



Agriculture & Natural Resources Subcommittee

Tuesday, March 12, 2013

1:00 PM

Reed Hall (102 HOB)

MEETING PACKET

Will Weatherford
Speaker

Matthew H. "Matt" Caldwell
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Agriculture & Natural Resources Subcommittee

Start Date and Time: Tuesday, March 12, 2013 01:00 pm
End Date and Time: Tuesday, March 12, 2013 03:00 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following proposed committee bill(s):

PCB ANRS 13-01 -- Department of Agriculture and Consumer Services
PCB ANRS 13-02 -- DACS Public Records Exemption

Consideration of the following bill(s):

HB 927 Agritourism by Raschein

Presentation by the State President of Florida Future Farmers of America
Presentation on the University of Florida's Institute of Food and Agricultural Sciences

NOTICE FINALIZED on 03/08/2013 16:13 by Sims-Davis.Linda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 927 Agritourism
SPONSOR(S): Raschein
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1106

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Kaiser <i>JK</i>	Blalock <i>AB</i>
2) Civil Justice Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

For some farmers, the only way to continue farming is to find ways to diversify and expand their incomes, either through new enterprises on the farm or off-farm employment. Agritourism provides the agricultural industry with an opportunity to supplement income while also increasing public awareness of the importance of agriculture and increasing recreational opportunities for the public.

The bill amends current law to provide that a local government may not adopt an ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural lands under the greenbelt law.¹ This does not limit the powers and duties of a local government to address an emergency as provided in Chapter 252, F.S.

The bill amends the definition of "agritourism activity" to require that it be consistent with a bona fide agricultural operation. The bill also creates the term "inherent risks of agritourism activity" and defines it to mean those dangers or conditions that are an integral part of an agritourism activity, including certain hazards, such as surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and the ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. The term also includes the potential of a participant to act in a negligent manner that may contribute to the injury of the participant or others, including failing to follow the instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

The bill provides that an "agritourism professional"² is not liable for injury, death, damage, or loss to a participant resulting from the inherent risk of agritourism activities if the notice of risk described below is posted as required by law. A participant, or a participant's representative, may not maintain an action against or recover from an agritourism professional for the injury, death, damage, or loss to an agritourism participant resulting exclusively from any of the inherent risks of agritourism activities. In an action for damages against an agritourism professional, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant. The preceding provisions do not prevent or limit the liability of an agritourism professional if he/she has actual knowledge, or reasonably should have known, of a dangerous condition on the land or with the facilities or equipment used in the activity and fails to make that danger known to the participant.

The bill provides that each agritourism professional must post and maintain signs that contain the notice of inherent risk as previously mentioned. A sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The bill provides specifics regarding the size and color contrast of the lettering. Each written contract entered into by an agritourism professional for providing professional services, instruction, or the rental of equipment to a participant, regardless of whether the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the notice of inherent risk. The bill provides exact wording for the notice of inherent risk. Failure to comply with the above requirements prevents an agritourism professional from invoking the privileges of immunity provided above.

The bill does not appear to have a fiscal impact on state government. The bill appears to have an insignificant negative fiscal impact on local government revenues as a result of the potential reduction in permit fees and other fines that a local government may be able to collect.

¹ Section 193.461, F.S.

² For ease of reading, "an agritourism professional" is used in this analysis to refer to an agritourism professional, his or her employer or employee, or the owner of the underlying land on which the agritourism occurs.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0927.ANRS.DOCX

DATE: 3/11/2013

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Agritourism

According to a study by the Institute of Food and Agricultural Sciences,³ agritourism is the combination of the top two industries in Florida: tourism and agriculture. Agritourism uses agricultural activities to entertain and educate visitors as well as to sustain agricultural resources and culture.

For some farmers, the only way to continue farming is to find ways to diversify and expand their incomes, either through new enterprises on the farm or off-farm employment. Agritourism provides the agricultural industry with an opportunity to supplement income while also increasing public awareness of the importance of agriculture and increasing recreational opportunities for the public.⁴

Under Florida's greenbelt law⁵, properties that are bona fide agricultural operations are taxed according to the use value of those properties, rather than the development value. In Florida, a property appraiser must classify every parcel of land in the county as agricultural or non-agricultural to arrive at the bona fide status. This is known as the land's "greenbelt" assessment. To determine if a parcel of land is a bona fide agricultural operation and classified as "greenbelt," the appraiser must consider factors such as:

- The length of time the land has been used for agricultural purposes.
- Whether the use has been continuous.
- The purchase price paid.
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- Such other factors as may become applicable.

When a parcel of land is classified as "greenbelt," it is given a property value based upon its agricultural use rather than the market value of the land. Such a classification provides the property with a lower property tax assessment.

Current law⁶ provides that conducting an agritourism activity on a bona fide farm or on agricultural lands classified as "greenbelt" does not limit, restrict, or divest the land of that classification.

In 2007, the Legislature passed HB 1427 creating section 570.96, F.S., and authorizing the Department of Agriculture and Consumer Services (department) to provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist Enterprise Florida, Inc., convention and visitors bureaus, tourist development councils, economic development organizations,

³ University of Florida, IFAS Extension. http://small.farms.ifas.ufl.edu/environment_and_recreation/tourism/overview.html.

⁴ Potential Impacts of Agritourism in South Miami-Dade County, University of Florida, IFAS Extension.
<http://edis.ifas.ufl.edu/FE637>.

⁵ Section 193.461, F.S.

⁶ Section 570.962, F.S.

and local governments in their agritourism initiatives. In carrying out this responsibility, the department should focus its agritourism efforts on rural and urban communities.

Section 570.961, F.S., provides definitions for “agritourism activity,” “agritourism professional,” “farm” and, “farm operation.” “Agritourism activity” means any activity carried out on a farm or ranch or in a forest that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historical, cultural, harvest-your-own, or nature-based activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

Premises Liability

In a negligence cause of action, a plaintiff must prove that a lawful duty exists, that the duty was breached, and that the plaintiff suffered damages as a result of the breach. A landowner’s duty to persons on his/her land depends on the status of the person. There are two basic categories of persons on land: invitees and trespassers.

An invitee is a person who was invited to enter the land. Florida law⁷ defines invitation to mean “that the visitor entering the premises has an objectively reasonable belief that he or she has been invited or is otherwise welcome on that portion of the real property where injury occurs.”

A landowner owes certain duties to invitees, and can be sued in tort should the landowner fail a duty and a person is injured due to that failure. The duties owed to most invitees are:

- The duty to keep property in reasonably safe condition;
- The duty to warn of concealed dangers which are known or should be known to the landowner, and which the invitee cannot discover through the exercise of due care; and
- The duty to refrain from wanton negligence or willful misconduct.

A trespasser is someone that ventures onto a person’s property without the permission of the landowner. In most cases, if the owner has not given permission or is not aware of the trespasser’s presence (also known as an “undiscovered trespasser”), they have no obligation or duty to warn of any dangers that may make their premises unsafe to another person. However, owners may not willfully or wantonly injure trespassers.

Effect of Proposed Changes

The bill amends s. 570.96, F.S., to provide that it is the intent of the Legislature to eliminate duplication of regulatory authority over agritourism. The bill also provides that a local government may not adopt an ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under Florida’s greenbelt law. This does not limit the powers and duties of a local government to address an emergency as provided in Chapter 252, F.S.

The bill amends s. 570.961, F.S., to redefine “agritourism activity” to mean an activity consistent with a bona fide farm or ranch or in a working forest that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy agricultural-related activities, including, but not limited to, farming, ranching, historical, cultural, or harvest-your-own activities and attractions.

The bill also creates the term “inherent risks of agritourism activity,” which is defined to mean those dangers or conditions that are an integral part of an agritourism activity including certain hazards, such as surface and subsurface conditions, natural conditions of land, vegetation, and waters; the behavior

of wild or domestic animals; and the ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. The term also includes the potential of a participant to act in a negligent manner that may contribute to the injury of the participant or others, including failing to follow the instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

For ease of reading, "an agritourism professional" is used in this analysis to refer to an agritourism professional, his or her employer or employee, or the owner of the underlying land on which the agritourism occurs.

The bill creates s. 570.963, F.S., to provide that an "agritourism professional" is not liable for injury, death, damage, or loss to a participant resulting from the inherent risk of agritourism activities if the notice of risk described below is posted as required by law. A participant, or a participant's representative, may not maintain an action against or recover from an agritourism professional for the injury, death, damage, or loss to an agritourism participant resulting exclusively from any of the inherent risks of agritourism activities. In an action for damages against an agritourism professional, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

The preceding provisions do not prevent or limit the liability of an agritourism professional if he/she has actual knowledge, or reasonably should have known, of a dangerous condition on the land or with the facilities or equipment used in the activity and fails to make that danger known to the participant.

