.S.;  
63 | clarifying the applicability of definitions relating  
64 | to certain designated programs and direct-support  
65 | organizations; amending s. 570.903, F.S.; authorizing  
66 | the department to establish direct-support  
67 | organizations for museums and other programs of the  
68 | department; deleting provisions that limit the  
69 | establishment of direct-support organizations to  
70 | particular museums and programs; deleting provisions  
71 | authorizing direct-support organizations to enter into  
72 | certain contracts or agreements; clarifying provisions  
73 | prohibiting specified entities from receiving  
74 | commissions, fees, or financial benefits in connection  
75 | with the sale or exchange of real property and  
76 | historical objects; providing for the termination of  
77 | agreements between the department and direct-support  
78 | organizations; providing for the distribution of  
79 | certain assets; deleting provisions requiring the  
80 | department to establish certain procedures relating to  
81 | museum artifacts and records; amending s. 576.051,  
82 | F.S.; authorizing the department to establish certain  
83 | criteria for fertilizer sampling and analysis;  
84 | amending s. 576.061, F.S.; requiring the department to



85 | adopt rules establishing certain investigational  
86 | allowances for fertilizer deficiencies; providing a  
87 | date by which such allowances are effective and other  
88 | allowances are repealed; amending s. 576.181, F.S.;  
89 | revising the department's authority to adopt rules  
90 | establishing certain criteria for fertilizer analysis;  
91 | amending s. 585.61, F.S.; deleting provisions for the  
92 | establishment of an animal disease diagnostic  
93 | laboratory in Suwannee County; amending s. 586.10,  
94 | F.S.; authorizing apiary inspectors to be certified  
95 | beekeepers under certain conditions; amending s.  
96 | 586.15, F.S.; providing for the collection and deposit  
97 | of costs related to enforcement of prohibitions  
98 | against the adulteration or misbranding of honey;  
99 | amending s. 589.02, F.S.; deleting annual and special  
100 | meeting requirements for the Florida Forestry Council;  
101 | amending s. 589.19, F.S.; establishing the Operation  
102 | Outdoor Freedom Program within the Florida Forest  
103 | Service to replace provisions for the designation of  
104 | specified hunt areas in state forests for wounded  
105 | veterans and servicemembers; providing purpose and  
106 | intent of the program; providing eligibility  
107 | requirements for program participation; providing  
108 | exceptions from eligibility requirements for certain  
109 | activities; providing for deposit and use of funds  
110 | donated to the program; limiting the liability of  
111 | private landowners who provide land for designation as  
112 | hunting sites for purposes of the program; amending s.



113 | 589.30, F.S.; revising references to certain Florida  
114 | Forest Service personnel titles; amending s. 590.02,  
115 | F.S.; authorizing the Florida Forest Service to allow  
116 | certain types of burning; specifying that sovereign  
117 | immunity applies to certain planning level activities;  
118 | deleting provisions relating to the composition and  
119 | duties of the Florida Forest Training Center advisory  
120 | council; prohibiting government entities from banning  
121 | certain types of burning; authorizing the service to  
122 | delegate authority to special districts to manage  
123 | certain types of burning; revising such authority  
124 | delegated to counties and municipalities; amending s.  
125 | 590.11, F.S.; revising the prohibition on leaving  
126 | certain recreational fires unattended, to which  
127 | penalties apply; amending s. 590.125, F.S.; revising  
128 | and providing definitions relating to open burning  
129 | authorized by the Florida Forest Service; revising  
130 | requirements for noncertified and certified burning;  
131 | limiting the liability of the service and certain  
132 | persons related to certain burns; amending s. 590.25,  
133 | F.S.; revising provisions relating to criminal  
134 | penalties for obstructing the prevention, detection,  
135 | or suppression of wildfires; creating chapter 595,  
136 | F.S., to establish the Florida School Food and  
137 | Nutrition Act; creating s. 595.401, F.S.; providing a  
138 | short title; creating s. 595.402, F.S.; providing  
139 | definitions; creating s. 595.403, F.S.; declaring  
140 | state policy relating to school food and nutrition



141 services; transferring, renumbering, and amending ss.  
142 570.98 and 570.981, F.S., relating to school food and  
143 nutrition services and the Florida Farm Fresh Schools  
144 Program; revising the department's duties and  
145 responsibilities for administering such services and  
146 program; revising requirements for school districts  
147 and sponsors; transferring, renumbering, and amending  
148 s. 570.982, F.S., relating to the children's summer  
149 nutrition program; clarifying provisions;  
150 transferring, renumbering, and amending s. 570.072,  
151 F.S., relating to the authority of the department to  
152 conduct, supervise, and administer commodity  
153 distribution services for school food and nutrition  
154 services; creating s. 595.501, F.S.; providing certain  
155 penalties; transferring, renumbering, and amending s.  
156 570.983, relating to the Food and Nutrition Services  
157 Trust Fund; conforming a cross-reference; transferring  
158 and renumbering s. 570.984, F.S., relating to the  
159 Healthy Schools for Healthy Lives Council; amending s.  
160 1001.42, F.S.; requiring district school boards to  
161 perform duties relating to school lunch programs as  
162 required by the department's rules; amending s.  
163 1003.453, F.S.; deleting an obsolete provision;  
164 requiring school districts to submit certain policies  
165 to the Department of Agriculture and Consumer Services  
166 and the Department of Education; repealing ss.  
167 487.0615, 570.382, 570.97, and 590.50, F.S., relating  
168 to the Pesticide Review Council, Arabian horse racing



169 and the Arabian Horse Council, the Gertrude Maxwell  
 170 Save a Pet Direct-Support Organization, and permits  
 171 for the sale of cypress products, respectively;  
 172 amending ss. 487.041, 550.2625, and 550.2633, F.S.;  
 173 conforming provisions; providing for the disbursement  
 174 of specified funds; providing an effective date.  
 175

176 Be It Enacted by the Legislature of the State of Florida:  
 177

178 Section 1. Paragraph (f) of subsection (5) of section  
 179 253.034, Florida Statutes, is amended to read:

180 253.034 State-owned lands; uses.—

181 (5) Each manager of conservation lands shall submit to the  
 182 Division of State Lands a land management plan at least every 10  
 183 years in a form and manner prescribed by rule by the board and  
 184 in accordance with the provisions of s. 259.032. Each manager of  
 185 conservation lands shall also update a land management plan  
 186 whenever the manager proposes to add new facilities or make  
 187 substantive land use or management changes that were not  
 188 addressed in the approved plan, or within 1 year of the addition  
 189 of significant new lands. Each manager of nonconservation lands  
 190 shall submit to the Division of State Lands a land use plan at  
 191 least every 10 years in a form and manner prescribed by rule by  
 192 the board. The division shall review each plan for compliance  
 193 with the requirements of this subsection and the requirements of  
 194 the rules established by the board pursuant to this section. All  
 195 land use plans, whether for single-use or multiple-use  
 196 properties, shall include an analysis of the property to



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

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





225 Section 2. Subsections (3), (4), and (5) of section  
 226 259.1052, Florida Statutes, are amended to read:

227 259.1052 Babcock Crescent B Ranch Florida Forever  
 228 acquisition; conditions for purchase.—

229 (3) The Legislature recognizes that the acquisition of the  
 230 state's portion of the Babcock Crescent B Ranch represents a  
 231 unique opportunity to assist in preserving the largest private  
 232 and undeveloped single-ownership tract of land in Charlotte  
 233 County. The Legislature further recognizes Lee County as a  
 234 partner in the acquisition of the ranch. Upon the termination or  
 235 expiration of the management agreement, Lee County will retain  
 236 ownership and assume responsibility for management of the Lee  
 237 County portion of the acquisition. Lee County and the lead  
 238 manager may enter into an agreement for management of the Lee  
 239 County property.

240 (4) This section authorizes the acquisition of the state's  
 241 portion of the Babcock Crescent B Ranch in order to protect and  
 242 preserve for future generations the scientific, scenic,  
 243 historic, and natural values of the ranch, including rivers and  
 244 ecosystems; to protect and preserve the archaeological,  
 245 geological, and cultural resources of the ranch; to provide for  
 246 species recovery; and to provide opportunities for public  
 247 recreation compatible with the working ranch and agricultural  
 248 activities conducted on the property.

249 (5) ~~The Fish and Wildlife Conservation Commission and the~~  
 250 ~~Department of Agriculture and Consumer Services shall,~~ with the  
 251 cooperation of the Fish and Wildlife Conservation Commission, be  
 252 the lead managing agency ~~agencies~~ responsible for the management



253 of Babcock Crescent B Ranch.

254 Section 3. Section 259.10521, Florida Statutes, is amended  
 255 to read:

256 259.10521 Citizen support organization; use of property.—

257 (1) DEFINITIONS.—For the purpose of this section, the  
 258 "citizen support organization" means an organization that is:

259 (a) A Florida corporation not for profit incorporated  
 260 under the provisions of chapter 617 and approved by the  
 261 Department of State;

262 (b) Organized and operated to conduct programs and  
 263 activities in the best interest of the state; raise funds;  
 264 request and receive grants, gifts, and bequests of money;  
 265 acquire, receive, hold, invest, and administer, in its own name,  
 266 securities, funds, objects of value, or other property, real or  
 267 personal; and make expenditures to or for the direct or indirect  
 268 benefit of the Babcock ~~Crescent B Ranch~~ Preserve;

269 (c) Determined by the Fish and Wildlife Conservation  
 270 Commission and the Florida Forest Service within the Department  
 271 of Agriculture and Consumer Services to be consistent with the  
 272 goals of the state in acquiring the ranch and in the best  
 273 interests of the state; and

274 (d) Approved in writing by the Fish and Wildlife  
 275 Conservation Commission and the Florida Forest Service to  
 276 operate for the direct or indirect benefit of the ranch and in  
 277 the best interest of the state. Such approval shall be given in  
 278 a letter of agreement from the Fish and Wildlife Conservation  
 279 Commission and the Florida Forest Service. Only one citizen  
 280 support organization may be created to operate for the direct or



281 indirect benefit of the Babcock ~~Crescent-B~~ Ranch Preserve.

282 (2) USE OF PROPERTY.—

283 (a) The Fish and Wildlife Conservation Commission and the  
284 Florida Forest Service may permit, without charge, appropriate  
285 use of fixed property and facilities of the Babcock ~~Crescent-B~~  
286 Preserve Ranch by a citizen support organization, subject to the  
287 provisions of this section. Such use must be directly in keeping  
288 with the approved purposes of the citizen support organization  
289 and may not be made at times or places that would unreasonably  
290 interfere with recreational opportunities for the general  
291 public.

292 (b) The Fish and Wildlife Conservation Commission and the  
293 Florida Forest Service may prescribe by rule any condition with  
294 which the citizen support organization shall comply in order to  
295 use fixed property or facilities of the ranch.

296 (c) The Fish and Wildlife Conservation Commission and the  
297 Florida Forest Service shall not permit the use of any fixed  
298 property or facilities of the ranch by a citizen support  
299 organization that does not provide equal membership and  
300 employment opportunities to all persons regardless of race,  
301 color, religion, sex, age, or national origin.

302 (3) PARTNERSHIPS.—

303 (a) The Legislature recognizes that the Babcock ~~Crescent-B~~  
304 Ranch Preserve will need a variety of facilities to enhance its  
305 public use and potential. Such facilities include, but are not  
306 limited to, improved access, camping areas, picnic shelters,  
307 management facilities, and environmental education facilities.  
308 The need for such facilities may exceed the ability of the state



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309 to provide such facilities in a timely manner with moneys  
310 available. The Legislature finds it to be in the public interest  
311 to provide incentives for partnerships with private  
312 organizations with the intent of producing additional revenue to  
313 help enhance the use and potential of the ranch.

314 (b) The Legislature may annually appropriate funds from  
315 the Land Acquisition Trust Fund for use only as state matching  
316 funds, in conjunction with private donations in aggregates of at  
317 least \$60,000, matched by \$40,000 of state funds, for a total  
318 minimum project amount of \$100,000 for capital improvement  
319 facility development at the ranch at either individually  
320 designated locations or for priority projects within the overall  
321 ranch system. The citizen support organization may acquire  
322 private donations pursuant to this section, and matching state  
323 funds for approved projects may be provided in accordance with  
324 this subsection. The Fish and Wildlife Conservation Commission  
325 and the Florida Forest Service are authorized to properly  
326 recognize and honor a private donor by placing a plaque or other  
327 appropriate designation noting the contribution on project  
328 facilities or by naming project facilities after the person or  
329 organization that provided matching funds. The Fish and Wildlife  
330 Conservation Commission and the Florida Forest Service are  
331 authorized to adopt necessary administrative rules to carry out  
332 the purposes of this subsection.

333 Section 4. Section 259.1053, Florida Statutes, is amended  
334 to read:

335 259.1053 Babcock Ranch Preserve; Babcock Ranch Advisory  
336 Group, Inc.; ~~creation; membership; organization; meetings.-~~



337 (1) SHORT TITLE.—This section may be cited as the "Babcock  
338 Ranch Preserve Act."

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

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

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

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

348 (b)~~(d)~~ "Commission" means the Fish and Wildlife  
349 Conservation Commission.

350 (c)~~(e)~~ "Commissioner" means the Commissioner of  
351 Agriculture.

352 (d)~~(f)~~ "Department" means the Department of Agriculture  
353 and Consumer Services.

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

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

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

362 ~~(i) "Management and operating expenditures" means expenses~~  
363 ~~of the corporation, including, but not limited to, salaries and~~  
364 ~~benefits of officers and staff, administrative and operating~~



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365 ~~expenses, costs of improvements to and maintenance of lands and~~  
366 ~~facilities of the Babcock Ranch Preserve, and other similar~~  
367 ~~expenses. Such expenditures shall be made from revenues~~  
368 ~~generated from the operation of the ranch and not from funds~~  
369 ~~appropriated by the Legislature except as provided in this~~  
370 ~~section.~~

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

374 (h) ~~(k)~~ "Multiple use" means the management of all of the  
375 renewable surface resources of the Babcock Ranch Preserve to  
376 best meet the needs of the public, including the use of the land  
377 for some or all of the renewable surface resources or related  
378 services over areas large enough to allow for periodic  
379 adjustments in use to conform to the changing needs and  
380 conditions of the preserve while recognizing that a portion of  
381 the land will be used for some of the renewable surface  
382 resources available on that land. The goal of multiple use is  
383 the harmonious and coordinated management of the renewable  
384 surface resources without impairing the productivity of the land  
385 and considering the relative value of the renewable surface  
386 resources, and not necessarily a combination of uses to provide  
387 the greatest monetary return or the greatest unit output.

388 (i) ~~(l)~~ "Sustained yield of the renewable surface  
389 resources" means the achievement and maintenance of a high level  
390 of annual or regular periodic output of the various renewable  
391 surface resources of the preserve without impairing the  
392 productivity of the land.



393 (3) CREATION OF BABCOCK RANCH PRESERVE.—

394 (a) Upon the date of acquisition of the Babcock Crescent B  
 395 Ranch, there is created the Babcock Ranch Preserve, which shall  
 396 be managed in accordance with the purposes and requirements of  
 397 this section.

