



723350

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2017	.	
	.	
	.	
	.	

---

The Committee on Environmental Preservation and Conservation (Hutson) recommended the following:

**Senate Amendment to Amendment (900786)**

Delete lines 24 - 85  
and insert:

(5) DESIGNATION OF HABITATS.-The commission may, on state lands, designate and update as necessary using a science-based approach:

(a) Florida black bear habitats in which female bears are likely to be denning during the month of February; and

(b) Sensitive habitats containing critical food sources for



723350

11 Florida black bears.

12 Section 2. Paragraph (b) of subsection (3) of section  
13 590.125, Florida Statutes, is amended to read:

14 590.125 Open burning authorized by the Florida Forest  
15 Service.—

16 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
17 PURPOSE.—

18 (b) Certified prescribed burning pertains only to broadcast  
19 burning for purposes of silviculture, wildland fire hazard  
20 reduction, wildlife management, ecological maintenance and  
21 restoration, and agriculture. It must be conducted in accordance  
22 with this subsection and:

23 1. May be accomplished only when a certified prescribed  
24 burn manager is present on site with a copy of the prescription  
25 and directly supervises the certified prescribed burn until the  
26 burn is completed, after which the certified prescribed burn  
27 manager is not required to be present.

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

30 a. A new prescription or authorization is not required for  
31 smoldering that occurs within the authorized burn area unless  
32 new ignitions are conducted by the certified prescribed burn  
33 manager.

34 b. Monitoring the smoldering activity of a certified  
35 prescribed burn does not require a prescription or an additional  
36 authorization even if flames begin to spread within the  
37 authorized burn area due to ongoing smoldering.

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



723350

40 authorization.

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

43 5. Requires that there be adequate firebreaks at the burn  
44 site and sufficient personnel and firefighting equipment to  
45 contain the fire within the authorized burn area.

46 a. Fire spreading outside the authorized burn area on the  
47 day of the certified prescribed burn ignition does not  
48 constitute conclusive proof of inadequate firebreaks,  
49 insufficient personnel, or a lack of firefighting equipment.

50 b. If the certified prescribed burn is contained within the  
51 authorized burn area during the authorized period, a strong  
52 rebuttable presumption shall exist that adequate firebreaks,  
53 sufficient personnel, and sufficient firefighting equipment were  
54 present.

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

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

61 7. Is considered to be a property right of the property  
62 owner if vegetative fuels are burned as required in this  
63 subsection.

64 8. May not be conducted during the month of February in a  
65 habitat designated by the Fish and Wildlife Conservation  
66 Commission under s. 379.3018(5)(a).