The limitation of legal liability afforded in the bill to an agritourism professional is in addition to any limitations of legal liability otherwise provided by law.

The bill creates s. 570.964, F.S., to provide that each agritourism professional must post and maintain signs that contain the notice of inherent risk described below. A sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The notice of inherent risk must consist of a sign in black letters, with each letter a minimum of 1-inch in height, with sufficient color contrast to be clearly visible.

Each written contract entered into by an agritourism professional for providing professional services, instruction, or the rental of equipment to a participant, regardless of whether the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the notice of inherent risk as specified above. The sign and contract required above must contain the following notice of inherent risk:

WARNING

Under Florida law, an agritourism professional is not liable for injury or death of, or damage or loss to, a participant in an agritourism activity conducted at this agritourism location if such injury, death, damage, or loss results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury, death, damage, or loss. You are assuming the risk of participating in this agritourism activity.

The bill provides that failure to comply with the above requirements prevents an agritourism professional from invoking the privileges of immunity provided above.

B. SECTION DIRECTORY:

Section 1: Amends s. 570.96, F.S.; providing legislative intent; and restricting a local government's ability to regulate agritourism activities on agricultural land.

Section 2: Amends s. 570.961, F.S.; revising and adding definitions.

Section 3: Creates s. 570.963, F.S.; limiting the liability of an agritourism professional, his or her employer or employee, or the owner of the underlying land on which the agritourism activity occurs if certain conditions are met.

Section 4: Creates s. 570.964, F.S.; requiring that signs and contracts notify participants of certain inherent risks and the assumption of that risk; preventing an agritourism professional, his or her employer or employee, and the owner of the underlying land from invoking the privileges of immunity if certain conditions are not met; and providing criteria for the notice.

Section 5: Providing an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments section

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill lessens the regulations on agricultural producers who engage in agritourism activities.

D. FISCAL COMMENTS:

There is a potential loss of revenues to local governments by prohibiting them from adopting ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land classified as agricultural under Florida's greenbelt law and thus keeping them from collecting any fees or fines pertaining to such regulations.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandate provision appears to apply because the bill has the potential to reduce the authority that cities and counties have to raise revenues. The bill prohibits local governments from adopting ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limits an agritourism activity on land classified as agricultural under Florida's greenbelt law. However, because the fiscal impact of this legislation appears to be insignificant, the bill is exempt from the mandate provision.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Florida Farm Bureau states that both Kansas and North Carolina have similar laws regarding liability for agritourism activities. Also, the liability language in this bill is modeled after existing language in ss. 773.01-773.06, F.S., relating to equine activities.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

1 A bill to be entitled
 2 An act relating to agritourism; amending s. 570.96,
 3 F.S.; providing legislative intent; restricting a
 4 local government's ability to regulate agritourism
 5 activity on agricultural land; amending s. 570.961,
 6 F.S.; revising the definition of the term "agritourism
 7 activity" and adding a definition of the term
 8 "inherent risks of agritourism activity"; creating s.
 9 570.963, F.S.; limiting the liability of an
 10 agritourism professional, his or her employer or
 11 employee, or the owner of the underlying land on which
 12 the agritourism activity occurs if certain conditions
 13 are met; creating s. 570.964, F.S.; requiring that
 14 signs and contracts notify participants of certain
 15 inherent risks and the assumption of that risk;
 16 preventing an agritourism professional, his or her
 17 employer, and any employee, and the owner of the
 18 underlying land from invoking the privileges of
 19 immunity if certain conditions are not met; providing
 20 criteria for the notice; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Section 570.96, Florida Statutes, is amended to
 25 read:

26 570.96 Agritourism.—

27 (1) It is the intent of the Legislature to eliminate
 28 duplication of regulatory authority over agritourism as

29 expressed in this section. Except as otherwise provided for in
 30 this section, and notwithstanding any other provision of law, a
 31 local government may not adopt an ordinance, regulation, rule,
 32 or policy that prohibits, restricts, regulates, or otherwise
 33 limits an agritourism activity on land classified as
 34 agricultural land under s. 193.461. This subsection does not
 35 limit the powers and duties of a local government to address an
 36 emergency as provided in chapter 252.

37 (2) The Department of Agriculture and Consumer Services
 38 may provide marketing advice, technical expertise, promotional
 39 support, and product development related to agritourism to
 40 assist the following in their agritourism initiatives:
 41 Enterprise Florida, Inc.; convention and visitor bureaus;
 42 tourist development councils; economic development
 43 organizations; and local governments. In carrying out this
 44 responsibility, the department shall focus its agritourism
 45 efforts on rural and urban communities.

46 Section 2. Section 570.961, Florida Statutes, is amended
 47 to read:

48 570.961 Definitions.—As used in ss. 570.96-570.964 ~~570.96-~~
 49 ~~570.962~~, the term:

50 (1) "Agritourism activity" means any activity consistent
 51 with a bona fide ~~carried out on a~~ farm or ranch or in a working
 52 forest that allows members of the general public, for
 53 recreational, entertainment, or educational purposes, to view or
 54 enjoy agricultural-related ~~rural~~ activities, including, but not
 55 limited to, farming, ranching, historical, cultural, or harvest-
 56 ~~your-own, or nature-based~~ activities and attractions. An

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57 activity is an agritourism activity whether or not the
 58 participant paid to participate in the activity.

59 (2) "Agritourism professional" means any person who is
 60 engaged in the business of providing one or more agritourism
 61 activities, whether or not for compensation.

62 (3) "Farm" means the land, buildings, support facilities,
 63 machinery, and other appurtenances used in the production of
 64 farm or aquaculture products, including land used to display
 65 plants, animals, farm products, or farm equipment to the public.

66 (4) "Farm operation" has the same meaning as defined in s.
 67 823.14.

68 (5) "Inherent risks of agritourism activity" means those
 69 dangers or conditions that are an integral part of an
 70 agritourism activity including certain hazards, such as surface
 71 and subsurface conditions, natural conditions of land,
 72 vegetation, and waters; the behavior of wild or domestic
 73 animals; and the ordinary dangers of structures or equipment
 74 ordinarily used in farming and ranching operations. The term
 75 also includes the potential of a participant to act in a
 76 negligent manner that may contribute to the injury of the
 77 participant or others, including failing to follow the
 78 instructions given by the agritourism professional or failing to
 79 exercise reasonable caution while engaging in the agritourism
 80 activity.

81 Section 3. Section 570.963, Florida Statutes, is created
 82 to read:

83 570.963 Liability.-

84 (1) Except as provided in subsection (2), an agritourism

85 professional, his or her employer or employee, or the owner of
 86 the underlying land on which the agritourism occurs are not
 87 liable for injury or death of, or damage or loss to, a
 88 participant resulting from the inherent risks of agritourism
 89 activities if the notice of risk required under s. 570.964 is
 90 posted as required. Except as provided in subsection (2), a
 91 participant, or a participant's representative, may not maintain
 92 an action against or recover from an agritourism professional,
 93 his or her employer or employee, and the owner of the underlying
 94 land on which the agritourism occurs for the injury or death of,
 95 or damage or loss to, an agritourism participant resulting
 96 exclusively from any of the inherent risks of agritourism
 97 activities. In any action for damages against an agritourism
 98 professional, his or her employer or employee, and the owner of
 99 the underlying land on which the agritourism occurs for
 100 agritourism activity, the agritourism professional, his or her
 101 employer or employee, and the owner of the underlying land on
 102 which the agritourism occurs must plead the affirmative defense
 103 of assumption of the risk of agritourism activity by the
 104 participant.

105 (2) In the event of the injury or death of, or damage or
 106 loss to, an agritourism participant, subsection (1) does not
 107 prevent or limit the liability of an agritourism professional or
 108 his or her employer or employee or the owner of the underlying
 109 land on which the agritourism occurs if he or she has actual
 110 knowledge of, or reasonably should have known of, a dangerous
 111 condition on the land or with the facilities or equipment used
 112 in the activity and fails to make that danger known to the

113 | participant.

114 | (3) The limitation on legal liability afforded by this
 115 | section to an agritourism professional or his or her employer or
 116 | employee or the owner of the underlying land on which the
 117 | agritourism occurs is in addition to any limitations of legal
 118 | liability otherwise provided by law.

119 | Section 4. Section 570.964, Florida Statutes, is created
 120 | to read:

121 | 570.964 Posting and notification.-

122 | (1) (a) Each agritourism professional shall post and
 123 | maintain signs that contain the notice of inherent risk
 124 | specified in subsection (2). A sign shall be placed in a clearly
 125 | visible location at the entrance to the agritourism location and
 126 | at the site of the agritourism activity. The notice of inherent
 127 | risk must consist of a sign in black letters, with each letter a
 128 | minimum of 1 inch in height, with sufficient color contrast to
 129 | be clearly visible.