398 (b) The preserve is established to protect and preserve  
 399 the environmental, agricultural, scientific, scenic, geologic,  
 400 watershed, fish, wildlife, historic, cultural, and recreational  
 401 values of the preserve, and to provide for the multiple use and  
 402 sustained yield of the renewable surface resources within the  
 403 preserve consistent with this section.

404 ~~(c) Babcock Ranch, Inc., and its officers and employees~~  
 405 ~~shall participate in the management of the Babcock Ranch~~  
 406 ~~Preserve in an advisory capacity only until the management~~  
 407 ~~agreement referenced in paragraph (11)(a) is terminated or~~  
 408 ~~expires.~~

409 (c) ~~(d)~~ ~~Nothing in This section does not shall~~ preclude  
 410 ~~Babcock Ranch, Inc., prior to assuming management and operation~~  
 411 ~~of the preserve and thereafter, from allowing~~ the use of common  
 412 varieties of mineral materials such as sand, stone, and gravel  
 413 for construction and maintenance of roads and facilities within  
 414 the preserve.

415 (d) ~~(e)~~ ~~Nothing in This section does not affect shall be~~  
 416 ~~construed as affecting~~ the constitutional responsibilities of  
 417 the commission in the exercise of its regulatory and executive  
 418 power with respect to wild animal life and freshwater aquatic  
 419 life, including the regulation of hunting, fishing, and trapping  
 420 within the preserve.



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

427        ~~(g) To clarify the responsibilities of the lead managing~~  
428 ~~agencies and the not for profit corporation created under this~~  
429 ~~section, the lead managing agencies are directed to establish a~~  
430 ~~range of resource protection values for the Babcock Ranch~~  
431 ~~Preserve, and the corporation shall establish operational~~  
432 ~~parameters to conduct the business of the ranch within the range~~  
433 ~~of values. The corporation shall establish a range of~~  
434 ~~operational values for conducting the business of the ranch, and~~  
435 ~~the lead managing agencies providing ground support to the ranch~~  
436 ~~outside of each agency's jurisdictional responsibilities shall~~  
437 ~~establish management parameters within that range of values.~~

438        (f)-(h) ~~Nothing in This section does not shall~~ preclude the  
439 maintenance and use of roads and trails or the relocation of  
440 roads in existence on the effective date of this section, or the  
441 construction, maintenance, and use of new trails, or any  
442 motorized access necessary for the administration of the land  
443 contained within the preserve, including motorized access  
444 necessary for emergencies involving the health or safety of  
445 persons within the preserve.

446        ~~(i) The Division of State Lands of the Department of~~  
447 ~~Environmental Protection shall perform staff duties and~~  
448 ~~functions for Babcock Ranch, Inc., the not-for-profit~~





449 ~~corporation created under this section, until such time as the~~  
450 ~~corporation organizes to elect officers, file articles of~~  
451 ~~incorporation, and exercise its powers and duties.~~

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

453 (a) The purpose of the Babcock Ranch Advisory Group is to  
454 assist the department by providing guidance and advice  
455 concerning the management and stewardship of the Babcock Ranch  
456 Preserve.

457 (b) The Babcock Ranch Advisory Group shall be comprised of  
458 nine members appointed to 5-year terms. Based on recommendations  
459 from the Governor and Cabinet, the commission, and the governing  
460 boards of Charlotte County and Lee County, the commissioner  
461 shall appoint members as follows:

462 1. One member with experience in sustainable management of  
463 forest lands for commodity purposes.

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

466 3. One member with experience in management of game and  
467 nongame wildlife and fish populations, including hunting,  
468 fishing, and other recreational activities.

469 4. One member with experience in domesticated livestock  
470 management, production, and marketing, including range  
471 management and livestock business management.

472 5. One member with experience in agriculture operations or  
473 forestry management.

474 6. One member with experience in hunting, fishing, nongame  
475 species management, or wildlife habitat management, restoration,  
476 and conservation.



477 7. One member with experience in public outreach and  
 478 education.

479 8. One member who is a resident of Lee County, to be  
 480 designated by the Board of County Commissioners of Lee County.

481 9. One member who is a resident of Charlotte County, to be  
 482 designated by the Board of County Commissioners of Charlotte  
 483 County.

484  
 485 Vacancies will be filled in the same manner in which the  
 486 original appointment was made. A member appointed to fill a  
 487 vacancy shall serve for the remainder of that term.

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

489 1. Elect a chair and vice chair from among the group  
 490 members.

491 2. Meet regularly as determined by the chair.

492 3. Serve without compensation but shall receive  
 493 reimbursement for travel and per diem expenses as provided in s.  
 494 112.061.

495 ~~(a) Subject to filing articles of incorporation, there is~~  
 496 ~~created a not-for-profit corporation, to be known as Babcock~~  
 497 ~~Ranch, Inc., which shall be registered, incorporated, organized,~~  
 498 ~~and operated in compliance with the provisions of chapter 617,~~  
 499 ~~and which shall not be a unit or entity of state government. For~~  
 500 ~~purposes of sovereign immunity, the corporation shall be a~~  
 501 ~~corporation primarily acting as an instrumentality of the state~~  
 502 ~~but otherwise shall not be an agency within the meaning of s.~~  
 503 ~~20.03(11) or a unit or entity of state government.~~

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



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

507 ~~(c) Meetings and records of the corporation, its~~  
508 ~~directors, advisory committees, or similar groups created by the~~  
509 ~~corporation, including any not-for-profit subsidiaries, are~~  
510 ~~subject to the public records provisions of chapter 119 and the~~  
511 ~~public meetings and records provisions of s. 286.011.~~

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

515 ~~(6) PURPOSE. The purpose of Babcock Ranch, Inc., is to~~  
516 ~~provide management and administrative services for the preserve,~~  
517 ~~to establish and implement management policies that will achieve~~  
518 ~~the purposes and requirements of this section, to cooperate with~~  
519 ~~state agencies to further the purposes of the preserve, and to~~  
520 ~~establish the administrative and accounting procedures for the~~  
521 ~~operation of the corporation.~~

522 ~~(7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY. The corporation~~  
523 ~~shall be governed by a nine-member board of directors who shall~~  
524 ~~be appointed by the Board of Trustees of the Internal~~  
525 ~~Improvement Trust Fund; the executive director of the~~  
526 ~~commission; the Commissioner of Agriculture; the Babcock Florida~~  
527 ~~Company, a corporation registered to do business in the state,~~  
528 ~~or its successors or assigns; the Charlotte County Board of~~  
529 ~~County Commissioners; and the Lee County Board of County~~  
530 ~~Commissioners in the following manner:~~

531 ~~(a)1. The Board of Trustees of the Internal Improvement~~  
532 ~~Trust Fund shall appoint four members. One appointee shall have~~



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533 ~~expertise in domesticated livestock management, production, and~~  
534 ~~marketing, including range management and livestock business~~  
535 ~~management. One appointee shall have expertise in the management~~  
536 ~~of game and nongame wildlife and fish populations, including~~  
537 ~~hunting, fishing, and other recreational activities. One~~  
538 ~~appointee shall have expertise in the sustainable management of~~  
539 ~~forest lands for commodity purposes. One appointee shall have~~  
540 ~~expertise in financial management, budget and program analysis,~~  
541 ~~and small business operations.~~

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

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

547 ~~4. The Babcock Florida Company, or its successors or~~  
548 ~~assigns, shall appoint one member with expertise in the~~  
549 ~~activities and management of the Babcock Ranch on the date of~~  
550 ~~acquisition of the ranch by the state as provided under s.~~  
551 ~~259.1052. This appointee shall serve on the board of directors~~  
552 ~~only until the termination of or expiration of the management~~  
553 ~~agreement attached as Exhibit "E" to that certain Agreement for~~  
554 ~~Sale and Purchase approved by the Board of Trustees of the~~  
555 ~~Internal Improvement Trust Fund on November 22, 2005, and by Lee~~  
556 ~~County, a political subdivision of the state, on November 20,~~  
557 ~~2005. Upon termination of or expiration of the management~~  
558 ~~agreement, the person serving as the head of the property~~  
559 ~~owners' association, if any, required to be created under the~~  
560 ~~agreement for sale and purchase shall serve as a member of the~~



561 ~~board of directors of Babcock Ranch, Inc.~~

562 ~~5. The Charlotte County Board of County Commissioners~~  
563 ~~shall appoint one member who shall be a resident of the county~~  
564 ~~and who shall be active in an organization concerned with the~~  
565 ~~activities of the ranch.~~

566 ~~6. The Lee County Board of County Commissioners shall~~  
567 ~~appoint one member who shall be a resident of the county and who~~  
568 ~~shall have experience in land conservation and management. This~~  
569 ~~appointee, or a successor appointee, shall serve as a member of~~  
570 ~~the board of directors so long as the county participates in the~~  
571 ~~state land management plan.~~

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

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

578 ~~2. The remaining initial five appointees shall each serve~~  
579 ~~a 2-year term.~~

580 ~~3. Each member appointed thereafter shall serve a 4-year~~  
581 ~~term.~~

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

585 ~~5. No member may serve more than 8 years in consecutive~~  
586 ~~terms.~~

587 ~~(c) With the exception of the Babcock Florida Company~~  
588 ~~appointee, no member may be an officer, director, or shareholder~~



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589 ~~in any entity that contracts with or receives funds from the~~  
590 ~~corporation or its subsidiaries.~~

591 ~~(d) No member shall vote in an official capacity upon any~~  
592 ~~measure that would inure to his or her special private gain or~~  
593 ~~loss, that he or she knows would inure to the special private~~  
594 ~~gain or loss of any principal by whom he or she is retained or~~  
595 ~~to the parent organization or subsidiary of a principal by which~~  
596 ~~he or she is retained, or that he or she knows would inure to~~  
597 ~~the special private gain or loss of a relative or business~~  
598 ~~associate of the member. Such member shall, prior to the vote~~  
599 ~~being taken, publicly state the nature of his or her interest in~~  
600 ~~the matter from which he or she is abstaining from voting and,~~  
601 ~~no later than 15 days following the date the vote occurs, shall~~  
602 ~~disclose the nature of his or her interest as a public record in~~  
603 ~~a memorandum filed with the person responsible for recording the~~  
604 ~~minutes of the meeting, who shall incorporate the memorandum in~~  
605 ~~the minutes of the meeting.~~

606 ~~(e) Each member of the board of directors is accountable~~  
607 ~~for the proper performance of the duties of office, and each~~  
608 ~~member owes a fiduciary duty to the people of the state to~~  
609 ~~ensure that funds provided in furtherance of this section are~~  
610 ~~disbursed and used as prescribed by law and contract. Any~~  
611 ~~official appointing a member may remove that member for~~  
612 ~~malfeasance, misfeasance, neglect of duty, incompetence,~~  
613 ~~permanent inability to perform official duties, unexcused~~  
614 ~~absence from three consecutive meetings of the board, arrest or~~  
615 ~~indictment for a crime that is a felony or misdemeanor involving~~  
616 ~~theft or a crime of dishonesty, or pleading nolo contendere to,~~



617 ~~or being found guilty of, any crime.~~

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

622 ~~(g) No appointee shall be an employee of any governmental~~  
623 ~~entity.~~

624 ~~(8) ORGANIZATION; MEETINGS.—~~

625 ~~(a)1. The board of directors shall annually elect a~~  
626 ~~chairperson and a vice chairperson from among the board's~~  
627 ~~members. The members may, by a vote of five of the nine board~~  
628 ~~members, remove a member from the position of chairperson or~~  
629 ~~vice chairperson prior to the expiration of his or her term as~~  
630 ~~chairperson or vice chairperson. His or her successor shall be~~  
631 ~~elected to serve for the balance of the removed chairperson's or~~  
632 ~~vice chairperson's term.~~

633 ~~2. The chairperson shall ensure that records are kept of~~  
634 ~~the proceedings of the board of directors, and is the custodian~~  
635 ~~of all books, documents, and papers filed with the board, the~~  
636 ~~minutes of meetings of the board, and the official seal of the~~  
637 ~~corporation.~~

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

641 ~~2. A majority of the members of the board of directors~~  
642 ~~constitutes a quorum. Except as otherwise provided in this~~  
643 ~~section, the board of directors may take official action by a~~  
644 ~~majority of the members present at any meeting at which a quorum~~



645 ~~is present. Members may not vote by proxy.~~

646 ~~(9) POWERS AND DUTIES.—~~

647 ~~(a) The board of directors shall adopt articles of~~  
648 ~~incorporation and bylaws necessary to govern its activities. The~~  
649 ~~adopted articles of incorporation and bylaws must be approved by~~  
650 ~~the Board of Trustees of the Internal Improvement Trust Fund~~  
651 ~~prior to filing with the Department of State.~~

652 ~~(b) The board of directors shall review and approve any~~  
653 ~~management plan developed pursuant to ss. 253.034 and 259.032~~  
654 ~~for the management of lands in the preserve prior to the~~  
655 ~~submission of that plan to the Board of Trustees of the Internal~~  
656 ~~Improvement Trust Fund for approval and implementation.~~

657 ~~(c)1. Except for the constitutional powers of the~~  
658 ~~commission as provided in s. 9, Art. IV of the State~~  
659 ~~Constitution, the board of directors shall have all necessary~~  
660 ~~and proper powers for the exercise of the authority vested in~~  
661 ~~the corporation, including, but not limited to, the power to~~  
662 ~~solicit and accept donations of funds, property, supplies, or~~  
663 ~~services from individuals, foundations, corporations, and other~~  
664 ~~public or private entities for the purposes of this section. All~~  
665 ~~funds received by the corporation shall be deposited into the~~  
666 ~~operating fund authorized under this section unless otherwise~~  
667 ~~directed by the Legislature.~~

668 ~~2. The board of directors may not increase the number of~~  
669 ~~its members.~~

670 ~~3. Except as necessary to manage and operate the preserve~~  
671 ~~as a working ranch, the corporation may not purchase, take,~~  
672 ~~receive, lease, take by gift, devise, or bequest, or otherwise~~





673 ~~acquire, own, hold, improve, use, or otherwise deal in and with~~  
674 ~~real property, or any interest therein, wherever situated.~~

675 ~~4. The corporation may not sell, convey, mortgage, pledge,~~  
676 ~~lease, exchange, transfer, or otherwise dispose of any real~~  
677 ~~property.~~

678 ~~5. The corporation may not purchase, take, receive,~~  
679 ~~subscribe for, or otherwise acquire, own, hold, vote, use,~~  
680 ~~employ, sell, mortgage, lend, pledge, or otherwise dispose of or~~  
681 ~~otherwise use and deal in and with, shares and other interests~~  
682 ~~in, or obligations of, other domestic or foreign corporations,~~  
683 ~~whether for profit or not for profit, associations,~~  
684 ~~partnerships, or individuals, or direct or indirect obligations~~  
685 ~~of the United States, or any other government, state, territory,~~  
686 ~~government district, municipality, or any instrumentality~~  
687 ~~thereof.~~