130 | (b) Each written contract entered into by an agritourism
 131 | professional for the providing of professional services,
 132 | instruction, or the rental of equipment to a participant,
 133 | regardless of whether the contract involves agritourism
 134 | activities on or off the location or at the site of the
 135 | agritourism activity, must contain in clearly readable print the
 136 | notice of inherent risk specified in subsection (2).

137 | (2) The sign and contract required under subsection (1)
 138 | must contain the following notice of inherent risk:

139 |
 140 |

Warning

141
 142 Under Florida law, an agritourism professional is not
 143 liable for injury or death of, or damage or loss to, a
 144 participant in an agritourism activity conducted at this
 145 agritourism location if such injury, death, damage, or loss
 146 results from the inherent risks of the agritourism activity.
 147 Inherent risks of agritourism activities include, among others,
 148 risks of injury inherent to land, equipment, and animals, as
 149 well as the potential for you to act in a negligent manner that
 150 may contribute to your injury, death, damage, or loss. You are
 151 assuming the risk of participating in this agritourism activity.

152
 153 (3) Failure to comply with the requirements of this
 154 subsection prevents an agritourism professional, his or her
 155 employer or employee, or the owner of the underlying land on
 156 which the agritourism occurs from invoking the privileges of
 157 immunity provided by this section.

158 Section 5. This act shall take effect July 1, 2013.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
2 Resources Subcommittee
3 Representative Raschein offered the following:

4
5 **Amendment**

6 Remove line 35 and insert:
7 limit the powers and duties of a local government to address any
8 threats to public health and safety or address an
9



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Raschein offered the following:

Amendment

Remove lines 109-113 and insert:

land on which the agritourism occurs if he or she:

8 (a) Commits an act or omission that constitutes negligence
 9 or willful or wanton disregard for the safety of the
 10 participant, and that act or omission proximately causes injury,
 11 damage, or death to the participant;

12 (b) Has actual knowledge or reasonably should have known
 13 of a dangerous condition on the land or in the facilities or
 14 equipment used in the activity, or the dangerous propensity of a
 15 particular animal used in such activity and does not make the
 16 danger known to the participant, and the danger proximately
 17 causes injury, damage, or death to the participant; or

18 (c) Intentionally injures the participant.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANRS 13-01 Department of Agriculture and Consumer Services
SPONSOR(S): Agriculture & Natural Resources Subcommittee
TIED BILLS: PCB ANRS 13-02 **IDEN./SIM. BILLS:** SB 1628

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Subcommittee		Kaiser <i>JK</i>	Blalock <i>AFB</i>

SUMMARY ANALYSIS

The bill addresses various issues relating to the powers and duties of the Department of Agriculture and Consumer Services (department). The bill:

- Expands the current law prohibiting local governments from banning agricultural or silvicultural open burning in Florida to apply when an emergency order is declared; authorizes the Florida Forest Service (FFS) to delegate the open burning of land clearing debris to a local government or special district through authority delegated to the FFS by the Department of Environmental Protection; specifies that the responsible person named in the burn authorization must remain at the burn site until the fire is extinguished for pile burns and there are no spreading flames for prescribed burns at the conclusion of the authorization period; provides that fire spreading outside the authorized burn area on the day of the certified prescribed burn ignition does not constitute conclusive proof of inadequate firebreaks, insufficient personnel, or a lack of firefighting equipment; provides that during the authorization period if the certified prescribed burn is contained within the authorized burn area then a strong rebuttable presumption exists that adequate firebreaks, sufficient personnel, and sufficient firefighting equipment were present; authorizes the FFS to enter any lands for the purpose of detecting wildfires, in addition to preventing and suppressing wildfires as allowed under current law; specifies that recreational fires may not be left unattended until no visible flames, smoke, or emissions exist; provides that the FFS is not liable for burns for which it issues authorizations or burns it conducts on state-owned land.
- Expands Operation Outdoor Freedom (OOF) to other state land (not just state forests) and also private land.
- Changes the public hearing requirement for developing land management plans to provide that at least one public hearing must be held in one affected county instead of each affected county.
- Grants the department rulemaking authority to distribute 70% of state matching funds for local mosquito control programs to such mosquito control programs that have a budget of less than \$1 million when the amount of matching funds appropriated by the Legislature is insufficient to grant each local program state funds on a dollar-for-dollar matching basis.
- Deletes the redundant requirement that the department submit a report every three years on restricted pesticide use in Florida because the United States Department of Agriculture (USDA) provides this information
- Eliminates the Pesticide Review Council. The council is unnecessary and does not review pesticide registration issues.
- Eliminates the permitting requirement for livestock haulers.
- Repeals an obsolete statute pertaining to Arabian horse racing, breeders, and stallion awards, and also eliminates the Arabian Horse Council.
- Codifies the organization and duties of the Division of Food, Nutrition and Wellness in the department's authorizing statute (Ch. 570), and establishes a separate chapter (595) in the statutes for the division. The division is responsible for carrying out the school lunch program that was transferred from the state Department of Education to the department.
- Repeals the Gertrude Maxwell Save a Pet Direct Service Organization and provides for dispensation of the funds remaining in the DSO's account. This DSO is no longer operational.
- Authorizes the department to establish a direct support organization. Same authority given to other state agencies.
- Moves the nutrient standards and thresholds for ensuring that fertilizer sold in the state contains the amount of nutrients guaranteed to be in the product from statute to rule.
- Closes the animal disease diagnostic laboratory in Suwannee County because this facility is no longer necessary.
- Allows apiary inspectors to be certified beekeepers as long as the inspector does not inspect his/her own apiary.
- Repeals statutory language prohibiting the sale of articles made from unfinished cross-sectional slabs cut from buttresses of cypress without a permit.

The bill appears to have an insignificant fiscal impact on state and local governments (See Fiscal Comments).

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb01.ANRS.DOCX

DATE: 3/11/2013

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Forest Service

Land Management Plans

Present Situation

Section 253.034(5), F.S., provides that managers of conservation lands must submit a land management plan (plan) to the Division of State Lands (division) every 10 years. The plans must be updated whenever new facilities are proposed or substantive land use or management changes are made that were not addressed in the approved plan, or within one year of the addition of significant new lands. Managers of non-conservation lands must also submit a plan to the division every 10 years.

The division reviews the plans to ensure compliance with s. 253.034(5), F.S., and the rules established by the Board of Trustees of Internal Improvement Trust Fund (BOT) pursuant to s. 253.034(5), F.S. Land use plans, whether for single-use or multiple-use properties, must include an analysis of the property to determine whether any significant natural or cultural resources are located on the property. Such resources include archaeological and historic sites, state and federally listed plant and animal species, imperiled natural communities, and unique natural features. If such resources are located on a property, the land manager, in consultation with the division and other appropriate agencies, must develop a management strategy to protect these resources. Land use plans must also provide for the control of invasive non-native plants and the conservation of soil and water resources. Descriptions of how the land manager plans to control and prevent soil erosion and soil or water contamination must be included in the plans. Land use plans must include reference to appropriate statutory authority for all uses and must conform to the appropriate policies and guidelines of the state land management plan.

Plans for managed areas larger than 1,000 acres must contain an analysis of the multiple-use potential of the property and include the potential of the property to generate revenues to enhance the management of the property. The plan must also include an analysis of the potential use of a private land manager to facilitate the restoration or management of the land.

In cases where a newly acquired property has a valid conservation plan that has been developed by a soil and water conservation district, that plan should be used until a formal land use plan is completed.

Currently, when developing land management plans, at least one public hearing is held in each affected county.

Effect of Proposed Change

The bill amends s. 253.034(5), F.S., to provide that, when developing land management plans, at least one public hearing must be held in one affected county, rather than each affected county. The Department of Agriculture and Consumer Services (department) feels that holding one meeting in one centrally-located county is a better use of department time and resources.

Operation Outdoor Freedom

Present Situation

During the 2011 legislative session, the Florida Forest Service (FFS) was directed to designate areas of state forests as "Wounded Warrior Special Hunt Areas" to honor wounded veterans and service members, and provide outdoor recreational opportunities for eligible veterans and servicemembers. Section 589.19(4), F.S., provides that admittance to these areas is limited to persons who are an active duty member of any branch of the U.S. Armed Forces and have a combat-related injury or veterans who served during a period of wartime service or peacetime service and have a service-connected disability or were discharged from military service due to a disability acquired or aggravated while serving on active duty. Persons who are not eligible veterans or servicemembers but are accompanying an eligible veteran or servicemember who requires the person's assistance to use the designated areas, may be allowed entry by the FFS.

Funding required for specialized accommodations are provided through the Friends of Florida State Forests program.

After the enactment of ch. 2011-116, L.O.F., it came to the attention of the department that another organization had adopted and was using the term "Wounded Warrior." During the 2012 legislative session, s. 589.19(4)(a), F.S., was amended to rename the "Wounded Warrior Special Hunt Area" the "Operation Outdoor Freedom Special Hunt Area."