688 ~~6. The corporation may not lend money for its corporate~~  
689 ~~purposes, invest and reinvest its funds, or take and hold real~~  
690 ~~and personal property as security for the payment of funds lent~~  
691 ~~or invested.~~

692 ~~7. The corporation may not merge with other corporations~~  
693 ~~or other business entities.~~

694 ~~8. The corporation may not enter into any contract, lease,~~  
695 ~~or other agreement related to the use of ground or surface~~  
696 ~~waters located in, on, or through the preserve without the~~  
697 ~~consent of the Board of Trustees of the Internal Improvement~~  
698 ~~Trust Fund and permits that may be required by the Department of~~  
699 ~~Environmental Protection or the appropriate water management~~  
700 ~~district under chapters 373 and 403.~~



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701           ~~9. The corporation may not grant any easements in, on, or~~  
702 ~~across the preserve. Any easements to be granted for the use of,~~  
703 ~~access to, or ingress and egress across state property within~~  
704 ~~the preserve must be executed by the Board of Trustees of the~~  
705 ~~Internal Improvement Trust Fund as the owners of the state~~  
706 ~~property within the preserve. Any easements to be granted for~~  
707 ~~the use of, access to, or ingress and egress across property~~  
708 ~~within the preserve titled in the name of a local government~~  
709 ~~must be granted by the governing body of that local government.~~

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

714           ~~(d) The members may, with the written approval of the~~  
715 ~~commission and in consultation with the department, designate~~  
716 ~~hunting, fishing, and trapping zones and may establish~~  
717 ~~additional periods when no hunting, fishing, or trapping shall~~  
718 ~~be permitted for reasons of public safety, administration, and~~  
719 ~~the protection and enhancement of nongame habitat and nongame~~  
720 ~~species, as defined under s. 379.101.~~

721           ~~(e) The corporation shall have the sole and exclusive~~  
722 ~~right to use the words "Babcock Ranch, Inc.," and any seal,~~  
723 ~~emblem, or other insignia adopted by the members. Without the~~  
724 ~~express written authority of the corporation, no person may use~~  
725 ~~the words "Babcock Ranch, Inc.," as the name under which that~~  
726 ~~person conducts or purports to conduct business, for the purpose~~  
727 ~~of trade or advertisement, or in any manner that may suggest any~~  
728 ~~connection with the corporation.~~



729 ~~(f) The corporation may from time to time appoint advisory~~  
730 ~~committees to further any part of this section. The advisory~~  
731 ~~committees shall be reflective of the expertise necessary for~~  
732 ~~the particular function for which the committee is created, and~~  
733 ~~may include public agencies, private entities, and not-for-~~  
734 ~~profit conservation and agricultural representatives.~~

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

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

742 ~~(10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING~~  
743 ~~REQUIREMENTS.—~~

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

748 ~~(b) The board of directors shall provide for an annual~~  
749 ~~financial audit of the corporate accounts and records to be~~  
750 ~~conducted by an independent certified public accountant in~~  
751 ~~accordance with rules adopted by the Auditor General under s.~~  
752 ~~11.45(8). The audit report shall be submitted no later than 3~~  
753 ~~months following the end of the fiscal year to the Auditor~~  
754 ~~General, the President of the Senate, the Speaker of the House~~  
755 ~~of Representatives, and the appropriate substantive and fiscal~~  
756 ~~committees of the Legislature. The Auditor General, the Office~~



757 ~~of Program Policy Analysis and Government Accountability, and~~  
758 ~~the substantive or fiscal committees of the Legislature to which~~  
759 ~~legislation affecting the Babcock Ranch Preserve may be referred~~  
760 ~~shall have the authority to require and receive from the~~  
761 ~~corporation or from the independent auditor any records relative~~  
762 ~~to the operation of the corporation.~~

763 ~~(c) Not later than January 15 of each year, Babcock Ranch,~~  
764 ~~Inc., shall submit to the Board of Trustees of the Internal~~  
765 ~~Improvement Trust Fund, the President of the Senate, the Speaker~~  
766 ~~of the House of Representatives, the department, and the~~  
767 ~~commission a comprehensive and detailed report of its~~  
768 ~~operations, activities, and accomplishments for the prior year,~~  
769 ~~including information on the status of the ecological, cultural,~~  
770 ~~and financial resources being managed by the corporation, and~~  
771 ~~benefits provided by the preserve to local communities. The~~  
772 ~~report shall also include a section describing the corporation's~~  
773 ~~goals for the current year.~~

774 ~~(d) The board of directors shall prepare an annual budget~~  
775 ~~with the goal of achieving a financially self-sustaining~~  
776 ~~operation within 15 full fiscal years after the initial~~  
777 ~~acquisition of the Babcock Ranch by the state. The department~~  
778 ~~shall provide necessary assistance, including details as~~  
779 ~~necessary, to the corporation for the timely formulation and~~  
780 ~~submission of an annual legislative budget request for~~  
781 ~~appropriations, if any, to support the administration,~~  
782 ~~operation, and maintenance of the preserve. A request for~~  
783 ~~appropriations shall be submitted to the department and shall be~~  
784 ~~included in the department's annual legislative budget request.~~



785 ~~Requests for appropriations shall be submitted to the department~~  
786 ~~in time to allow the department to meet the requirements of s.~~  
787 ~~216.023. The department may not deny a request or refuse to~~  
788 ~~include in its annual legislative budget submission a request~~  
789 ~~from the corporation for an appropriation.~~

790 ~~(e) Notwithstanding any other provision of law, all moneys~~  
791 ~~received from donations or from management of the preserve shall~~  
792 ~~be retained by the corporation in the operating fund and shall~~  
793 ~~be available, without further appropriation, for the~~  
794 ~~administration, preservation, restoration, operation and~~  
795 ~~maintenance, improvements, repairs, and related expenses~~  
796 ~~incurred with respect to properties being managed by the~~  
797 ~~corporation. Except as provided in this section, moneys received~~  
798 ~~by the corporation for the management of the preserve shall not~~  
799 ~~be subject to distribution by the state. Upon assuming~~  
800 ~~management responsibilities for the preserve, the corporation~~  
801 ~~shall optimize the generation of income based on existing~~  
802 ~~marketing conditions to the extent that activities do not~~  
803 ~~unreasonably diminish the long-term environmental, agricultural,~~  
804 ~~scenic, and natural values of the preserve, or the multiple-use~~  
805 ~~and sustained-yield capability of the land.~~

806 ~~(f) All parties in contract with the corporation and all~~  
807 ~~holders of leases from the corporation which are authorized to~~  
808 ~~occupy, use, or develop properties under the management~~  
809 ~~jurisdiction of the corporation must procure proper insurance as~~  
810 ~~is reasonable or customary to insure against any loss in~~  
811 ~~connection with the properties or with activities authorized in~~  
812 ~~the leases or contracts.~~



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813 ~~(11) COMPREHENSIVE BUSINESS PLAN.~~

814 ~~(a) A comprehensive business plan for the management and~~  
815 ~~operation of the preserve as a working ranch and amendments to~~  
816 ~~the business plan may be developed only with input from the~~  
817 ~~department and the commission, and may be implemented by Babcock~~  
818 ~~Ranch, Inc., only upon expiration of the management agreement~~  
819 ~~attached as Exhibit "E" to that certain agreement for sale and~~  
820 ~~purchase approved by the Board of Trustees of the Internal~~  
821 ~~Improvement Trust Fund on November 22, 2005, and by Lee County~~  
822 ~~on November 20, 2005.~~

823 ~~(b) Any final decision of Babcock Ranch, Inc., to adopt or~~  
824 ~~amend the comprehensive business plan or to approve any activity~~  
825 ~~related to the management of the renewable surface resources of~~  
826 ~~the preserve shall be made in sessions that are open to the~~  
827 ~~public. The board of directors shall establish procedures for~~  
828 ~~providing adequate public information and opportunities for~~  
829 ~~public comment on the proposed comprehensive business plan for~~  
830 ~~the preserve or for amendments to the comprehensive business~~  
831 ~~plan adopted by the members.~~

832 ~~(c) Not less than 2 years prior to the corporation's~~  
833 ~~assuming management and operation responsibilities for the~~  
834 ~~preserve, the corporation, with input from the commission and~~  
835 ~~the department, must begin developing the comprehensive business~~  
836 ~~plan to carry out the purposes of this section. To the extent~~  
837 ~~consistent with these purposes, the comprehensive business plan~~  
838 ~~shall provide for:~~

839 ~~1. The management and operation of the preserve as a~~  
840 ~~working ranch;~~



841           ~~2. The protection and preservation of the environmental,~~  
842 ~~agricultural, scientific, scenic, geologic, watershed, fish,~~  
843 ~~wildlife, historic, cultural, and recreational values of the~~  
844 ~~preserve;~~

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

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

850           ~~5. Public use of and access to the preserve for~~  
851 ~~recreation; and~~

852           ~~6. The use of renewable resources and management~~  
853 ~~alternatives that, to the extent practicable, benefit local~~  
854 ~~communities and small businesses and enhance the coordination of~~  
855 ~~management objectives with those on surrounding public or~~  
856 ~~private lands. The use of renewable resources and management~~  
857 ~~alternatives should provide cost savings to the corporation~~  
858 ~~through the exchange of services, including, but not limited to,~~  
859 ~~labor and maintenance of facilities, for resources or services~~  
860 ~~provided to the corporation.~~

861           ~~(d) On or before the date on which title to the portion of~~  
862 ~~the Babcock Crescent B Ranch being purchased by the state as~~  
863 ~~provided in s. 259.1052 is vested in the Board of Trustees of~~  
864 ~~the Internal Improvement Trust Fund, Babcock Ranch Management,~~  
865 ~~LLC, a limited liability company incorporated in this state,~~  
866 ~~shall provide the commission and the department with the~~  
867 ~~management plan and business plan in place for the operation of~~  
868 ~~the ranch as of November 22, 2005, the date on which the board~~



869 ~~of trustees approved the purchase.~~

870 ~~(5)~~(12) MANAGEMENT OF PRESERVE; FEES.—

871 (a) The department ~~corporation~~ shall assume all authority  
872 provided by this section to manage and operate the preserve as a  
873 working ranch upon the termination or expiration of the  
874 management agreement attached as Exhibit "E" to that certain  
875 agreement for sale and purchase approved by the Board of  
876 Trustees of the Internal Improvement Trust Fund on November 22,  
877 2005, and by Lee County on November 20, 2005 ~~a determination by~~  
878 ~~the Board of Trustees of the Internal Improvement Trust Fund~~  
879 ~~that the corporation is able to conduct business, and that~~  
880 ~~provision has been made for essential services on the preserve,~~  
881 ~~which, to the maximum extent practicable, shall be made no later~~  
882 ~~than 60 days prior to the termination of the management~~  
883 ~~agreement referenced in paragraph (11)(a).~~

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

886 1. ~~With input from the commission and the department,~~  
887 Manage and operate the preserve and the uses thereof, including,  
888 but not limited to, the activities necessary to administer and  
889 operate the preserve as a working ranch; the activities  
890 necessary for the preservation and development of the land and  
891 renewable surface resources of the preserve; the activities  
892 necessary for interpretation of the history of the preserve on  
893 behalf of the public; the activities necessary for the  
894 management, public use, and occupancy of facilities and lands  
895 within the preserve; and the maintenance, rehabilitation,  
896 repair, and improvement of property within the preserve.†





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

899 ~~3. Negotiate directly with and enter into such agreements,~~  
900 ~~leases, contracts, and other arrangements with any person, firm,~~  
901 ~~association, organization, corporation, or governmental entity,~~  
902 ~~including entities of federal, state, and local governments, as~~  
903 ~~are necessary and appropriate to carry out the purposes and~~  
904 ~~activities authorized by this section;~~

905 3.4. Establish procedures for entering into lease  
906 agreements and other agreements for the use and occupancy of the  
907 facilities of the preserve. The procedures shall ensure  
908 reasonable competition and set guidelines for determining  
909 reasonable fees, terms, and conditions for such agreements.~~;~~ and

910 4.5. Assess reasonable fees for admission to, use of, and  
911 occupancy of the preserve to offset costs of operating the  
912 preserve as a working ranch. These fees are independent of fees  
913 assessed by the commission for the privilege of hunting,  
914 fishing, or pursuing outdoor recreational activities within the  
915 preserve, and shall be deposited into the Incidental Trust Fund  
916 of the Florida Forest Service, subject to appropriation by the  
917 Legislature ~~operating fund established by the board of directors~~  
918 ~~under the authority provided under this section.~~

919 (c) The commission, in cooperation with the department,  
920 shall:

921 1. Establish and implement public hunting and other fish  
922 and wildlife management activities. Tier I and Tier II public  
923 hunting opportunities shall be provided consistent with the  
924 management plan and the recreation master plan. Tier I public



925 hunting shall provide hunting opportunities similar to those  
926 offered on wildlife management areas with an emphasis on youth  
927 and family-oriented hunts. Tier II public hunting shall be  
928 provided specifically by fee-based permitting to ensure  
929 compatibility with livestock grazing and other essential  
930 agricultural operations on the preserve.

931 2. Establish and administer permit fees for Tier II public  
932 hunting to capitalize on the value of hunting on portions of the  
933 preserve and to help ensure the preserve is financially self-  
934 sufficient. The fees shall be deposited into the State Game  
935 Trust Fund of the Fish and Wildlife Conservation Commission to  
936 be used to offset the costs of providing public hunting and to  
937 support fish and wildlife management and other land management  
938 activities on the preserve.

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

941 1. Negotiate directly with and enter into such agreements,  
942 leases, contracts, and other arrangements with any person, firm,  
943 association, organization, corporation, or governmental entity,  
944 including entities of federal, state, and local governments, as  
945 are necessary and appropriate to carry out the purposes and  
946 activities authorized by this section.

947 2. Grant privileges, leases, concessions, and permits for  
948 the use of land for the accommodation of visitors to the  
949 preserve, provided no natural curiosities or objects of interest  
950 shall be granted, leased, or rented on such terms as shall deny  
951 or interfere with free access to them by the public. Such  
952 grants, leases, and permits may be made and given without



953 advertisement or securing competitive bids. Such grants, leases,  
 954 or permits may not be assigned or transferred by any grantee  
 955 without consent of the Board of Trustees of the Internal  
 956 Improvement Trust Fund or its designated agent.

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

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

962 ~~(b) Officers and employees of Babcock Ranch, Inc., are~~  
 963 ~~private employees. At the request of the board of directors, the~~  
 964 ~~commission and the department may provide state employees for~~  
 965 ~~the purpose of implementing this section. Any state employees~~  
 966 ~~provided to assist the directors in implementing this section~~  
 967 ~~for more than 30 days shall be provided on a reimbursable basis.~~  
 968 ~~Reimbursement to the commission and the department shall be made~~  
 969 ~~from the corporation's operating fund provided under this~~  
 970 ~~section and not from any funds appropriated to the corporation~~  
 971 ~~by the Legislature.~~

972 ~~(6)(14) DISSOLUTION OF BABCOCK RANCH, INC.—~~

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

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

979 ~~(c) Upon dissolution of the Babcock Ranch, Inc.~~  
 980 ~~corporation, all statutory powers, duties, functions, records,~~



981 personnel, property, and unexpended balances of appropriations,  
 982 allocations, and other funds of the corporation shall be  
 983 transferred to the Department of Agriculture and Consumer  
 984 Services unless otherwise provided by law. Any cash balances of  
 985 funds shall revert to the Incidental Trust Fund of the Florida  
 986 Forest Service General Revenue Fund or such other state fund as  
 987 may be provided under the act dissolving Babcock Ranch, Inc.