Section 375.251, F.S., provides that an owner or lessee who provides the public with an area for outdoor recreational purposes owes no duty of care to keep that area safe for entry or use by others, or to give warning to persons entering or going on that area of any hazardous conditions, structures, or activities on the area. An owner or lessee who provides the public with an area for outdoor recreational purposes:

- Is not presumed to extend any assurance that the area is safe for any purpose;
- Does not incur any duty of care toward a person who goes on the area; or
- Is not liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the area.

An owner or lessee who makes available to any person an area primarily for the purposes of hunting, fishing, or wildlife viewing is entitled to the limitation of liability so long as the owner or lessee provides written notice of this provision to the person before or at the time of entry upon the area or posts notice conspicuously in the area. While an area offered for outdoor recreational purposes may be subject to multiple uses, the limitation of liability extended to an owner or lessee applies only if no fee is charged for entry to or use of the area for outdoor recreational purposes and no other revenue is derived from patronage of the area for outdoor recreational purposes.

An owner or lessee who enters into a written agreement concerning the area with the state for outdoor recreational purposes, where such agreement recognizes that the state is responsible for personal injury, loss, or damage resulting in whole or in part from the state's use of the area under the terms of the agreement subject to the limitations and conditions specified in s. 768.28, F.S., owes no duty of care to keep the area safe for entry or use by others, or to give warning to persons entering or going on the area of any hazardous conditions, structures, or activities thereon. An owner who enters into a written agreement concerning the area with the state for outdoor recreational purposes:

- Is not presumed to extend any assurance that the area is safe for any purpose;
- Does not incur any duty of care toward a person who goes on the area; or
- Is not liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the area.

This applies to all persons going on the area that is subject to the agreement, including invitees, licensees, and trespassers. The intent of the law is that an agreement entered into pursuant to this subsection of law should not result in compensation to the owner of the area above reimbursement of reasonable costs or expenses associated with the agreement. An agreement that provides for such does not subject the owner or the state to liability even if the compensation exceeds those costs or expenses. This provision only applies to agreements executed after July 1, 2012.

A person is not relieved of liability that would otherwise exist for deliberate, willful, or malicious injury to persons or property. The limitation of liability provision does not create or increase the liability of any person.

Effect of Proposed Changes

The bill amends s. 589.19(4), F.S., replacing the Operation Outdoor Freedom Special Hunt Area Program with the Operation Outdoor Freedom Program and directing the FFS to develop the program to offer hunting or other activities for injured active duty members or injured veterans of any branch of the U.S. Armed Forces in designated forest areas and other designated public and private lands, not just in state forests. The bill offers legislative findings that it is in the public interest for the FFS to develop partnerships with the Florida Fish and Wildlife Conservation Commission (FWC) and other public and private organizations in order to provide the needed resources and funding to make this program successful.

Participation in the program is limited to Florida residents who:

- Are honorably discharged military veterans certified by the U.S. Department of Veterans Affairs or its predecessor or by any branch of the U.S. Armed Forces to be at least 30 percent permanently service-connected disabled;
- Have been awarded the Military Order of the Purple Heart; or
- Are active duty servicemembers with a service-connected injury as determined by his/her branch of the U.S. Armed Forces.

The FFS may require proof of eligibility for participation in the program. Notwithstanding the eligibility requirements discussed above, the program may conduct guided or unguided invitation-only activities as part of the Operation Outdoor Freedom Program for injured or disabled veterans and injured or disabled active duty servicemembers of any branch of the U.S. Armed Forces in designated state forest areas and on designated public and private lands. Persons granted admission to designated program areas who are not eligible veterans or servicemembers must be there for the sole purpose of accompanying an eligible veteran or servicemember who requires said person's assistance to use the designated areas.

The FFS is authorized to cooperate with state and federal agencies, local governments, private landowners, and others in connection with Operation Outdoor Freedom. Monetary donations to the program must be deposited into the Friends of Florida State Forests Program and used for program activities.

The bill also provides that a private landowner who allows their land to be designated and used as an Operation Outdoor Freedom Program hunting site has the same limited liability protection afforded other landowners pursuant to s. 375.251, F.S., as discussed above. Private landowners who consent to the designation and use of their land as part of the program without compensation are considered a volunteer and are covered by state liability protection. The liability protections do not relieve any person from liability that would otherwise exist for deliberate, willful, or malicious injury to persons or property, nor do they create or increase the liability of any person.

The bill designates the second Saturday of each November as Operation Outdoor Freedom Day.

Annual Meeting of the Florida Forestry Council

Present Situation

Section 589.02, F.S., designates Tallahassee as the official headquarters of the Florida Forestry Council (council), although the council may hold meetings at other locations in the state as determined by resolutions or selected by a majority of the members of the council. Currently, the annual meeting is held on the first Monday in October of each year. Special meetings may be called at any time by the chair or upon the written request of a majority of the members. Each year at the annual meeting, the council elects a chair, vice chair, and secretary from its membership. A majority of members of the council constitutes a quorum for such purpose.

Effect of Proposed Changes

The bill amends s. 589.02, F.S., to eliminate the requirement for the council to hold its annual meeting the first Monday in October, as well as a provision allowing special meetings to be called at any time by the chair or upon the written request of a majority of the members. The bill also removes the provision requiring the election to be held at the annual meeting.

According to the department, in the recent past, the council has held its annual meeting in conjunction with the Florida Forestry Association annual meeting during the week of Labor Day.

Duty of Florida Forest Service District or Center Managers

Present Situation

Section 589.30, F.S., provides that district foresters are responsible for directing all work in accordance with the law and regulations of the Florida Forest Service; gathering and disseminating information in the management of commercial timber, including establishment, protection and utilization; and assisting in the development and use of forest lands for outdoor recreation, watershed protection, and wildlife habitat. The district forester is also responsible for providing encouragement and technical assistance to individuals and urban and county officials in the planning, establishment, and management of trees and plant associations to enhance the beauty of the urban and suburban environment and meet outdoor recreational needs.

The department reports that, in the mid-1980's, district foresters titles were changed to district managers. Also, when Blackwater River State Forest was merged with the Milton district and Withlacoochee State Forest merged with the Brookville district, both facilities became centers. The persons heading those units were titled as center managers.

Effect of Proposed Changes

The bill amends s. 589.30, F.S., to change the title of the district forester to district manager. The bill also creates a position known as a center manager. These changes bring the statutes in line with the terminology currently used in the field.

Open Burning

Present Situation

Section 570.07(28), F.S., requires the department, for the purposes of pollution control and the prevention of wildfires, to regulate open burning connected with land clearing, agricultural, or forestry operations.

Section 590.02(1), F.S., provides the department with the power, authority, and duty to prevent, detect, and extinguish wildfires whenever they occur on public or private land in the state and to do all things necessary in the exercise of such powers, authority, and duties.

Section 590.02(2), F.S., authorizes the FFS's employees, and the firefighting crews under their control and direction, to enter any lands for the purpose of preventing and suppressing wildfires and investigating smoke complaints or open burning not in compliance with authorization and to enforce the provisions of chapter 590, F.S.

Section 590.02(3), F.S., authorizes the employees of the FFS and of federal, state, and local agencies to, in the performance of their duties, set counterfires, remove fences and other obstacles, dig trenches, cut firelines, use water from public and private sources, and carry on all other customary activities in the fighting of wildfires without incurring liability to any person or entity. This provision applies to all other persons and entities that are under contract or agreement with the FFS to assist in firefighting operations as well as those entities called upon by the FFS to assist in firefighting.

Section 590.02(10), F.S., provides that the FFS has exclusive authority to require and issue authorizations for broadcast burning and agricultural and silvicultural pile burning. An agency, commission, department, county, municipality, or other political subdivision of the state may not adopt or enforce laws, regulations, rules, or policies pertaining to agricultural and silvicultural pile burning unless an emergency order is declared in accordance with s. 252.38(3), F.S.,. The FFS may delegate to a county or municipality its authority, as delegated by the Department of Environmental Protection, to require and issue authorizations for the burning of yard trash and debris from land clearing operations.

Section 590.11, F.S., provides that it is unlawful for any individual or group of individuals to build a warming fire, bonfire, or campfire and leave it unattended or unextinguished.

Section 590.125, F.S., provides statutory authority for open burning authorized by the FFS. Currently, the statutes provide definitions for "certified pile burner," "certified prescribed burn manager," "extinguished," "land-clearing operation," "pile burning," "prescribed burning," "prescription," and "yard trash."

"Extinguished" means that for:

- Wildland burning or certified prescribed burning, no spreading flames exist.
- Vegetative land-clearing debris burning or pile burning, no visible flames exist.
- Vegetative land-clearing debris burning or pile burning in an area designated as smoke sensitive by the FFS, no visible flames, smoke, or emissions exist.

"Pile burning" means the burning of silvicultural, agricultural, or land-clearing and tree-cutting debris originating onsite, which is stacked together in a round or linear fashion, including but not limited to, a windrow.

"Prescribed burning" means the controlled application of fire by broadcast burning in accordance with a written prescription for vegetative fuels under specified environmental conditions, while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land management objectives.

"Prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a prescribed burn.

Section 590.125(2), F.S., provides that persons may be authorized to burn wild land or vegetative land-clearing debris if:

- There is specific consent of the landowner or his/her designee;

- Authorization has been obtained from the FFS or its designated agent before starting the burn;
- There are adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire;
- The fire remains within the boundary of the authorized area;
- An authorized person is present at the burn site until the fire is extinguished;
- The FFS does not cancel the authorization; and
- The FFS determines that air quality and fire danger are favorable for safe burning.

Persons who burn wild land or vegetative land-clearing debris in a manner that violates any of the requirements listed above is guilty of a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding 60 days or a fine not exceeding \$500.

Section 590.125(3), F.S., provides that prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy of the state. Certified prescribed burning pertains only to broadcast burning for purposes of silviculture, wildland broadcast burning for purposes of silviculture, wildland fire hazard reduction, wildlife management, ecological maintenance and restoration, and range and pasture management. It must be conducted in accordance with s. 590.125(3), F.S., and:

- May be accomplished only when a certified prescribed burn manager is present on site with a copy of the prescription from ignition of the burn to its completion.
- Requires that a written prescription be prepared before receiving authorization to burn from the FFS.
- Requires that the specific consent of the landowner or his/her designee be obtained before requesting an authorization.
- Requires that an authorization to burn be obtained from the FFS before igniting the burn.
- Requires that there be adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire.
- Is considered to be in the public interest and does not constitute a public or private nuisance when conducted under applicable state air pollution statutes and rules.
- Is considered to be a property right of the property owner if vegetative fuels are burned as required in s. 590.125(3), F.S.

Neither a property owner nor his/her agent is liable pursuant to s. 590.13, F.S., for damage or injury caused by the fire or resulting smoke or considered to be in violation for burns conducted in accordance with the above conditions unless gross negligence is proven. Any certified burner violating these provisions is guilty of a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding 60 days or a fine not exceeding \$500.

The FFS is authorized to adopt rules for the use of prescribed burning and for certifying and decertifying prescribed burn managers based on their past experience, training, and record of compliance with these provisions.

Section 590.125(4), F.S., provides that certified pile burning pertains to the disposal of piled, naturally occurring debris from an agricultural, silvicultural, or temporary land-clearing operation. A land-clearing operation is temporary if it operates for 6 months or less. Certified pile burning must be conducted in accordance with the following:

- A certified pile burner must ensure, before ignition, that the piles are properly placed and that the content of the piles is conducive to efficient burning.
- A certified pile burner must ensure that the piles are properly extinguished no later than 1 hour after sunset.
- If the burn is conducted in an area designated by the FFS as smoke sensitive, a certified pile burner must ensure that the piles are properly extinguished at least 1 hour before sunset.

- A written pile burning plan must be prepared before receiving authorization from the FFS to burn.
- The specific consent of the landowner or his/her agent must be obtained before requesting authorization to burn.
- An authorization to burn must be obtained from the FFS or its designated agent before igniting the burn.
- There must be adequate firebreaks and sufficient personnel and firefighting equipment at the burn site to control the fire.

Section 590.25, F.S., provides that anyone who interferes with, obstructs, or commits any act aimed to obstruct the extinguishment of wildfires by the employees of the FFS or any other person engaged in the extinguishment of a wildfire, or who damages or destroys any equipment being used for such purpose, is guilty of a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years or a fine not exceeding \$5,000.

Effect of Proposed Changes

The bill amends s. 570.07(28), F.S., to remove the term "land clearing" and replace it with "pile burning." This provides consistency between the Florida Administrative Code and the Florida Statutes.

The bill amends s. 590.02(1), F.S., to provide that the FFS has the power and duty to authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of chapter 590, F.S., and the rules under chapter 590, F.S. The bill deletes the term "extinguish" as it relates to the wildfire control duties of the FFS. This term is redundant in statute.

The bill amends s. 590.02(2), F.S., to provide that FFS employees can enter upon any lands for the purpose of detecting wildfires. Current law already authorizes such activity for the purpose of preventing and suppressing wildfires.

The bill amends s. 590.02(3), F.S., to provide that the manner in which the FFS monitors a smoldering wildfire, or a smoldering prescribed fire or fights any wildfire is a planning level activity for which sovereign immunity applies and is not waived.

The bill amends s. 590.02(10), F.S., to provide that the FFS has exclusive authority to require and issue authorizations for broadcast burning and agricultural and silvicultural pile burning even if an emergency order is declared by a local government. The bill authorizes the FFS to delegate to a special district its authority to manage and enforce regulations pertaining to the burning of yard trash. The FFS may also delegate to a special district the authority to manage the open burning of land clearing debris. The department states these changes provide clarification pertaining to their authority regarding open burning in the state.

The bill amends section 590.11, F.S., to provide that it is unlawful for any individual or group of individuals to leave a campfire or bonfire unattended while visible flame, smoke, or emissions exist.

The bill amends the definitions in s. 590.125, F.S., to include new definitions for "Certified pile burning," "Certified prescribed burning," "Contained," "Gross negligence," "Pile burn plan," and "Smoldering." "Certified pile burning" means a pile burn conducted in accordance with a written pile burning plan by a certified pile burner. "Certified prescribed burning" means prescribed burning in accordance with a written prescription conducted by a certified prescribed burn manager. "Contained" means that fire and smoldering exist entirely within established firelines or firebreaks. "Gross negligence" means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct. "Pile burn plan" means a written plan establishing the method of conducting a certified pile burn. "Smoldering" means the continued consumption of fuels, which may emit flames and smoke, after a fire is contained.

The bill also replaces the term “Extinguished” with “Completed” and amends the definition to mean that for:

- Broadcast burning, no continued lateral movement of fire across the authorized area into entirely unburned fuels.
- Certified pile, no visible flames exist for pile burning or certified pile burning.
- Certified pile, no visible flames, smoke, or emissions exist for pile burning or certified pile burning in an area designated as smoke sensitive by the FFS.

The definition of “pile burning” is amended to provide that pile burning authorized by the FFS is a temporary procedure, operating on the same site for 6 months or less.

The bill amends s. 590.125(2), F.S., requiring that the person named responsible in the burn authorization or a designee is present at the burn site until the fire is completed. The bill also amends terminology to incorporate new and amended phrases as appropriate. The insertion of the new and amended phrases does not change the substantive nature of the bill.

The bill amends s. 590.125(3), F.S., to replace “range and pasture management” with “agriculture” as it pertains to certified prescribed burning. The bill also provides that certified prescribed burning can only occur when a certified prescribed burn manager (manager) directly supervises the certified prescribed burn until the burn is completed, after which the manager is not required to be present. The bill also provides that a new prescription or authorization is not required for smoldering that occurs within the authorized burn area when no new ignitions are conducted by the manager, and that monitoring of the smoldering activity of a certified prescribed burn does not require a prescription or an additional authorization even if flames begin to spread within the authorized burn area due to ongoing smoldering.

The bill requires that there be adequate firebreaks at the burn site and sufficient personnel and firefighting equipment to contain the fire within the authorized burn area. Fire that spreads outside the authorized burn area on the day of the certified prescribed burn ignition does not constitute conclusive proof of inadequate firebreaks, insufficient personnel, or a lack of firefighting equipment. During the authorization period, if the certified prescribed burn is contained within the authorized burn area then a strong rebuttable presumption exists that adequate firebreaks, sufficient personnel, and sufficient firefighting equipment were present. Continued smoldering of a certified prescribed burn resulting in a subsequent wildfire does not by itself constitute evidence of gross negligence. A property owner, his/her agent, contractor or legally authorized designee is not liable for damage or injury caused by the fire, including a re-ignition of a smoldering, previously contained burn unless gross negligence is proven. The FFS is not liable for burns for which it issues authorizations.

The bill amends s. 590.125(4), F.S., to specify that certified pile burning pertains to the disposal of tree cutting debris originating on site. The bill deletes a reference to land clearing being temporary as well as a reference to land clearing operation being temporary if it operates for 6 months or less. The bill requires the written pile burning plan to be on site and available for inspection by a FFS representative. The bill also replaces the term “extinguished” with the term “completed” to conform with the changes in terminology.