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

990 388.261 State aid to counties and districts for arthropod  
 991 control; distribution priorities and limitations.—

992 (2) Every county or district budgeting local funds to be  
 993 used exclusively for the control of mosquitoes and other  
 994 arthropods, under a plan submitted by the county or district and  
 995 approved by the department, is shall be eligible to receive  
 996 state funds and supplies, services, and equipment on a dollar-  
 997 for-dollar matching basis to the amount of local funds budgeted.  
 998 If should state funds appropriated by the Legislature are be  
 999 insufficient to grant each county or district state funds on a  
 1000 dollar-for-dollar matching basis to the amount budgeted in local  
 1001 funds, the department shall distribute the funds as prescribed  
 1002 by rule. Such rules shall provide for up to 80 percent of the  
 1003 funds to be distributed to programs with local funds for  
 1004 mosquito control budgets of less than \$1 million, if the county  
 1005 or district meets the eligibility requirements. The funds shall  
 1006 be distributed as equally as possible within the category of  
 1007 counties pursuant to this section. The remaining funds shall be  
 1008 distributed as prescribed by rule among the remaining counties



1009 to support mosquito control and to support research, education,  
 1010 and outreach ~~prorate said state funds based on the amount of~~  
 1011 ~~matchable local funds budgeted for expenditure by each county or~~  
 1012 ~~district.~~

1013 Section 6. Subsection (1) of section 388.271, Florida  
 1014 Statutes, is amended to read:

1015 388.271 Prerequisites to participation.—

1016 (1) When state funds are involved, it is the duty of the  
 1017 department to guide, review, approve, and coordinate the  
 1018 activities of all county governments and special districts  
 1019 receiving state funds in furtherance of the goal of integrated  
 1020 arthropod control. Each county or district eligible to  
 1021 participate hereunder may begin participation on October 1 of  
 1022 any year by filing with the department not later than July 15 a  
 1023 tentative work plan and tentative detailed work plan budget  
 1024 providing for the control of arthropods. Following approval of  
 1025 the plan and budget by the department, two copies of the  
 1026 county's or district's certified budget based on the approved  
 1027 work plan and detailed work plan budget shall be submitted to  
 1028 the department by ~~not later than~~ September 30 ~~15~~ following.  
 1029 State funds, supplies, and services shall be made available to  
 1030 such county or district by and through the department  
 1031 immediately upon release of funds by the Executive Office of the  
 1032 Governor.

1033 Section 7. Section 487.160, Florida Statutes, is amended  
 1034 to read:

1035 487.160 Records; ~~report.~~—Licensed private applicators  
 1036 supervising 15 or more unlicensed applicators or mixer-loaders



1037 and licensed public applicators and licensed commercial  
 1038 applicators shall maintain records as the department may  
 1039 determine by rule with respect to the application of restricted  
 1040 pesticides, including, but not limited to, the type and quantity  
 1041 of pesticide, method of application, crop treated, and dates and  
 1042 location of application. Other licensed private applicators  
 1043 shall maintain records as the department may determine by rule  
 1044 with respect to the date, type, and quantity of restricted-use  
 1045 pesticides used. Licensees shall keep records for a period of 2  
 1046 years from date of the application of the pesticide to which the  
 1047 records refer, and shall furnish to the department a copy of the  
 1048 records upon written request by the department. ~~Every third~~  
 1049 ~~year, the department shall conduct a survey and compile a report~~  
 1050 ~~on restricted-use pesticides in this state. This report shall~~  
 1051 ~~include, but not be limited to, types and quantities of~~  
 1052 ~~pesticides, methods of application, crops treated, and dates and~~  
 1053 ~~locations of application; records of persons working under~~  
 1054 ~~direct supervision; and reports of misuse, damage, or injury.~~

1055 Section 8. Section 534.083, Florida Statutes, is amended  
 1056 to read:

1057 534.083 Livestock hauler's ~~permit; display of permit on~~  
 1058 ~~vehicle;~~ bill of lading.—

1059 ~~(1) No person shall engage in the business of transporting~~  
 1060 ~~or hauling for hire livestock on any street or highway, as~~  
 1061 ~~defined in s. 316.003(53), without first having applied for and~~  
 1062 ~~obtained from the department a permit which shall expire on~~  
 1063 ~~December 31 of each year. The information supplied by the~~  
 1064 ~~applicant on the application for permit shall be certified under~~



1065 ~~oath. Cost of the permit shall be \$5 for each year or fraction~~  
 1066 ~~thereof.~~

1067 ~~(2) The department shall issue a metal tag or plate to~~  
 1068 ~~every person or company required to obtain a permit to transport~~  
 1069 ~~or haul for hire livestock, which shall bear the serial number~~  
 1070 ~~of the permit. Such a tag or plate shall be issued for each~~  
 1071 ~~vehicle used by the hauler.~~

1072 ~~(3) The metal tag or plate required under this section~~  
 1073 ~~shall be attached to each vehicle used for transporting or~~  
 1074 ~~hauling livestock in a conspicuous place in an upright position~~  
 1075 ~~on the rear of the vehicle. When livestock is transported in a~~  
 1076 ~~trailer type vehicle propelled or drawn by a motor truck or~~  
 1077 ~~tractor, each such trailer shall have the tag or plate attached~~  
 1078 ~~to the rear of the trailer in a conspicuous place in an upright~~  
 1079 ~~position, and it shall not be necessary to have a tag attached~~  
 1080 ~~to the motor truck or tractor.~~

1081 ~~(4)~~ Persons engaged in the business of transporting or  
 1082 hauling livestock in the state shall, upon receiving such  
 1083 livestock for transportation, issue a waybill or bill of lading  
 1084 for all livestock transported or hauled by them, and such  
 1085 waybill or bill of lading shall accompany the shipment of  
 1086 livestock, with a copy thereof being furnished to the person  
 1087 delivering livestock to the hauler. The waybill or bill of  
 1088 lading shall show the place of origin and destination of the  
 1089 shipment, the name of the owner of the livestock, date and time  
 1090 of loading, name of person or company hauling the livestock, and  
 1091 the number of animals and a general description thereof. The  
 1092 waybill or bill of lading shall be signed by the person



1093 delivering the livestock to the hauler certifying that the  
 1094 information contained thereon is correct.

1095 Section 9. Subsection (28) of section 570.07, Florida  
 1096 Statutes, is amended to read:

1097 570.07 Department of Agriculture and Consumer Services;  
 1098 functions, powers, and duties.—The department shall have and  
 1099 exercise the following functions, powers, and duties:

1100 (28) For purposes of pollution control and the prevention  
 1101 of wildfires, to regulate open burning connected with pile  
 1102 burning as defined in s. 590.125(1) ~~land-clearing~~, agricultural,  
 1103 or forestry operations.

1104 Section 10. Section 570.087, Florida Statutes, is created  
 1105 to read:

1106 570.087 Best management practices for wildlife.—The  
 1107 department and the Fish and Wildlife Conservation Commission  
 1108 recognize that agriculture provides a valuable benefit to the  
 1109 conservation and management of fish and wildlife in the state  
 1110 and agree to enter into a memorandum of agreement to develop and  
 1111 adopt by rule voluntary best management practices for the  
 1112 state's agriculture industry which reflect the industry's  
 1113 existing contribution to the conservation and management of  
 1114 freshwater aquatic life and wild animal life in the state.

1115 (1) The department shall enter into a memorandum of  
 1116 agreement with the Fish and Wildlife Conservation Commission for  
 1117 the purpose of developing the best management practices pursuant  
 1118 to this section and applying such best management practices on  
 1119 agricultural lands within the state. The agreement may allow for





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1120 selected pilot projects in order to better facilitate the  
1121 development of the best management practices.

1122 (2) The department may adopt rules establishing the best  
1123 management practices pursuant to this section. The rules must  
1124 include provisions for a notice of intent to implement the best  
1125 management practices and a system to assure the implementation  
1126 of the best management practices, including recordkeeping  
1127 requirements.

1128 (3) Notwithstanding any other provision of law, including  
1129 s. 163.3162, the implementation of the best management practices  
1130 pursuant to this section is voluntary and except as specifically  
1131 provided under this section and s. 9, Art. IV of the State  
1132 Constitution, an agency, department, district, or unit of local  
1133 government may not adopt or enforce any ordinance, resolution,  
1134 regulation, rule, or policy regarding the best management  
1135 practices on land classified as agricultural land pursuant to s.  
1136 193.461.

1137 Section 11. Section 570.64, Florida Statutes, is created  
1138 to read:

1139 570.64 Division of Food, Nutrition, and Wellness.—

1140 (1) The duties of the Division of Food, Nutrition, and  
1141 Wellness include, but are not limited to, administering and  
1142 enforcing the powers and responsibilities of the division  
1143 prescribed in chapter 595 and the rules adopted thereunder.

1144 (2) The director of the division shall be appointed by,  
1145 and serve at the pleasure of, the commissioner. The director  
1146 shall supervise, direct, and coordinate activities of the  
1147 division, exercise such powers and duties as authorized by the



1148 commissioner, enforce the provisions of chapter 595 and the  
 1149 rules adopted thereunder, and any other powers and duties as  
 1150 authorized by the department.

1151 Section 12. Section 570.902, Florida Statutes, is amended  
 1152 to read:

1153 570.902 Definitions; ss. 570.902 and 570.903.—For the  
 1154 purpose of this section ~~ss. 570.902~~ and s. 570.903:

1155 (1) "Designated program" means the ~~specific~~ departmental  
 1156 program which a direct-support organization has been created to  
 1157 support.

1158 (2) "Direct-support organization" or "organization" means  
 1159 an organization which is a Florida corporation not for profit  
 1160 incorporated under the provisions of chapter 617 and approved by  
 1161 the department to operate for the benefit of a museum or a  
 1162 ~~specific departmental~~ program.

1163 (3) "Museum" means the Florida Agricultural Museum which  
 1164 is designated as the museum for agriculture and rural history of  
 1165 the State of Florida.

1166 Section 13. Section 570.903, Florida Statutes, is amended  
 1167 to read:

1168 570.903 Direct-support organization.—

1169 (1) The department may authorize ~~When the Legislature~~  
 1170 ~~authorizes~~ the establishment of a direct-support organizations  
 1171 ~~organization~~ to provide assistance, funding, and promotional  
 1172 support for the museums, ~~the Florida Agriculture in the~~  
 1173 ~~Classroom Program, the Florida State Collection of Arthropods,~~  
 1174 ~~the Friends of the Florida State Forests Program of the Florida~~  
 1175 ~~Forest Service, the Forestry Arson Alert Program,~~ and other



1176 programs of the department.~~7~~ The following provisions shall  
 1177 govern the creation, use, powers, and duties of the direct-  
 1178 support organizations ~~organization~~:

1179 (a) The department shall enter into a memorandum or letter  
 1180 of agreement with the direct-support organization, which shall  
 1181 specify the approval of the department, the powers and duties of  
 1182 the direct-support organization, and rules with which the  
 1183 direct-support organization must comply.

1184 (b) The department may authorize ~~permit~~, without charge,  
 1185 appropriate use of property, facilities, and personnel of the  
 1186 department by the ~~a~~ direct-support organization, ~~subject to ss.~~  
 1187 ~~570.902 and 570.903~~. The use shall be for ~~directly in keeping~~  
 1188 ~~with~~ the approved purposes of the direct-support organization  
 1189 and may not be made at times or places that would unreasonably  
 1190 interfere with opportunities for the general public to use  
 1191 department facilities ~~for established purposes~~.

1192 (c) The department shall prescribe by agreement ~~contract~~  
 1193 ~~or by rule~~ conditions with which the ~~a~~ direct-support  
 1194 organization must comply in order to use property, facilities,  
 1195 or personnel of the department ~~or museum~~. Such conditions ~~rules~~  
 1196 shall provide for budget and audit review and oversight by the  
 1197 department.

1198 (d) The department may not authorize ~~permit~~ the use of  
 1199 property, facilities, or personnel of the museum, department, or  
 1200 designated program by the ~~a~~ direct-support organization that  
 1201 does not provide equal employment opportunities to all persons  
 1202 regardless of race, color, religion, sex, age, or national  
 1203 origin.



1204           (2) (a) The direct-support organization may ~~shall be~~  
 1205 ~~empowered to~~ conduct programs and activities; raise funds;  
 1206 request and receive grants, gifts, and bequests of money;  
 1207 acquire, receive, hold, invest, and administer, in its own name,  
 1208 securities, funds, objects of value, or other property, real or  
 1209 personal; and make expenditures to or for the direct or indirect  
 1210 benefit of the museum or designated program.

1211           ~~(b) Notwithstanding the provisions of s. 287.057, the~~  
 1212 ~~direct support organization may enter into contracts or~~  
 1213 ~~agreements with or without competitive bidding for the~~  
 1214 ~~restoration of objects, historical buildings, and other~~  
 1215 ~~historical materials or for the purchase of objects, historical~~  
 1216 ~~buildings, and other historical materials which are to be added~~  
 1217 ~~to the collections of the museum, or benefit the designated~~  
 1218 ~~program. However, before the direct support organization may~~  
 1219 ~~enter into a contract or agreement without competitive bidding,~~  
 1220 ~~the direct support organization shall file a certification of~~  
 1221 ~~conditions and circumstances with the internal auditor of the~~  
 1222 ~~department justifying each contract or agreement.~~

1223           (b)(e) Notwithstanding the provisions of s. 287.025(1)(e),  
 1224 the direct-support organization may enter into contracts to  
 1225 insure property of the museum or designated programs and may  
 1226 insure objects or collections on loan from others in satisfying  
 1227 security terms of the lender.

1228           (3) The direct-support organization shall provide for an  
 1229 annual financial audit in accordance with s. 215.981.

1230           (4) A department employee, direct-support organization or  
 1231 museum employee, volunteer, or director, or ~~Neither a designated~~



1232 program ~~or a museum, nor a nonprofit corporation trustee or~~  
 1233 ~~employee~~ may not:

1234 (a) Receive a commission, fee, or financial benefit in  
 1235 connection with the sale or exchange of real or personal  
 1236 property or historical objects ~~or properties~~ to the direct-  
 1237 support organization, the museum, or the designated program; or

1238 (b) Be a business associate of any individual, firm, or  
 1239 organization involved in the sale or exchange of real or  
 1240 personal property to the direct-support organization, the  
 1241 museum, or the designated program.