The bill amends s. 590.25, F.S., providing that anyone who interferes with, obstructs, or commits any act aimed to obstruct the prevention, detection, or suppression of wildfires by the employees of the FFS or any other person engaged in the prevention, detection, or suppression of a wildfire, or who damages or destroys any equipment being used for such purpose, is guilty of a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years or a fine not exceeding \$5,000.

Florida Forest Service Training Center

Present Situation

Section 590.02(7), F.S., authorizes the FFS to organize, staff, equip, and operate the Florida Center for Wildfire and Forest Resource Management Training (center). The center serves as a site where fire and resource managers may obtain current knowledge, techniques, skills, and theory as they relate to their respective disciplines. The center is authorized to establish cooperative efforts involving federal, state, and local entities; hire appropriate personnel; and engage others by contract or agreement with or without compensation to assist in carrying out the training and operations of the center. The center provides wildfire suppression training opportunities for rural fire departments, volunteer fire departments, and other local fire response units. The center focuses on a curriculum related to, but not limited to, fuel reduction, an incident management system, prescribed burning certification, multiple-use land management, water quality, forest health, environmental education, and wildfire suppression training for structural firefighters. The center is authorized to assess appropriate fees for food, lodging, travel, course materials, and supplies in order to meet its operational costs and may grant free meals, room, and scholarships to persons and other entities in exchange for instructional assistance.

An advisory committee consisting of the following individuals or their designees must review program curriculum, course content, and scheduling:

- Director of the FFS,
- Assistant director of the FFS,
- Director of the School of Forest Resources and Conservation of the University of Florida,
- Director of the Division of Recreation and Parks at the Department of Environmental Protection,
- Director of the Division of State Fire Marshall,
- Director of the Florida chapter of The Nature Conservancy,
- Executive vice president of the Florida Forestry Association,
- President of the Florida Farm Bureau Federation,
- Executive director of the Fish and Wildlife Conservation Commission,
- Executive director of a water management district as appointed by the Commissioner of Agriculture,
- Supervisor of the National Forests in Florida,
- President of the Florida Fire Chief's Association, and
- Executive director of the Tall Timbers Research Station.

Effect of Proposed Changes

The bill amends s. 590.02(7), F.S., to change the name of the Florida Center for Wildfire and Forest Resource Management Training to the Florida Forest Service Training Center. The bill also eliminates the advisory committee associated with the center.

Sale of Cypress Products

Present Situation

Section 590.50, F.S., provides that no person is allowed to sell or offer for sale articles made from unfinished cross-sectional slabs cut from buttresses of trees of the species *Taxodium distichum*, commonly known as cypress, without first obtaining a permit from the department. This does not apply to the owner of the property on which the cypress trees are grown.

Effect of Proposed Changes

The bill repeals s. 590.50, F.S.

Agricultural Environmental Services

State Aid to Local Programs for Mosquito Control

Present Situation

Section 388.261, F.S., provides that counties and districts (local programs) that budget local funds for the control of mosquitoes are eligible to receive state funds on a dollar-for-dollar matching basis. If the funds appropriated by the Legislature are insufficient to grant each local program state funds on a dollar-for-dollar matching basis for the amount budgeted in local funds, the department prorates available funds based on the amount of matchable local funds budgeted by a local program. This results in programs with large local budgets receiving the same funds as programs with small local budgets.

Effect of Proposed Change

The bill amends s. 388.261, F.S., to authorize the department to adopt rules specifying how state funds are distributed to local mosquito control programs when the funds appropriated by the legislature are insufficient to grant each county or district funds on a dollar-for-dollar matching basis. The bill requires the rules to provide for up to eighty percent of the funds appropriated by the state to be distributed to local mosquito control programs with budgets of less than \$1 million, if the local programs meet the eligibility requirements, to support mosquito control and to support research, education, and outreach. The department states that this change ensures that small local programs that rely heavily on state matching dollars will receive a larger share of the monies available.

Mosquito Control District Budgets

Present Situation

During the 2012 legislative session, the date on which the certified budget of a mosquito control district is due to the department was changed from September 15 to September 30 of each year. However, a reference to this date was inadvertently overlooked in s. 388.271, F.S.

Effect of Proposed Change

The bill amends s. 388.271, F.S., to change the date on which the certified budget of a mosquito control district is due to the department from September 15 to September 30 of each year to conform to s. 388.201, F.S. This change reduces the burden on local governments by providing additional time for budget preparation.

Pesticide Review Council

Present Situation

Section 487.0615, F.S., created the Pesticide Review Council (council) in 1983 to advise the Commissioner of Agriculture regarding the sale, use, and registration of pesticides and to advise government agencies regarding pesticides as they relate to activities under their jurisdiction.

The council consists of 11 members of the scientific community: a representative from the department, a representative from the Department of Environmental Protection (DEP), a representative from the Department of Health (DOH), a representative from the Fish and Wildlife Conservation Commission (FWC), the dean of research of the Institute of Food and Agricultural Sciences of the University of Florida (IFAS), and six members appointed by the Governor. The representatives from the department, DEP, DOH, and FWC are appointed by their respective agencies. The Governor's appointees must

represent the pesticide industry, an environmental group, hydrology interests, toxicology interests, one of the five water management districts, and a grower association. The grower representative must be chosen from a list of three persons nominated by statewide grower associations. Members are appointed for a term of 4 years and serve until a successor is appointed. Vacancies are filled for the remainder of the unexpired term. Members of the council receive no compensation for their services.

The council has the authority to:

- Recommend appropriate studies on a registered pesticide when preliminary data indicates the product may pose an unreasonably adverse effect on the environment or human health. The council's recommendations may include using available services of state agencies to conduct scientific studies or may advise that the agencies seek funding to conduct the studies. The council has the authority to conduct scientific studies if specific funding is provided to the department or other governmental agency by the Legislature.
- With a majority vote, make recommendations to the Commissioner of Agriculture relating to the sale or use of a pesticide that the council has reviewed. When the review is performed in conjunction with the registration of a pesticide, the council must adhere to the time framework of the registration process pursuant to Chapter 120, F.S., and as implemented by department rules.
- Provide advice or information to appropriate government agencies regarding pesticides as they relate to activities under their jurisdiction. However, any confidential data received from the U.S. Environmental Protection Agency or the registrant must be kept confidential and exempt from provisions relating to inspecting, copying and photographing public records. It is illegal for any member of the council to use the data for his/her own benefit or to reveal the data to the general public.
- Review biological and alternative controls to replace or reduce the use of pesticides.
- Consider, at the request of any member of the council, the development of advice or recommendations for a pesticide when preliminary data indicates the product may pose an unreasonably adverse effect on the environment or human health.
- Assist the department in the review of registered pesticides selected for special review due to potential environmental or human health effects. The special review process must include, at a minimum, selecting pesticides for special review, providing periodic updates to the council on preliminary findings as a special review progresses, and formulating final recommendations on any pesticide which was the subject of a special review.

The council is required to submit a report by November 1 of each year to the Commissioner of Agriculture, the Speaker of the House, and the President of the Senate, documenting the council's activities, recommendations regarding any pesticide reviewed by the council, and recommendations related to any other duty of the council and its purpose.

The council is defined as a "substantially interested person" and has standing under Chapter 120, F.S., in any proceeding conducted by the department relating to the registration of a pesticide. The standing of the council in no way prevents individual members of the council from exercising standing in these matters.

Effect of Proposed Changes

The bill repeals s. 487.0615, F.S., relating to the Pesticide Review Council. According to the department, the council has outlived its usefulness. The department states that many of the functions of the council are being dealt with at the professional staff level through monthly meetings of the Pesticide Registration Evaluation Committee. The bill also deletes a reference to the council in s. 487.041(5), F.S.

Triennial Pesticide Reports

Present Situation

Section 487.160, F.S., provides that licensed private applicators of pesticides, licensed public applicators, and licensed commercial applicators must maintain records, as mandated by the department, regarding the application of restricted pesticides, including, but not limited to, the type and quantity of pesticide, method of application, crop treated, and dates and location of application. Other licensed private applicators must maintain records as well in regard to the date, type, and quantity of restricted-use pesticides used.

Licensees are required to keep the records for a period of two years from the date of application of the pesticide and must furnish a copy of the records at the department's written request. Every third year, the department conducts a survey and compiles a report on restricted-use pesticides in the state. The report must include, at a minimum, types and quantities of pesticides, methods of application, crops treated, and dates and locations of application, records of persons working under direct supervision, and reports of misuse, damage, or injury.

The department reports that the National Agricultural Statistics Survey of the USDA provides pesticide usage surveys that include not only restricted-use pesticides but general-use pesticides as well. The USDA survey reports are freely available to the public. In an effort to cut expenses, the department relies on this information in lieu of conducting their own resource-intensive surveys.

Effect of Proposed Changes

The bill amends s. 487.160, F.S., to remove the duplicative state triennial reporting requirement.