1242 (5) All moneys received by the direct-support organization  
 1243 shall be deposited into an account of the direct-support  
 1244 organization and shall be used by the organization in a manner  
 1245 consistent with the goals of the museum or designated program.

1246 (6) The identity of a donor or prospective donor who  
 1247 desires to remain anonymous and all information identifying such  
 1248 donor or prospective donor are confidential and exempt from the  
 1249 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 1250 Constitution.

1251 (7) The Commissioner of Agriculture, or the commissioner's  
 1252 designee, may serve on the board of trustees and the executive  
 1253 committee of any direct-support organization established to  
 1254 benefit the museum or any designated program.

1255 (8) The department may terminate its agreement with a  
 1256 direct-support organization at any time if the department  
 1257 determines that the direct-support organization no longer meets  
 1258 the objectives of this section ~~The department shall establish by~~  
 1259 ~~rule archival procedures relating to museum artifacts and~~



1260 ~~records. The rules shall provide procedures which protect the~~  
1261 ~~museum's artifacts and records equivalent to those procedures~~  
1262 ~~which have been established by the Department of State under~~  
1263 ~~chapters 257 and 267.~~

1264 (9) Upon termination of the direct-support organization,  
1265 the assets of the direct-support organization shall be  
1266 distributed pursuant to its articles of incorporation or by-laws  
1267 or, if not provided for, to the department.

1268 Section 14. Subsection (3) of section 576.051, Florida  
1269 Statutes, is amended to read:

1270 576.051 Inspection, sampling, analysis.—

1271 (3) The official analysis shall be made from the official  
1272 sample. The department, before making the official analysis,  
1273 shall take a sufficient portion from the official sample for  
1274 check analysis and place that portion in a bottle sealed and  
1275 identified by number, date, and the preparer's initials. The  
1276 official check sample shall be kept until the analysis of the  
1277 official sample is completed. However, the licensee may obtain  
1278 upon request a portion of the official check sample. Upon  
1279 completion of the analysis of the official sample, a true copy  
1280 of the fertilizer analysis report shall be mailed to the  
1281 licensee of the fertilizer from whom the official sample was  
1282 taken and to the dealer or agent, if any, and purchaser, if  
1283 known. This fertilizer analysis report shall show all  
1284 determinations of plant nutrient and pesticides. If the official  
1285 analysis conforms with the provisions of this law, the official  
1286 check sample may be destroyed. If the official analysis does not  
1287 conform with the provisions of this law, the official check



1288 sample shall be retained for a period of 90 days from the date  
1289 of the fertilizer analysis report of the official sample. If  
1290 within that time the licensee of the fertilizer from whom the  
1291 official sample was taken, upon receipt of the fertilizer  
1292 analysis report, makes written demand for analysis of the  
1293 official check sample by a referee chemist, a portion of the  
1294 official check sample sufficient for analysis shall be sent to a  
1295 referee chemist who is mutually acceptable to the department and  
1296 the licensee for analysis at the expense of the licensee. The  
1297 referee chemist, upon completion of the analysis, shall forward  
1298 to the department and to the licensee a fertilizer analysis  
1299 report bearing a proper identification mark or number; and the  
1300 fertilizer analysis report shall be verified by an affidavit of  
1301 the person making the analysis. If the results reported on the  
1302 fertilizer analysis report agree within the matching criteria  
1303 defined in department rule ~~checks within three tenths of 1~~  
1304 ~~actual percent~~ with the department's analysis on each element  
1305 for which analysis was made, the mean average of the two  
1306 analyses shall be accepted as final and binding on all  
1307 concerned. However, if the referee's fertilizer analysis report  
1308 results do not agree within the matching criteria defined in  
1309 department rule with ~~shows a variation of greater than three-~~  
1310 ~~tenths of 1 actual percent from~~ the department's analysis in any  
1311 one or more elements for which an analysis was made, upon demand  
1312 of either the department or the licensee from whom the official  
1313 sample was taken, a portion of the official check sample  
1314 sufficient for analysis shall be submitted to a second referee  
1315 chemist who is mutually acceptable to the department and to the



1316 licensee from whom the official sample was taken, at the expense  
 1317 of the party or parties requesting the referee analysis. If no  
 1318 demand is made for an analysis by a second referee chemist, the  
 1319 department's fertilizer analysis report shall be accepted as  
 1320 final and binding on all concerned. The second referee chemist,  
 1321 upon completion of the analysis, shall make a fertilizer  
 1322 analysis report as provided in this subsection for the first  
 1323 referee chemist. The mean average of the two analyses nearest in  
 1324 conformity to each other shall be accepted as final and binding  
 1325 on all concerned.

1326 Section 15. Subsection (1) of section 576.061, Florida  
 1327 Statutes, is amended to read:

1328 576.061 Plant nutrient investigational allowances,  
 1329 deficiencies, and penalties.—

1330 (1) A commercial fertilizer is deemed deficient if the  
 1331 analysis of any nutrient is below the guarantee by an amount  
 1332 exceeding the investigational allowances. The department shall  
 1333 adopt rules, which shall take effect on July 1, 2014, that  
 1334 establish the investigational allowances used to determine  
 1335 whether a fertilizer is deficient in plant food.

1336 (a) Effective July 1, 2014, this paragraph and paragraphs  
 1337 (b)-(f) are repealed. Until July 1, 2014, investigational  
 1338 allowances shall be set as provided in paragraphs (b)-(f).  
 1339 ~~follows:~~

1340 (b)(a) Primary plant nutrients; investigational  
 1341 allowances.—

1342

Guaranteed	Total	Available	Potash
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	Percent	Nitrogen Percent	Phosphate Percent	Percent
1343				
1344	04 or less	0.49	0.67	0.41
1345	05	0.51	0.67	0.43
1346	06	0.52	0.67	0.47
1347	07	0.54	0.68	0.53
1348	08	0.55	0.68	0.60
1349	09	0.57	0.68	0.65
1350	10	0.58	0.69	0.70
1351	12	0.61	0.69	0.79
1352	14	0.63	0.70	0.87
1353	16	0.67	0.70	0.94
1354	18	0.70	0.71	1.01
1355	20	0.73	0.72	1.08



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

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

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

Nitrogen Breakdown	Investigational Allowances Percent
Nitrate nitrogen	0.40
Ammoniacal nitrogen	0.40
Water soluble nitrogen or urea nitrogen	0.40



1371 |  
 1372 | Water insoluble nitrogen 0.30  
 1373 | In no case may the investigational allowance exceed 50 percent  
 1374 | of the amount guaranteed.

1375 | (d)~~(e)~~ Secondary and micro plant nutrients, total or  
 1376 | soluble.-

1377 |  
 1378 | Element Investigational Allowances Percent

1379 |  
 1380 | Calcium 0.2 unit+5 percent of guarantee

1381 | Magnesium 0.2 unit+5 percent of guarantee

1382 | Sulfur (free and  
 1383 | combined) 0.2 unit+5 percent of guarantee

1384 | Boron 0.003 unit+15 percent of guarantee

1385 | Cobalt 0.0001 unit+30 percent of guarantee

1386 | Chlorine 0.005 unit+10 percent of guarantee

Copper 0.005 unit+10 percent of guarantee

Iron 0.005 unit+10 percent of guarantee



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Manganese 0.005 unit+10 percent of guarantee

Molybdenum 0.0001 unit+30 percent of guarantee

Sodium 0.005 unit+10 percent of guarantee

Zinc 0.005 unit+10 percent of guarantee

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

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

Investigational Allowances

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

(f) ~~(e)~~ Pesticides in fertilizer mixtures.—An investigational allowance of 25 percent of the guarantee shall



1405 be allowed on all pesticides when added to custom blend  
 1406 fertilizers.

1407 Section 16. Subsection (2) of section 576.181, Florida  
 1408 Statutes, is amended to read:

1409 576.181 Administration; rules; procedure.—

1410 (2) The department may adopt rules ~~is authorized, by rule,~~  
 1411 to implement, make specific, and interpret the provisions of  
 1412 this chapter, and specifically to determine the composition and  
 1413 uses of fertilizer as defined in this chapter, including, but  
 1414 not limited to ~~without limiting the foregoing general terms,~~ the  
 1415 taking and handling of samples, the establishment of  
 1416 investigational allowances, deficiencies, matching criteria for  
 1417 referee analysis, and penalties where not specifically provided  
 1418 for in this chapter; to prohibit the sale or use in fertilizer  
 1419 of any material proven to be detrimental to agriculture, public  
 1420 health, or the environment, or of questionable value; to provide  
 1421 for the incorporation into fertilizer of such other substances  
 1422 as pesticides and proper labeling of such mixture; and to  
 1423 prescribe the information which shall appear on the label other  
 1424 than specifically set forth in this chapter.

1425 Section 17. Section 585.61, Florida Statutes, is amended  
 1426 to read:

1427 585.61 Animal disease diagnostic laboratory ~~laboratories.~~—

1428 (1) There is ~~hereby created and~~ established an animal  
 1429 disease diagnostic laboratory in Osceola County ~~and Suwannee~~  
 1430 ~~County. The laboratory complex in Osceola County is~~ designated  
 1431 as the "Bronson Animal Disease Diagnostic Laboratory."

1432 (2) The construction and operation of ~~all~~ the laboratory



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1433 ~~laboratories~~ established by this section shall be under the  
1434 supervision and control of the department. It shall be the duty  
1435 of the department to operate the laboratory ~~these laboratories~~  
1436 in an efficient manner so that any person who maintains animals  
1437 in this state may obtain prompt reliable diagnosis of animal  
1438 diseases, including any disease which may affect poultry eggs,  
1439 in this state, and recommendations for the control and  
1440 eradication of such diseases, to the end that diseases of  
1441 animals may be reduced and controlled, and eradicated when  
1442 possible.

1443 (3) Any person who maintains animals in the state may use  
1444 the services of the laboratory ~~laboratories~~ under the terms of  
1445 this section and the rules adopted for such use by the  
1446 department. The department shall require any user of its  
1447 services to pay a fee not to exceed \$300 for any one of the  
1448 services requested. All laboratory fees collected shall be  
1449 deposited in the Animal Industry Diagnostic Laboratory Account  
1450 within the General Inspection Trust Fund. The fees collected  
1451 shall be used to improve the diagnostic laboratory services as  
1452 provided for by the Legislature in the General Appropriations  
1453 Act.

1454 Section 18. Paragraph (f) of subsection (3) of section  
1455 586.10, Florida Statutes, is amended to read:

1456 586.10 Powers and duties of department; preemption of  
1457 local government ordinances.—

1458 (3) The department may:

1459 (f) Inspect or cause to be inspected all apiaries in the  
1460 state at such intervals as it may deem best and keep a complete,



1461 accurate, and current list of all inspected apiaries to include  
 1462 the:

- 1463 1. Name of the apiary.
- 1464 2. Name of the owner of the apiary.
- 1465 3. Mailing address of the apiary owner.
- 1466 4. Location of the apiary.
- 1467 5. Number of hives in the apiary.
- 1468 6. Pest problems associated with the apiary.
- 1469 7. Brands used by beekeepers where applicable.

1470  
 1471 Notwithstanding s. 112.313, an apiary inspector may be a  
 1472 certified beekeeper as long as the inspector does not inspect  
 1473 his or her own apiary.

1474 Section 19. Subsection (3) is added to section 586.15,  
 1475 Florida Statutes, to read:

1476 586.15 Penalty for violation.—

1477 (3) In addition to the penalties provided in this section  
 1478 and chapter 500, the department may collect costs related to  
 1479 enforcing prohibitions against the adulteration or misbranding  
 1480 of honey. Such collections shall be deposited into the General  
 1481 Inspection Trust Fund.

1482 Section 20. Section 589.02, Florida Statutes, is amended  
 1483 to read:

1484 589.02 Headquarters and meetings of council.—The official  
 1485 headquarters of the council shall be in Tallahassee, but it may  
 1486 hold meetings at such other places in the state as it may  
 1487 determine by resolutions or as may be selected by a majority of  
 1488 the members of the council in any call for a meeting. ~~The annual~~



1489 ~~meeting of the council shall be held on the first Monday in~~  
 1490 ~~October of each year. Special meetings may be called at any time~~  
 1491 ~~by the chair or upon the written request of a majority of the~~  
 1492 ~~members.~~ The council shall annually elect from its members a  
 1493 chair, a vice chair, and a secretary. ~~The election shall be held~~  
 1494 ~~at the annual meeting of the council.~~ A majority of the members  
 1495 of the council shall constitute a quorum for such purposes.

1496 Section 21. Subsection (4) of section 589.19, Florida  
 1497 Statutes, is amended to read:

1498 589.19 Creation of certain state forests; naming of  
 1499 certain state forests; Operation Outdoor Freedom Program.-

1500 (4) (a) To honor the nation's disabled veterans and injured  
 1501 active duty servicemembers, the Florida Forest Service shall  
 1502 coordinate efforts to develop an Operation Outdoor Freedom  
 1503 Program to provide hunting and other activities for eligible  
 1504 veterans and servicemembers in designated state forest areas and  
 1505 on designated public and private lands. The Legislature finds it  
 1506 to be in the public interest for the Florida Forest Service to  
 1507 develop partnerships with the Fish and Wildlife Conservation  
 1508 Commission and other public and private organizations in order  
 1509 to provide the needed resources and funding to make the program  
 1510 successful ~~The Florida Forest Service shall designate one or~~  
 1511 ~~more areas of state forests as an "Operation Outdoor Freedom~~  
 1512 ~~Special Hunt Area" to honor wounded veterans and servicemembers.~~  
 1513 ~~The purpose of such designated areas is to provide special~~  
 1514 ~~outdoor recreational opportunities for eligible veterans and~~  
 1515 ~~servicemembers.~~

1516 (b) Participation in the Operation Outdoor Freedom Program





1517 shall be limited to Florida residents, as defined in s.  
 1518 379.101(30) (b), ~~The Florida Forest Service shall limit guest~~  
 1519 ~~admittance to such designated areas to any person who:~~

1520 1. Are honorably discharged military veterans certified by  
 1521 the United States Department of Veterans Affairs or its  
 1522 predecessor or by any branch of the United States Armed Forces  
 1523 to be at least 30 percent permanently service-connected disabled  
 1524 ~~Is an active duty member of any branch of the United States~~  
 1525 ~~Armed Forces and has a combat related injury as determined by~~  
 1526 ~~his or her branch of the United States Armed Forces; or~~

1527 2. Have been awarded the Military Order of the Purple  
 1528 Heart; or ~~Is a veteran who served during a period of wartime~~  
 1529 ~~service as defined in s. 1.01(14) or peacetime service as~~  
 1530 ~~defined in s. 296.02 and:~~

1531 a. ~~Has a service-connected disability as determined by the~~  
 1532 ~~United States Department of Veterans Affairs; or~~

1533 b. ~~Was discharged or released from military service~~  
 1534 ~~because of a disability acquired or aggravated while serving on~~  
 1535 ~~active duty~~

1536 3. Are active duty servicemembers with a service-connected  
 1537 injury as determined by his or her branch of the United States  
 1538 Armed Forces.

1539  
 1540 Proof of eligibility under this subsection, as prescribed by the  
 1541 Florida Forest Service, may be required.

1542 (c) Notwithstanding the eligibility requirements for  
 1543 program participation in paragraph (b), guided or unguided  
 1544 invitation-only activities may be conducted as part of the



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1545 Operation Outdoor Freedom Program for injured or disabled  
1546 veterans and injured or disabled active duty servicemembers of  
1547 any branch of the United States Armed Forces in designated state  
1548 forest areas and on designated public and private lands. The  
1549 Florida Forest Service may grant admittance to ~~such~~ designated  
1550 areas and lands to a person who is not an eligible veteran or  
1551 servicemember for the sole purpose ~~purposes~~ of accompanying an  
1552 eligible veteran or servicemember who requires the person's  
1553 assistance to use such ~~designated~~ areas and lands.

1554 (d) The Florida Forest Service may cooperate with state  
1555 and federal agencies, local governments, private landowners, and  
1556 other entities in connection with the Operation Outdoor Freedom  
1557 Program. Donations to the Operation Outdoor Freedom Program  
1558 ~~Funding required for specialized accommodations~~ shall be  
1559 deposited into the account of ~~provided through~~ the Friends of  
1560 Florida State Forests Program created under s. 589.012 and used  
1561 for Operation Outdoor Freedom Program activities.

1562 (e)1. A private landowner who provides land for  
1563 designation and use as an Operation Outdoor Freedom Program  
1564 hunting site shall have limited liability pursuant to s.  
1565 375.251.

1566 2. A private landowner who consents to the designation and  
1567 use of land as part of the Operation Outdoor Freedom Program  
1568 without compensation shall be considered a volunteer, as defined  
1569 in s. 110.501, and shall be covered by state liability  
1570 protection pursuant to s. 768.28, including s. 768.28(9).

1571 3. This subsection does not:

1572 a. Relieve any person of liability that would otherwise



1573 exist for deliberate, willful, or malicious injury to persons or  
 1574 property.

1575 b. Create or increase the liability of any person.

1576 (f) The Legislature shall designate the second Saturday of  
 1577 each November as Operation Outdoor Freedom Day.

1578 (g)-(e) The Florida Forest Service may adopt rules to  
 1579 administer this subsection.

1580 Section 22. Section 589.30, Florida Statutes, is amended  
 1581 to read:

1582 589.30 Duty of district or center manager ~~forester~~.—It  
 1583 shall be the duty of the district or center manager ~~forester~~ to  
 1584 direct all work in accordance with the law and regulations of  
 1585 the Florida Forest Service; gather and disseminate information  
 1586 in the management of commercial timber, including establishment,  
 1587 protection and utilization; and assist in the development and  
 1588 use of forest lands for outdoor recreation, watershed  
 1589 protection, and wildlife habitat. The district or center manager  
 1590 ~~forester~~ or his or her representative shall provide  
 1591 encouragement and technical assistance to individuals and urban  
 1592 and county officials in the planning, establishment, and  
 1593 management of trees and plant associations to enhance the beauty  
 1594 of the urban and suburban environment and meet outdoor  
 1595 recreational needs.

1596 Section 23. Subsections (1), (2), (3), (7), and (10) of  
 1597 section 590.02, Florida Statutes, are amended to read:

1598 590.02 Florida Forest Service; powers, authority, and  
 1599 duties; liability; building structures; Florida Center for  
 1600 Wildfire and Forest Resources Management Training.—



1601 (1) The Florida Forest Service has the following powers,  
1602 authority, and duties:

1603 (a) To enforce the provisions of this chapter;

1604 (b) To prevent, detect, and suppress, ~~and extinguish~~  
1605 wildfires wherever they may occur on public or private land in  
1606 this state and to do all things necessary in the exercise of  
1607 such powers, authority, and duties;

1608 (c) To provide firefighting crews, who shall be under the  
1609 control and direction of the Florida Forest Service and its  
1610 designated agents;

1611 (d) To appoint center managers, forest area supervisors,  
1612 forestry program administrators, a forest protection bureau  
1613 chief, a forest protection assistant bureau chief, a field  
1614 operations bureau chief, deputy chiefs of field operations,  
1615 district managers, forest operations administrators, senior  
1616 forest rangers, investigators, forest rangers, firefighter  
1617 rotorcraft pilots, and other employees who may, at the Florida  
1618 Forest Service's discretion, be certified as forestry  
1619 firefighters pursuant to s. 633.35(4). Other provisions of law  
1620 notwithstanding, center managers, district managers, forest  
1621 protection assistant bureau chief, and deputy chiefs of field  
1622 operations shall have Selected Exempt Service status in the  
1623 state personnel designation;

1624 (e) To develop a training curriculum for forestry  
1625 firefighters which must contain the basic volunteer structural  
1626 fire training course approved by the Florida State Fire College  
1627 of the Division of State Fire Marshal and a minimum of 250 hours  
1628 of wildfire training;



1629 (f) To make rules to accomplish the purposes of this  
 1630 chapter;

1631 (g) To provide fire management services and emergency  
 1632 response assistance and to set and charge reasonable fees for  
 1633 performance of those services. Moneys collected from such fees  
 1634 shall be deposited into the Incidental Trust Fund of the Florida  
 1635 Forest Service; ~~and~~

1636 (h) To require all state, regional, and local government  
 1637 agencies operating aircraft in the vicinity of an ongoing  
 1638 wildfire to operate in compliance with the applicable state  
 1639 Wildfire Aviation Plan; and

1640 (i) To authorize broadcast burning, prescribed burning,  
 1641 pile burning, and land clearing debris burning to carry out the  
 1642 duties of this chapter and the rules adopted thereunder.

1643 (2) The Florida Forest Service's employees, and the  
 1644 firefighting crews under their control and direction, may enter  
 1645 upon any lands for the purpose of preventing, detecting, and  
 1646 suppressing wildfires and investigating smoke complaints or open  
 1647 burning not in compliance with authorization and to enforce the  
 1648 provisions of this chapter.

1649 (3) Employees of the Florida Forest Service and of  
 1650 federal, state, and local agencies, and all other persons and  
 1651 entities that are under contract or agreement with the Florida  
 1652 Forest Service to assist in firefighting operations as well as  
 1653 those entities, called upon by the Florida Forest Service to  
 1654 assist in firefighting may, in the performance of their duties,  
 1655 set counterfires, remove fences and other obstacles, dig  
 1656 trenches, cut firelines, use water from public and private



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1657 sources, and carry on all other customary activities in the  
1658 fighting of wildfires without incurring liability to any person  
1659 or entity. The manner in which the Florida Forest Service  
1660 monitors a smoldering wildfire, smoldering prescribed fire, or  
1661 fights any wildfire are planning level activities for which  
1662 sovereign immunity applies and is not waived.

1663 (7) The Florida Forest Service may organize, staff, equip,  
1664 and operate the Florida ~~Center for Wildfire and Forest Resources~~  
1665 ~~Management~~ Training Center. The center shall serve as a site  
1666 where fire and forest resource managers can obtain current  
1667 knowledge, techniques, skills, and theory as they relate to  
1668 their respective disciplines.

1669 (a) The center may establish cooperative efforts involving  
1670 federal, state, and local entities; hire appropriate personnel;  
1671 and engage others by contract or agreement with or without  
1672 compensation to assist in carrying out the training and  
1673 operations of the center.

1674 (b) The center shall provide wildfire suppression training  
1675 opportunities for rural fire departments, volunteer fire  
1676 departments, and other local fire response units.

1677 (c) The center will focus on curriculum related to, but  
1678 not limited to, fuel reduction, an incident management system,  
1679 prescribed burning certification, multiple-use land management,  
1680 water quality, forest health, environmental education, and  
1681 wildfire suppression training for structural firefighters.

1682 (d) The center may assess appropriate fees for food,  
1683 lodging, travel, course materials, and supplies in order to meet  
1684 its operational costs and may grant free meals, room, and



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1685 scholarships to persons and other entities in exchange for  
1686 instructional assistance.

1687 ~~(c) An advisory committee consisting of the following~~  
1688 ~~individuals or their designees must review program curriculum,~~  
1689 ~~course content, and scheduling: the director of the Florida~~  
1690 ~~Forest Service; the assistant director of the Florida Forest~~  
1691 ~~Service; the director of the School of Forest Resources and~~  
1692 ~~Conservation of the University of Florida; the director of the~~  
1693 ~~Division of Recreation and Parks of the Department of~~  
1694 ~~Environmental Protection; the director of the Division of the~~  
1695 ~~State Fire Marshal; the director of the Florida Chapter of The~~  
1696 ~~Nature Conservancy; the executive vice president of the Florida~~  
1697 ~~Forestry Association; the president of the Florida Farm Bureau~~  
1698 ~~Federation; the executive director of the Fish and Wildlife~~  
1699 ~~Conservation Commission; the executive director of a water~~  
1700 ~~management district as appointed by the Commissioner of~~  
1701 ~~Agriculture; the supervisor of the National Forests in Florida;~~  
1702 ~~the president of the Florida Fire Chief's Association; and the~~  
1703 ~~executive director of the Tall Timbers Research Station.~~

1704 (10) (a) Notwithstanding the provisions of s. 252.38, the  
1705 Florida Forest Service has exclusive authority to require and  
1706 issue authorizations for broadcast burning and agricultural and  
1707 silvicultural pile burning. An agency, commission, department,  
1708 county, municipality, or other political subdivision of the  
1709 state may not adopt or enforce laws, regulations, rules, or  
1710 policies pertaining to broadcast burning or agricultural and  
1711 silvicultural pile burning ~~unless an emergency order is declared~~  
1712 ~~in accordance with s. 252.38(3).~~



1713 (b) The Florida Forest Service may delegate to a county,  
 1714 ~~or municipality, or special district~~ its authority:<sup>7</sup>

1715 1. As delegated by the Department of Environmental  
 1716 Protection pursuant to ss. 403.061(28) and 403.081, to manage  
 1717 and enforce regulations pertaining to ~~require and issue~~  
 1718 ~~authorizations for the burning of yard trash and debris from~~  
 1719 ~~land clearing operations~~ in accordance with s. 590.125(6).

1720 2. To manage the open burning of land clearing debris in  
 1721 accordance with s. 590.125.

1722 Section 24. Subsection (1) of section 590.11, Florida  
 1723 Statutes, is amended to read:

1724 590.11 Recreational fires.—

1725 (1) It is unlawful for any individual or group of  
 1726 individuals to build a warming fire, bonfire, or campfire and  
 1727 leave it unattended while visible flame, smoke, or emissions  
 1728 exist unextinguished.

1729 Section 25. Subsections (1) and (2), paragraphs (b) and  
 1730 (c) of subsection (3), and paragraph (a) of subsection (4) of  
 1731 section 590.125, Florida Statutes, are amended to read:

1732 590.125 Open burning authorized by the Florida Forest  
 1733 Service.—

1734 (1) DEFINITIONS.—As used in this section, the term:

1735 (a) "Certified pile burner" means an individual who  
 1736 successfully completes the pile burning certification program of  
 1737 the Florida Forest Service and possesses a valid pile burner  
 1738 certification number.

1739 (b) "Certified pile burning" means a pile burn conducted  
 1740 in accordance with a written pile burning plan by a certified





1741 pile burner.

1742 (c) ~~(b)~~ "Certified prescribed burn manager" means an  
1743 individual who successfully completes the certified prescribed  
1744 burning program of the Florida Forest Service and possesses a  
1745 valid certification number.

1746 (d) "Certified prescribed burning" means prescribed  
1747 burning in accordance with a written prescription conducted by a  
1748 certified prescribed burn manager.

1749 (e) "Contained" means that fire and smoldering exist  
1750 entirely within established or natural firebreaks.

1751 (f) ~~(e)~~ "Completed" ~~"Extinguished"~~ means that for:

1752 1. Broadcast burning, no continued lateral movement of  
1753 fire across the authorized area into entirely unburned fuels  
1754 within the authorized area ~~Wildland burning or certified~~  
1755 ~~prescribed burning, no spreading flames exist.~~

1756 2. Certified pile ~~Vegetative land-clearing debris~~ burning  
1757 or pile burning, no visible flames exist.

1758 3. Certified pile ~~Vegetative land-clearing debris~~ burning  
1759 or pile burning in an area designated as smoke sensitive by the  
1760 Florida Forest Service, no visible flames, smoke, or emissions  
1761 exist.

1762 (g) "Gross negligence" means conduct so reckless or  
1763 wanting in care that it constitutes a conscious disregard or  
1764 indifference to the life, safety, or rights of persons exposed  
1765 to such conduct.

1766 ~~(d) "Land-clearing operation" means the uprooting or~~  
1767 ~~clearing of vegetation in connection with the construction of~~  
1768 ~~buildings and rights-of-way, land development, and mineral~~



1769 ~~operations. The term does not include the clearing of yard~~  
1770 ~~trash.~~

1771 (h)-(e) "Pile burning" means the burning of silvicultural,  
1772 agricultural, ~~or~~ land-clearing, or ~~and~~ tree-cutting debris  
1773 originating onsite, which is stacked together in a round or  
1774 linear fashion, including, but not limited to, a windrow. Pile  
1775 burning authorized by the Florida Forest Service is a temporary  
1776 procedure, which operates on the same site for 6 months or less.

1777 (i) "Pile burn plan" means a written plan establishing the  
1778 method of conducting a certified pile burn.

1779 (j)-(f) "Prescribed burning" means the ~~controlled~~  
1780 application of fire by broadcast burning ~~in accordance with a~~  
1781 ~~written prescription~~ for vegetative fuels under specified  
1782 environmental conditions, while following appropriate  
1783 precautionary measures to guard against the spread of fire  
1784 beyond the that ensure that the fire is confined to a  
1785 predetermined area to accomplish the planned fire or land  
1786 management objectives.

1787 (k)-(g) "Prescription" means a written plan establishing  
1788 the conditions and methods for conducting ~~criteria necessary for~~  
1789 ~~starting, controlling, and extinguishing~~ a certified prescribed  
1790 burn.

1791 (l) "Smoldering" means the continued consumption of fuels,  
1792 which may emit flames and smoke, after a fire is contained.

1793 (m)-(h) "Yard trash" means vegetative matter resulting from  
1794 landscaping and yard maintenance operations and other such  
1795 routine property cleanup activities. The term includes materials  
1796 such as leaves, shrub trimmings, grass clippings, brush, and



1797 | palm fronds.

1798 |       (2) NONCERTIFIED BURNING.—

1799 |       (a) Persons may be authorized to broadcast burn or pile

1800 | ~~burn wild land or vegetative land-clearing debris~~ in accordance

1801 | with this subsection if:

1802 |           1. There is specific consent of the landowner or his or

1803 | her designee;

1804 |           2. Authorization has been obtained from the Florida Forest

1805 | Service or its designated agent before starting the burn;

1806 |           3. There are adequate firebreaks at the burn site and

1807 | sufficient personnel and firefighting equipment for the

1808 | containment ~~control~~ of the fire;

1809 |           4. The fire remains within the boundary of the authorized

1810 | area;

1811 |           5. The person named responsible in the burn authorization

1812 | or a designee ~~An authorized person~~ is present at the burn site

1813 | until the fire is completed ~~extinguished~~;

1814 |           6. The Florida Forest Service does not cancel the

1815 | authorization; and

1816 |           7. The Florida Forest Service determines that air quality

1817 | and fire danger are favorable for safe burning.