Referee Sample Analysis

Present Situation

Section 576.051, F.S., directs the department to sample, test, inspect and make analyses of fertilizer sold or offered for sale in the state. When analyzing fertilizer, section 576.051(3), F.S., authorizes the department to obtain an official sample of the fertilizer from the licensee. The department must obtain enough fertilizer to set some aside as a check sample, properly sealed, labeled, dated and identified by number, until the official analysis is completed. Once the official analysis has been completed, a true copy of the fertilizer analysis report must be mailed to the licensee and to the dealer or agent, if any, and purchaser, if known. The analysis must show all determinations of plant nutrient and pesticides. If the analysis conforms to the provisions of s. 576.061, F.S., the check sample may be destroyed.

If the official analysis does not conform to said provisions, the check sample is retained for a period of 90 days from the date of the fertilizer analysis report of the official sample. During that time, the licensee of the fertilizer from whom the official sample was taken, after receiving the official analysis report, may make a written demand for analysis of the check sample by a referee chemist, who must be mutually acceptable to the licensee and the department. The department then sends a portion of the check sample to the referee chemist for analysis. This is done at the expense of the licensee. Upon completion of the analysis, the referee chemist must forward the fertilizer analysis report to the department and licensee. The fertilizer analysis report must contain an identifying mark or number and be verified by an affidavit of the person making the analysis. If the fertilizer analysis report checks within three-tenths of 1 actual percent with the department's analysis on each element for which the analysis was made, the mean average of the two analyses is accepted as final and binding on all concerned.

But, if the referee's fertilizer analysis report shows a variation greater than three-tenths of 1 actual percent from the department's analysis in any one or more elements for which an analysis was made,

either the department or the licensee may request that a portion of the check sample sufficient for analysis be submitted to a second referee chemist, mutually acceptable to both the department and the licensee. This is at the expense of the party requesting the analysis by the second referee chemist. The second referee chemist, upon completing the analysis, must make a fertilizer analysis report in the same manner as the first referee chemist did. The mean average of the two analyses nearest in conformity to each other will be accepted as final and binding on all concerned. If no demand is made for an analysis by a second referee chemist, the department's fertilizer analysis report is final and considered binding on all concerned.

Effect of Proposed Changes

The bill amends ss. 576.051 and 576.061, F.S., providing that the three-tenths of 1 actual percent measure currently used for determining whether a fertilizer is deficient in plant food be replaced with criteria established by rule of the department. The bill also provides that a commercial fertilizer is deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the investigational allowances. The bill directs the department to establish by rule these investigational allowances used to determine whether fertilizer is deficient in plant food. The rule must take effect on July 1, 2014. After July 1, 2014, the investigational allowances currently in statute are superseded by the rule and will be repealed.

The bill also amends s. 576.181, F.S., to incorporate the above changes. These changes do not alter the substantive nature of the current law.

The department states that while the three-tenths of 1 actual percent measure is reasonable for higher guarantees (e.g., ten percent of the weight of the fertilizer), it does not make sense for the low level guarantees (e.g., five percent of the weight of the fertilizer) such as for micronutrients. In some cases, the three-tenths of 1 actual percent amount is greater than the micronutrient guarantee percentage. The department further states that, by setting the allowance by rule, the allowances can be varied as analytical techniques and fertilizer manufacturing processes evolve.

Animal Industry

Livestock Hauler's Permit

Present Situation

Section 534.083, F.S., requires persons transporting or hauling livestock on any street or highway in the state to obtain a permit from the department. The information provided by the applicant on the application for permit must be certified under oath. The cost of the permit is \$5 and the permit expires on December 31 of each year. Upon obtaining a permit, the department will issue a metal tag/plate bearing the serial number of the permit to the applicant. Each vehicle used by the hauler will be issued a tag/plate. State law requires the tag/plate to be attached in a conspicuous place in an upright position on the rear of each vehicle used for transporting or hauling livestock. If the livestock is transported in a trailer type vehicle propelled by a motor truck or tractor, the tag/plate must be placed on the rear of the trailer. It is not necessary to have a tag/plate attached to the truck or tractor propelling the trailer.

Persons engaged in the business of hauling or transporting livestock, upon receiving livestock for transport, must issue a waybill or bill of lading (bill) for any livestock hauled or transported. The bill must accompany the livestock shipment and a copy must be provided to the person delivering the livestock to the hauler. The bill must show the place of origin and destination of the shipment, the name of the owner of the livestock, date and time of loading, name of the person or company hauling the livestock, and the number and general description of the animals. The bill must also be signed by the person delivering the livestock to the hauler certifying that the information contained on the bill is correct.

Effect of Proposed Changes

The bill amends s. 534.083, F.S., to eliminate the permitting requirement for livestock haulers. Livestock haulers will still be required to comply with the waybill or bill lading provisions.

The department states that the information obtained through the permitting process is not used for regulatory or animal identification purposes.

Arabian Horse Racing

Present Situation

Section 570.382, F.S., provides legislative findings regarding the economic benefits of establishing and maintaining Arabian horse racing in the state. The department is authorized to:

- Establish a voluntary registry for Florida-bred Arabian horses.
- Make Arabian horse breeders' and stallion awards available to qualified individuals from funds derived from monies specifically set aside for promoting Arabian horse racing in the state.
- Establish a stallion award program. (To be eligible, the stallion must reside permanently in the state; if the stallion is dead, it must have resided in the state for the year immediately prior to its death; removal of the stallion from the state for breeding purposes bars the owner of the stallion from receiving a stallion award for offspring sired in the state in the breeding season commencing January 1 of the year of the stallion's removal; and, if a removed stallion is returned to the state, all offspring sired in the state subsequent to the stallion's return ensure eligibility for the stallion award.)
- Maintain records that document the date the stallion arrived in the state for the first time; whether the stallion remained in the state permanently; the location of the stallion; whether the stallion still resides in the state; and awards earned, received, and distributed.

Florida law also establishes the Arabian Horse Council (council), composed of seven members. Six of the members are appointed by the department, a majority of whom must be Florida breeders of racing Arabian horses. The seventh member is a representative of the department designated by the Commissioner of Agriculture and serves as the secretary of the council. Members serve for a term of four years. A chair is elected every two years from the membership. Members of the council receive no compensation for their services.

The council is authorized to recommend rules, receive and report to the department any complaints or violations involving s. 570.382, F.S., and assist the department in the collection of information deemed necessary for administration of Arabian horse racing in the state.

Persons who register unqualified horses or misrepresent information in any way are ineligible to participate in breeders' and stallion awards. Any horses misrepresented are no longer deemed to be Florida-bred.

Owners who participate in the program for Florida-bred Arabian foals under 1 year of age must pay a registration fee of \$25 per horse to the department. Owners of Florida-bred Arabian yearlings from 1 to 2 years of age must pay a registration fee of \$50 per horse to the department to participate in the program. Owners who participate in the program for Florida-bred Arabian horses that are 2 years of age or older must pay a registration fee of \$250 per horse to the department. The department charges a fee, not exceeding \$100 annually, to stallion owners to cover the cost of administration of the stallion award program. These funds go toward defraying the necessary expenses incurred by the department in the administration of the program and are deposited into the General Inspection Trust Fund in a special account known as the Florida Arabian Horse Racing Promotion Account. The amount paid to

the department for administration of the program may not exceed the amount of the deposited registration fees.

Effect of Proposed Changes

The bill repeals section 570.382, F.S., relating to Arabian horse racing, breeders' and stallion awards, the Horse Council, horse registration fees, and the Florida Arabian Horse Racing Promotion Account. The bill also amends ss. 550.2625 and 550.2633, F.S., to eliminate references to the Florida Arabian Horse Racing Promotion Account. The department reports:

- The last race in Florida with an Arabian horse occurred in the 1980's;
- The council has been inactive since the 1990's; and
- Funds have not been deposited into the Florida Arabian Horse Racing Promotion account since 2005.

Gertrude Maxwell Save a Pet Direct Support Organization

Present Situation

Section 570.97, F.S., establishes the Gertrude Maxwell Save a Pet Direct Support Organization (DSO), which was created in 2008 to provide grants to animal shelters for spaying and neutering animals. The DSO also provides grants during times of emergencies and to develop and disseminate pet care education materials. The DSO does not participate in, endorse, or financially support political activities at the national, state, or local level.

The DSO has a board of directors that includes one representative from each of the following associations:

- Florida Veterinary Medical Association;
- Cat Fanciers' Association;
- Florida Association of Kennel Clubs;
- Florida Animal Control Association;
- National Rifle Association;
- A consumer member not affiliated with any of the aforementioned associations;
- A humane organization designated by the Commissioner of Agriculture; and,
- The Commissioner of Agriculture or his/her designee.

The board of directors may appoint up to three non-voting honorary members. Nominees for honorary membership must be individuals, companies, or organizations that have exemplified themselves or made significant contributions to the health, safety, or well-being of animals. Honorary board members may serve for a maximum of two consecutive annual terms.