1818 |       (b) A person who broadcast burns or pile burns ~~wild land~~

1819 | ~~or vegetative land-clearing debris~~ in a manner that violates any

1820 | requirement of this subsection commits a misdemeanor of the

1821 | second degree, punishable as provided in s. 775.082 or s.

1822 | 775.083.

1823 |       (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND

1824 | PURPOSE.—



1825 (b) Certified prescribed burning pertains only to  
1826 broadcast burning for purposes of silviculture, wildland fire  
1827 hazard reduction, wildlife management, ecological maintenance  
1828 and restoration, and agriculture ~~range and pasture management~~.

1829 It must be conducted in accordance with this subsection and:

1830 1. May be accomplished only when a certified prescribed  
1831 burn manager is present on site with a copy of the prescription  
1832 and directly supervises the certified prescribed burn until the  
1833 burn is completed, after which the certified prescribed burn  
1834 manager is not required to be present ~~from ignition of the burn~~  
1835 ~~to its completion~~.

1836 2. Requires that a written prescription be prepared before  
1837 receiving authorization to burn from the Florida Forest Service.

1838 a. A new prescription or authorization is not required for  
1839 smoldering that occurs within the authorized burn area unless  
1840 new ignitions are conducted by the certified prescribed burn  
1841 manager.

1842 b. Monitoring the smoldering activity of a certified  
1843 prescribed burn does not require a prescription or an additional  
1844 authorization even if flames begin to spread within the  
1845 authorized burn area due to ongoing smoldering.

1846 3. Requires that the specific consent of the landowner or  
1847 his or her designee be obtained before requesting an  
1848 authorization.

1849 4. Requires that an authorization to burn be obtained from  
1850 the Florida Forest Service before igniting the burn.

1851 5. Requires that there be adequate firebreaks at the burn  
1852 site and sufficient personnel and firefighting equipment to



1853 contain for the control of the fire within the authorized burn  
1854 area.

1855 a. Fire spreading outside the authorized burn area on the  
1856 day of the certified prescribed burn ignition does not  
1857 constitute conclusive proof of inadequate firebreaks,  
1858 insufficient personnel, or a lack of firefighting equipment.

1859 b. If the certified prescribed burn is contained within  
1860 the authorized burn area during the authorized period, a strong  
1861 rebuttable presumption shall exist that adequate firebreaks,  
1862 sufficient personnel, and sufficient firefighting equipment were  
1863 present.

1864 c. Continued smoldering of a certified prescribed burn  
1865 resulting in a subsequent wildfire does not by itself constitute  
1866 evidence of gross negligence under this section.

1867 6. Is considered to be in the public interest and does not  
1868 constitute a public or private nuisance when conducted under  
1869 applicable state air pollution statutes and rules.

1870 7. Is considered to be a property right of the property  
1871 owner if vegetative fuels are burned as required in this  
1872 subsection.

1873 (c) ~~Neither~~ A property owner or leaseholder or her his or  
1874 her agent, contractor, or legally authorized designee is not  
1875 liable pursuant to s. 590.13 for damage or injury caused by the  
1876 fire, including the reignition of a smoldering, previously  
1877 contained burn, or resulting smoke or considered to be in  
1878 violation of subsection (2) for burns conducted in accordance  
1879 with this subsection, unless gross negligence is proven. The  
1880 Florida Forest Service is not liable for burns for which it



1881 issues authorizations.

1882 (4) CERTIFIED PILE BURNING.—

1883 (a) Certified pile burning pertains to the disposal of

1884 piled, naturally occurring debris from an agricultural,

1885 silvicultural, ~~or temporary~~ land-clearing, or tree cutting

1886 debris originating on site operation. A land-clearing operation

1887 ~~is temporary if it operates for 6 months or less.~~ Certified pile

1888 burning must be conducted in accordance with the following:

1889 1. A certified pile burner must ensure, before ignition,

1890 that the piles are properly placed and that the content of the

1891 piles is conducive to efficient burning.

1892 2. A certified pile burner must ensure that the authorized

1893 burn is completed ~~piles are properly extinguished~~ no later than

1894 1 hour after sunset. If the burn is conducted in an area

1895 designated by the Florida Forest Service as smoke sensitive, a

1896 certified pile burner must ensure that the authorized burn is

1897 completed ~~piles are properly extinguished~~ at least 1 hour before

1898 sunset.

1899 3. A written pile burning plan must be prepared before

1900 receiving authorization from the Florida Forest Service to burn

1901 and must be on site and available for inspection by a department

1902 representative.

1903 4. The specific consent of the landowner or his or her

1904 agent must be obtained before requesting authorization to burn.

1905 5. An authorization to burn must be obtained from the

1906 Florida Forest Service or its designated agent before igniting

1907 the burn.

1908 6. There must be adequate firebreaks and sufficient



1909 personnel and firefighting equipment at the burn site to contain  
 1910 the burn to the piles authorized ~~control the fire.~~

1911 Section 26. Section 590.25, Florida Statutes, is amended  
 1912 to read:

1913 590.25 Penalty for ~~preventing or~~ obstructing the  
 1914 prevention, detection, or suppression ~~extinguishment~~ of  
 1915 wildfires.—Whoever interferes ~~shall interfere~~ with, obstructs  
 1916 ~~obstruct~~ or commits ~~commit~~ any act aimed to obstruct the  
 1917 prevention, detection, or suppression ~~extinguishment~~ of  
 1918 wildfires by the employees of the Florida Forest Service or any  
 1919 other person engaged in the prevention, detection, or  
 1920 suppression ~~extinguishment~~ of a wildfire, or who damages or  
 1921 destroys any equipment being used for such purpose, commits  
 1922 ~~shall be guilty of~~ a felony of the third degree, punishable as  
 1923 provided in s. 775.082, s. 775.083, or s. 775.084.

1924 Section 27. Chapter 595, Florida Statutes, is created,  
 1925 shall consist of sections 595.401-595.701, Florida Statutes, and  
 1926 shall be entitled "School Food and Nutrition Services."

1927 Section 28. Section 595.401, Florida Statutes, is created  
 1928 to read:

1929 595.401 Short title.—This chapter may be cited as the  
 1930 "Florida School Food and Nutrition Act."

1931 Section 29. Section 595.402, Florida Statutes, is created  
 1932 to read:

1933 595.402 Definitions.—As used in this chapter, the term:  
 1934 (1) "Commissioner" means the Commissioner of Agriculture.  
 1935 (2) "Department" means the Department of Agriculture and  
 1936 Consumer Services.



1937           (3) "Program" means any one or more of the school food and  
 1938 nutrition service programs that the department has  
 1939 responsibility over including, but not limited to, the National  
 1940 School Lunch Program, the Special Milk Program, the School  
 1941 Breakfast Program, the Summer Food Service Program, the Fresh  
 1942 Fruit and Vegetable Program, and any other program that relates  
 1943 to school nutrition.

1944           (4) "School district" means any of the 67 county school  
 1945 districts, including the respective district school board.

1946           (5) "Sponsor" means any entity that is conducting a  
 1947 program under a current agreement with the department.

1948           Section 30. Section 595.403, Florida Statutes, is created  
 1949 to read:

1950           595.403 State policy.—The Legislature, in recognition of  
 1951 the demonstrated relationship between good nutrition and the  
 1952 capacity of students to develop and learn, declares that it is  
 1953 the policy of the state to provide standards for school food and  
 1954 nutrition services and to require each school district to  
 1955 establish and maintain an appropriate school food and nutrition  
 1956 service program consistent with the nutritional needs of  
 1957 students. To implement that policy, the state shall provide  
 1958 funds to meet the state National School Lunch Act matching  
 1959 requirements. The funds provided shall be distributed in such a  
 1960 manner as to comply with the requirements of the National School  
 1961 Lunch Act.

1962           Section 31. Section 570.98, Florida Statutes, is  
 1963 transferred, renumbered as section 595.404, Florida Statutes,  
 1964 and amended to read:





1965 595.404 ~~570.98~~ School food and nutrition service program;  
 1966 powers and duties of the department ~~programs.~~

1967 ~~(1)~~ The department has the following powers and duties:  
 1968 ~~shall~~

1969 (1) To conduct, supervise, and administer the program ~~all~~  
 1970 ~~school food and nutrition programs~~ that will be carried out  
 1971 using federal or state funds, or funds from any other source.

1972 (2) To fully ~~The department shall~~ cooperate fully with the  
 1973 United States Government and its agencies and instrumentalities  
 1974 so that the department may receive the benefit of all federal  
 1975 financial allotments and assistance possible to carry out the  
 1976 purposes of this chapter.

1977 (3) To implement and adopt by rule, as required, federal  
 1978 regulations to maximize federal assistance for the program. ~~The~~  
 1979 ~~department may~~

1980 (4) To act as agent of, or contract with, the Federal  
 1981 Government, another state agency, or any county or municipal  
 1982 government, or sponsor for the administration of the program  
 1983 ~~school food and nutrition programs~~, including the distribution  
 1984 of funds provided by the Federal Government to support the  
 1985 program ~~school food and nutrition programs~~.

1986 (5) To make a reasonable effort to ensure that any school  
 1987 designated as a "severe need school" receives the highest rate  
 1988 of reimbursement to which it is entitled under 42 U.S.C. s. 1773  
 1989 for each breakfast meal served.

1990 (6) To develop and propose legislation necessary to  
 1991 implement the program, encourage the development of innovative  
 1992 school food and nutrition services, and expand participation in



1993 | the program.

1994 |       (7) To annually allocate among the sponsors, as  
 1995 | applicable, funds provided from the school breakfast supplement  
 1996 | in the General Appropriations Act based on each district's total  
 1997 | number of free and reduced-price breakfast meals served.

1998 |       (8) To employ such persons as are necessary to perform its  
 1999 | duties under this chapter.

2000 |       (9) To adopt rules covering the administration, operation,  
 2001 | and enforcement of the program as well as to implement the  
 2002 | provisions of this chapter.

2003 |       (10) To adopt and implement an appeal process by rule, as  
 2004 | required by federal regulations, for applicants and participants  
 2005 | under the program, notwithstanding s. 120.569 and ss. 120.57-  
 2006 | 120.595.

2007 |       (11) To assist, train, and review each sponsor in its  
 2008 | implementation of the program.

2009 |       (12) To advance funds from the program's annual  
 2010 | appropriation to sponsors, when requested, in order to implement  
 2011 | the provisions of this chapter and in accordance with federal  
 2012 | regulations.

2013 |       Section 32. Subsections (1) through (5) of section  
 2014 | 570.981, Florida Statutes, are transferred, renumbered as  
 2015 | section 595.405, Florida Statutes, and amended to read:

2016 |       595.405 ~~570.981~~ Program requirements for school districts  
 2017 | and sponsors food service programs.-

2018 |       ~~(1) In recognition of the demonstrated relationship~~  
 2019 | ~~between good nutrition and the capacity of students to develop~~  
 2020 | ~~and learn, it is the policy of the state to provide standards~~



2021 ~~for school food service and to require district school boards to~~  
 2022 ~~establish and maintain an appropriate private school food~~  
 2023 ~~service program consistent with the nutritional needs of~~  
 2024 ~~students.~~

2025 ~~(2) The department shall adopt rules covering the~~  
 2026 ~~administration and operation of the school food service~~  
 2027 ~~programs.~~

2028 (1)~~(3)~~ Each school district ~~school board~~ shall consider  
 2029 the recommendations of the district school superintendent and  
 2030 adopt policies to provide for an appropriate food and nutrition  
 2031 service program for students consistent with federal law and  
 2032 department rules ~~rule~~.

2033 ~~(4) The state shall provide the state National School~~  
 2034 ~~Lunch Act matching requirements. The funds provided shall be~~  
 2035 ~~distributed in such a manner as to comply with the requirements~~  
 2036 ~~of the National School Lunch Act.~~

2037 (2)~~(5)(a)~~ Each school district ~~school board~~ shall  
 2038 implement school breakfast programs that make breakfast meals  
 2039 available to all students in each elementary school. Universal  
 2040 school breakfast programs shall be offered in schools in which  
 2041 80 percent or more of the students are eligible for free or  
 2042 reduced-price meals. Each school shall, to the maximum extent  
 2043 practicable, make breakfast meals available to students at an  
 2044 alternative site location, which may include, but need not be  
 2045 limited to, alternative breakfast options as described in  
 2046 publications of the Food and Nutrition Service of the United  
 2047 States Department of Agriculture for the federal School  
 2048 Breakfast Program.



2049        (3)~~(b)~~ Each school district must annually set prices for  
2050 breakfast meals at rates that, combined with federal  
2051 reimbursements and state allocations, are sufficient to defray  
2052 costs of school breakfast programs without requiring allocations  
2053 from the district's operating funds, except if the district  
2054 school board approves lower rates.

2055        (4)~~(e)~~ Each school district ~~school board~~ is encouraged to  
2056 provide universal-free school breakfast meals to all students in  
2057 each elementary, middle, and high school. Each school district  
2058 ~~school board~~ shall approve or disapprove a policy, after  
2059 receiving public testimony concerning the proposed policy at two  
2060 or more regular meetings, which makes universal-free school  
2061 breakfast meals available to all students in each elementary,  
2062 middle, and high school in which 80 percent or more of the  
2063 students are eligible for free or reduced-price meals.

2064        (5)~~(d)~~ Each elementary, middle, and high school shall make  
2065 a breakfast meal available if a student arrives at school on the  
2066 ~~school~~ bus less than 15 minutes before the first bell rings and  
2067 shall allow the student at least 15 minutes to eat the  
2068 breakfast.

2069        (6)~~(e)~~ Each school district shall annually provide to all  
2070 students in each elementary, middle, and high school information  
2071 prepared by the district's food service administration regarding  
2072 its school breakfast programs. The information shall be  
2073 communicated through school announcements and written notices  
2074 ~~notice~~ sent to all parents.

2075        (7)~~(f)~~ A school district ~~school board~~ may operate a  
2076 breakfast program providing for food preparation at the school



2077 | site or in central locations with distribution to designated  
 2078 | satellite schools or any combination thereof.

2079 | (8) Each sponsor shall complete all corrective action  
 2080 | plans required by the department or a federal agency to be in  
 2081 | compliance with the program.

2082 | ~~(g) The commissioner shall make every reasonable effort to~~  
 2083 | ~~ensure that any school designated as a "severe need school"~~  
 2084 | ~~receives the highest rate of reimbursement to which it is~~  
 2085 | ~~entitled under 42 U.S.C. s. 1773 for each breakfast meal served.~~

2086 | ~~(h) The department shall annually allocate among the~~  
 2087 | ~~school districts funds provided from the school breakfast~~  
 2088 | ~~supplement in the General Appropriations Act based on each~~  
 2089 | ~~district's total number of free and reduced-price breakfast~~  
 2090 | ~~meals served.~~

2091 | Section 33. Subsection (6) of section 570.981, Florida  
 2092 | Statutes, is transferred, renumbered as section 595.406, Florida  
 2093 | Statutes, and amended to read:

2094 | 595.406 ~~570.981~~ Florida Farm Fresh Schools Program School  
 2095 | food service programs.-

2096 | ~~(6) The Legislature, recognizing that school children need~~  
 2097 | ~~nutritious food not only for healthy physical and intellectual~~  
 2098 | ~~development but also to combat diseases related to poor~~  
 2099 | ~~nutrition and obesity, establishes the Florida Farm Fresh~~  
 2100 | ~~Schools Program within the department. The program shall comply~~  
 2101 | ~~with the regulations of the National School Lunch Program and~~  
 2102 | ~~require:~~

2103 | (1)(a) In order to implement the Florida Farm Fresh  
 2104 | Schools Program, the department shall ~~to~~ develop policies



2105 | pertaining to school food services which encourage:  
 2106 |        (a)1. Sponsors ~~School districts~~ to buy fresh and high-  
 2107 | quality foods grown in this state when feasible.  
 2108 |        (b)2. Farmers in this state to sell their products to  
 2109 | sponsors, school districts, and schools.  
 2110 |        (c)3. Sponsors ~~School districts and schools~~ to demonstrate  
 2111 | a preference for competitively priced organic food products.  
 2112 |        (d)(b) Sponsors ~~School districts and schools~~ to make  
 2113 | reasonable efforts to select foods based on a preference for  
 2114 | those that have maximum nutritional content.  
 2115 |        (2)(e) The department shall ~~to~~ provide outreach, guidance,  
 2116 | and training to sponsors ~~school districts,~~ schools, school food  
 2117 | service directors, parent and teacher organizations, and  
 2118 | students about the benefit ~~benefits~~ of fresh food products from  
 2119 | farms in this state.  
 2120 |        Section 34. Section 570.982, Florida Statutes, is  
 2121 | transferred, renumbered as section 595.407, Florida Statutes,  
 2122 | and amended to read:  
 2123 |        595.407 ~~570.982~~ Children's summer nutrition program.—  
 2124 |        (1) This section may be cited as the "Ms. Willie Ann Glenn  
 2125 | Act."  
 2126 |        (2) Each school district ~~school board~~ shall develop a plan  
 2127 | to sponsor a summer nutrition program to operate sites in the  
 2128 | school district as follows:  
 2129 |        (a) Within 5 miles of at least one elementary school at  
 2130 | which 50 percent or more of the students are eligible for free  
 2131 | or reduced-price school meals and for the duration of 35  
 2132 | consecutive days.~~;~~ ~~and~~



2133           (b) ~~Except as operated pursuant to paragraph (a),~~ Within  
2134 10 miles of each elementary school at which 50 percent or more  
2135 of the students are eligible for free or reduced-price school  
2136 meals, except as operated pursuant to paragraph (a).

2137           (3) (a) A school district ~~school board~~ may be exempt from  
2138 sponsoring a summer nutrition program pursuant to this section.  
2139 A school district ~~school board~~ seeking such exemption must  
2140 include the issue on an agenda at a regular or special school  
2141 district ~~school board~~ meeting that is publicly noticed, provide  
2142 residents an opportunity to participate in the discussion, and  
2143 vote on whether to be exempt from this section. The school  
2144 district ~~school board~~ shall notify the department commissioner  
2145 within 10 days after it decides to become exempt from this  
2146 section.

2147           (b) Each year, the school district ~~school board~~ shall  
2148 reconsider its decision to be exempt from the provisions of this  
2149 section and shall vote on whether to continue the exemption from  
2150 sponsoring a summer nutrition program. The school district  
2151 ~~school board~~ shall notify the department commissioner within 10  
2152 days after each subsequent year's decision to continue the  
2153 exemption.

2154           (c) If a school district ~~school board~~ elects to be exempt  
2155 from sponsoring a summer nutrition program under this section,  
2156 the school district ~~school board~~ may encourage not-for-profit  
2157 entities to sponsor the program. If a not-for-profit entity  
2158 chooses to sponsor the summer nutrition program but fails to  
2159 perform with regard to the program, ~~the district school board,~~  
2160 the school district, and the department are not required to



2161 continue the program and shall be held harmless from any  
 2162 liability arising from the discontinuation of the summer  
 2163 nutrition program.

2164 (4) The superintendent of schools may collaborate with  
 2165 municipal and county governmental agencies and private, not-for-  
 2166 profit leaders in implementing the plan. Although schools have  
 2167 proven to be the optimal site for a summer nutrition program,  
 2168 any not-for-profit entity may serve as a site or sponsor. By  
 2169 April 15 of each year, each school district with a summer  
 2170 nutrition program shall report to the department the district's  
 2171 summer nutrition program sites in compliance with this section.

2172 (5) The department shall provide to each school district  
 2173 ~~school board~~ by February 15 of each year a list of local  
 2174 organizations that have filed letters of intent to participate  
 2175 in the summer nutrition program in order that a school district  
 2176 ~~may school board is able to~~ determine how many sites are needed  
 2177 to serve the children and where to place each site.

2178 Section 35. Section 570.072, Florida Statutes, is  
 2179 transferred, renumbered as section 595.408, Florida Statutes,  
 2180 and amended to read:

2181 595.408 ~~570.072~~ Commodity distribution services;  
 2182 ~~responsibility of~~ department responsibilities and functions.-

2183 (1) (a) The department shall conduct, supervise, and  
 2184 administer all commodity distribution services that will be  
 2185 carried on using federal or state funds, or funds from any other  
 2186 source, or commodities received and distributed from the United  
 2187 States or any of its agencies.

2188 (b) The department shall determine the benefits each





2189 applicant or recipient of assistance is entitled to receive  
 2190 under this chapter, provided that each applicant or recipient is  
 2191 a resident of this state and a citizen of the United States or  
 2192 is an alien lawfully admitted for permanent residence or  
 2193 otherwise permanently residing in the United States under color  
 2194 of law.

2195 (2) The department shall cooperate fully with the United  
 2196 States Government and its agencies and instrumentalities so that  
 2197 the department may receive the benefit of all federal financial  
 2198 allotments and assistance possible to carry out the purposes of  
 2199 this chapter.

2200 (3) The department may:

2201 (a) Accept any duties with respect to commodity  
 2202 distribution services as are delegated to it by an agency of the  
 2203 federal government or any state, county, or municipal  
 2204 government.†

2205 (b) Act as agent of, or contract with, the federal  
 2206 government, state government, or any county or municipal  
 2207 government in the administration of commodity distribution  
 2208 services to secure the benefits of any public assistance that is  
 2209 available from the federal government or any of its agencies,  
 2210 and in the distribution of funds received from the federal  
 2211 government, state government, or any county or municipal  
 2212 government for commodity distribution services within the  
 2213 state.†~~and~~

2214 (c) Accept from any person or organization all offers of  
 2215 personal services, commodities, or other aid or assistance.

2216 (4) This chapter does not limit, abrogate, or abridge the



2217 powers and duties of any other state agency.

2218 Section 36. Section 595.501, Florida Statutes, is created  
2219 to read:

2220 595.501 Penalties.-Any person, sponsor, or school district  
2221 that violates any provision of this chapter or any rule adopted  
2222 thereunder or otherwise does not comply with the program is  
2223 subject to a suspension or revocation of their agreement, loss  
2224 of reimbursement, or a financial penalty in accordance with  
2225 federal or state law or both. This section does not restrict the  
2226 applicability of any other law.

2227 Section 37. Section 570.983, Florida Statutes, is  
2228 transferred, renumbered as section 595.601, Florida Statutes,  
2229 and amended to read:

2230 595.601 ~~570.983~~ Food and Nutrition Services Trust Fund.-  
2231 Chapter 99-37, Laws of Florida, recreated the Food and Nutrition  
2232 Services Trust Fund to record revenue and disbursements of  
2233 Federal Food and Nutrition funds received by the department as  
2234 authorized in s. ~~570.981~~ 595.405.

2235 Section 38. Section 570.984, Florida Statutes, is  
2236 transferred and renumbered as section 595.701, Florida Statutes,  
2237 to read:

2238 595.701 ~~570.984~~ Healthy Schools for Healthy Lives  
2239 Council.-

2240 (1) There is created within the Department of Agriculture  
2241 and Consumer Services the Healthy Schools for Healthy Lives  
2242 Council, which shall consist of 11 members appointed by the  
2243 Commissioner of Agriculture. The council shall advise the  
2244 department on matters relating to nutritional standards and the



2245 prevention of childhood obesity, nutrition education,  
 2246 anaphylaxis, and other needs to further the development of the  
 2247 various school nutrition programs.

2248 (2) The meetings, powers, duties, procedures, and  
 2249 recordkeeping of the Healthy Schools for Healthy Lives Council  
 2250 shall be governed by s. 570.0705, relating to advisory  
 2251 committees established within the department.

2252 Section 39. Subsection (16) of section 1001.42, Florida  
 2253 Statutes, is amended to read:

2254 1001.42 Powers and duties of district school board.—The  
 2255 district school board, acting as a board, shall exercise all  
 2256 powers and perform all duties listed below:

2257 (16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities  
 2258 and exercise such powers and perform such duties as may be  
 2259 assigned to it by law or as may be required by rules of the  
 2260 Department of Agriculture and Consumer Services ~~State Board of~~  
 2261 ~~Education~~ or, as in the opinion of the district school board,  
 2262 are necessary to ensure school lunch services, consistent with  
 2263 needs of students; effective and efficient operation of the  
 2264 program; and the proper articulation of the school lunch program  
 2265 with other phases of education in the district.

2266 Section 40. Subsection (1) of section 1003.453, Florida  
 2267 Statutes, is amended to read:

2268 1003.453 School wellness and physical education policies;  
 2269 nutrition guidelines.—

2270 (1) Each school district shall electronically submit ~~to~~  
 2271 ~~the Department of Education a copy of its~~ local school wellness  
 2272 policy to the Department of Agriculture and Consumer Services ~~as~~



2273 ~~required by the Child Nutrition and WIC Reauthorization Act of~~  
 2274 ~~2004 and a copy of its physical education policy required under~~  
 2275 ~~s. 1003.455 to the Department of Education.~~ Each school district  
 2276 shall annually review its local school wellness policy and  
 2277 physical education policy and provide a procedure for public  
 2278 input and revisions. In addition, each school district shall  
 2279 provide its revised local school ~~send an updated copy of its~~  
 2280 wellness policy and revised physical education policy to the  
 2281 applicable department ~~and to the Department of Agriculture and~~  
 2282 ~~Consumer Services~~ when a change or revision is made.

2283 Section 41. Sections 487.0615, 570.382, 570.97, and  
 2284 590.50, Florida Statutes, are repealed.

2285 Section 42. Subsection (5) of section 487.041, Florida  
 2286 Statutes, is amended to read:

2287 487.041 Registration.—

2288 ~~(5) The department shall provide summary information to~~  
 2289 ~~the Pesticide Review Council regarding applications for~~  
 2290 ~~registration of those pesticides for which data received in the~~  
 2291 ~~registration process indicate that the pesticide, when used~~  
 2292 ~~according to label instructions and precautions, may have a~~  
 2293 ~~significant potential for adverse effects on human health or the~~  
 2294 ~~environment. The council shall be kept apprised of the status of~~  
 2295 ~~these applications while under review and of the final action by~~  
 2296 ~~the Commissioner of Agriculture regarding the registration of~~  
 2297 ~~these pesticides.~~

2298 Section 43. Paragraph (b) of subsection (8) of section  
 2299 550.2625, Florida Statutes, is amended to read:

2300 550.2625 Horseracing; minimum purse requirement, Florida



2301 breeders' and owners' awards.—

2302 (8)

2303 ~~(b) The division shall deposit these collections to the~~  
 2304 ~~credit of the General Inspection Trust Fund in a special account~~  
 2305 ~~to be known as the "Florida Arabian Horse Racing Promotion~~  
 2306 ~~Account." The Department of Agriculture and Consumer Services~~  
 2307 ~~shall administer the funds and adopt suitable and reasonable~~  
 2308 ~~rules for the administration thereof. The moneys in the Florida~~  
 2309 ~~Arabian Horse Racing Promotion Account shall be allocated solely~~  
 2310 ~~for supplementing and augmenting purses and prizes and for the~~  
 2311 ~~general promotion of owning and breeding of racing Arabian~~  
 2312 ~~horses in this state; and the moneys may not be used to defray~~  
 2313 ~~any expense of the Department of Agriculture and Consumer~~  
 2314 ~~Services in the administration of this chapter, except that the~~  
 2315 ~~moneys generated by Arabian horse registration fees received~~  
 2316 ~~pursuant to s. 570.382 may be used as provided in paragraph~~  
 2317 ~~(5) (b) of that section.~~

2318 Section 44. Paragraphs (b) and (c) of subsection (2) of  
 2319 section 550.2633, Florida Statutes, are amended to read:

2320 550.2633 Horseracing; distribution of abandoned interest  
 2321 in or contributions to pari-mutuel pools.—

2322 (2) All moneys or other property which has escheated to  
 2323 and become the property of the state as provided herein and  
 2324 which is held by a permitholder authorized to conduct pari-  
 2325 mutuel pools in this state shall be paid annually by the  
 2326 permitholder to the recipient designated in this subsection  
 2327 within 60 days after the close of the race meeting of the  
 2328 permitholder. Section 550.1645 notwithstanding, the moneys shall



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2329 be paid by the permitholder as follows:

2330 (b) ~~Except as provided in paragraph (c),~~ Funds from  
2331 quarter horse races shall be paid to the Florida Quarter Horse  
2332 Breeders and Owners Association and shall be allocated solely  
2333 for supplementing and augmenting purses and prizes and for the  
2334 general promotion of owning and breeding of racing quarter  
2335 horses in this state, as provided for in s. 550.2625.

2336 ~~(c) Funds for Arabian horse races conducted under a~~  
2337 ~~quarter horse racing permit shall be deposited into the General~~  
2338 ~~Inspection Trust Fund in a special account to be known as the~~  
2339 ~~"Florida Arabian Horse Racing Promotion Account" and shall be~~  
2340 ~~used for the payment of breeders' awards and stallion awards as~~  
2341 ~~provided for in s. 570.382.~~

2342 Section 45. In order to effectuate the repeal of s.  
2343 570.97, Florida Statutes, and to honor the wishes of the donor,  
2344 for the 2013-2014 fiscal year, the sum of \$59,239 in  
2345 nonrecurring funds is appropriated to the Department of  
2346 Agriculture and Consumer Services in the expenses appropriation  
2347 category for deposit in the General Inspection Trust Fund to be  
2348 used by the Division of Animal Industry for disbursement to  
2349 Florida Animal Friend, Inc.

2350 Section 46. This act shall take effect upon becoming a  
2351 law.