Effect of Proposed Changes

The bill repeals s. 570.97, F.S., relating to the Gertrude Maxwell Save a Pet Direct Support Organization (DSO). The department reports that since officers were elected in 2008, there has been no other activity, nor has the DSO set up a bank account to provide for the transfer of monies remaining from the initial donation by Ms. Maxwell.

The bill also provides that the amount of \$59,239, which represents the remaining funds of the DSO, be transferred from the department's General Inspection Trust Fund to Florida Animal Friend, Inc., in keeping with the donor's wishes.

Animal Disease Diagnostic Laboratory

Present Situation

Section 585.61, F.S., establishes the Bronson Animal Disease Diagnostic Laboratory in Osceola County as well as an animal disease diagnostic laboratory in Suwanee County. The laboratories fall under the supervision of the department and provide prompt reliable diagnoses of animal diseases, including any diseases that affect poultry eggs, for persons who maintain animals in the state. The laboratories are also responsible for making recommendations for the control and eradication of such diseases.

Persons using the services of the laboratories must comply with the terms set forth in Florida law, and corresponding rules. The department must require any user of the laboratory's services to pay a fee not to exceed \$300. Monies collected from the fees are deposited into the Animal Industry Diagnostic Laboratory Account within the General Inspection Trust Fund and used to improve the diagnostic laboratory services.

The laboratory in Suwanee County contracts with the United States Department of Agriculture (USDA) to test for brucellosis surveillance samples. Since brucellosis is on the downturn (Florida has been declared brucellosis-free since 2001), the USDA has decided to reduce brucellosis surveillance nationwide and utilize a single federal laboratory for this testing. According to the department, federal funding for state laboratories will be discontinued effective March 31, 2013.

Effect of Proposed Changes

The bill amends s. 585.61, F.S., to eliminate the animal disease diagnostic laboratory in Suwanee County. In response to the loss of federal dollars, the department intends to consolidate testing and diagnostic services to the laboratory in Osceola County.

Division of Food, Nutrition, and Wellness

Present Situation

During the legislative session of 2011, the school food and nutrition programs were transferred from the Department of Education (DOE) to the Department of Agriculture and Consumer Services (department) as the Division of Food, Nutrition, and Wellness (division). The transfer included all powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the administration of the school food and nutrition programs.

Statutory language regarding the administration of the school food and nutrition program from chapter 1006, F.S., which falls under the jurisdiction of DOE, was transferred to chapter 570, F.S., which falls under the jurisdiction of the department.

Currently, the division is not created and given duties in the department's authorizing statute (ch. 570, F.S.), nor is its division director.

Section 570, 072, F.S., provides that the department can conduct, supervise, and administer all commodity distribution services that will be carried on using federal or state funds or funds from any other source. This includes commodities received and distributed from the United States or any of its agencies. The department determines the benefits each applicant or recipient is entitled to receive under chapter 570, F.S. An applicant or recipient must be a resident of Florida and a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law. The department must cooperate fully with the U. S.

government and its agencies and instrumentalities in order to receive the benefit of all federal financial allotments and assistance possible to carry out the purposes of chapter 570, F.S.

The department can accept any duties with respect to commodity distribution services that are delegated to it by an agency of the federal government or any state, county, or municipal government. The department may also act as an agent of, or contract with, the federal government, state government, or any county or municipal government in the administration of commodity distribution services to secure the benefits of any public assistance that is available from the federal government or any of its agencies. The department can also act as an agent of, or contract with, the federal government, state government, or any county or municipal government in the distribution of funds received from any of the aforementioned for commodity distribution services within the state. The department is authorized to accept from any person or organization all offers of personal services, commodities, or other aid or assistance. The duties of the department are laid out in chapter 570, F.S., and do not limit, abrogate, or abridge the powers and duties of any other state agency.

Section 1001.42, F.S., provides that, regarding the school lunch program, district school boards must assume such responsibilities, powers, and duties assigned by law or as required by rules of the State Board of Education, or that, in the opinion of the school board, are necessary to provide school lunch services, consistent with needs of students; effective and efficient operation of the program; and the proper articulation of the school lunch program with other phases of education in the district.

Section 1003.453, F.S., provides that each school district must submit to DOE a copy of its school wellness policy as required by the Child Nutrition and WIC Reauthorization Act of 2004 and a copy of its physical education policy required under s. 1003.455, F.S. Each school district must also annually review its school wellness policy and physical education policy and provide a procedure for public input and revisions. In addition, each school district must send an updated copy of its wellness policy and physical education policy to DOE and to the department when a change or revision is made.

Effect of Proposed Changes

The bill creates s. 570.64, F.S., to establish the Division of Food, Nutrition, and Wellness (division) in the departments' authorizing statute and tasks the division with administering and enforcing its powers and duties in regard to the school food and nutrition programs. The bill also establishes a director of the division, who is appointed and serves at the pleasure of the Commissioner of Agriculture. The director is required to:

- Supervise, direct, and coordinate the activities of the division;
- Exercise such powers and duties as authorized by the Commissioner of Agriculture; and
- Enforce the provisions of chapter 595, F.S., the rules adopted pursuant to chapter 595, F.S., and any other powers and duties as authorized by the department.

The bill transfers the statutory language regarding the administration of the school food and nutrition programs from chapter 570, F.S., to chapter 595, F.S. This transfer is in line with the other divisions within the department that have a separate chapter detailing the powers, duties, and functions of their respective divisions.

The bill creates s. 595.401, F.S., to provide that chapter 595, F.S., is titled the "Florida School Food and Nutrition Act."

The bill creates s. 595.402, F.S., creating definitions for terms used in chapter 595, F.S. "Commissioner" means the Commissioner of Agriculture. "Department" means the Department of Agriculture and Consumer Services. "Program" means any one or more of the food and nutrition programs that the department has responsibility over, including, but not limited to, the National School Lunch program, Special Milk program, School Breakfast program, Summer Food Service program, Fresh Fruit and Vegetable program, and any other program that relates to school nutrition. "School

District” means any one or more of the 67 county school districts, including their respective district school board. “Sponsor” means any entity that is conducting a program under a current agreement with the department.

The bill creates s. 595.403, F.S., which provides that the legislature, in recognition of the demonstrated relationship between good nutrition and the capacity of students to develop and learn, declares that it is the policy of the state to provide standards for school food and nutrition services and to require each school district to establish and maintain an appropriate school food and nutrition service program consistent with the nutritional needs of students. To implement that policy, the state shall provide funds to meet the state National School Lunch Act matching requirements. The funds provided shall be distributed in such a manner as to comply with the requirements of the National School Lunch Act.

In addition to the powers and duties currently in law, the bill amends s. 595.404, F.S., to include the following new powers and duties for the department:

- To implement and adopt by rule, as required, federal regulations to maximize federal assistance for the program.
- To develop and propose legislation necessary to implement the program, encourage the development of innovative school nutrition programs, and expand participation in the program.
- To employ such persons as are necessary to perform the duties of chapter 595, F.S.
- To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the program.
- To assist, train, and review each sponsor in its implementation of the program.
- To advance funds from the program’s annual appropriation to sponsors, when requested, in order to implement the provisions of chapter 595, F.S., and in accordance with federal regulations.

In addition to the program requirements currently in law, the bill amends s. 595.405, F.S., to provide that each sponsor must complete all corrective action plans required by the department or a federal agency to be in compliance with the program.

The bill creates s. 595.408, F.S., related to commodity distribution services and directs the department to:

- Conduct, supervise, and administer all commodity distribution services that will be carried on using federal or state funds or funds from any other source, or commodities received and distributed from the United States or any of its agencies.
- Determine the benefits each applicant or recipient is entitled to receive under chapter 570, F.S., provided that each applicant or recipient is a resident of Florida and a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

The department must cooperate fully with the U. S. government and its agencies and instrumentalities in order to receive the benefit of all federal financial allotments and assistance possible to carry out the purposes of chapter 570, F.S.

The department can accept any duties with respect to commodity distribution services that are delegated to it by an agency of the federal government or any state, county, or municipal government. The department may also act as an agent of, or contract with, the federal government, state government, or any county or municipal government in the administration of commodity distribution services to secure the benefits of any public assistance that is available from the federal government or any of its agencies. The department can also act as an agent of, or contract with, the federal government, state government, or any county or municipal government in the distribution of funds received from any of the aforementioned for commodity distribution services within the state. The department is authorized to accept from any person or organization all offers of personal services,

commodities, or other aid or assistance. The duties of the department are laid out in chapter 570, F.S., and do not limit, abrogate, or abridge the powers and duties of any other state agency.

The bill creates s. 595.501, F.S., that provides that any person, sponsor, or school district that violates any provision of chapter 595, F.S., or any rule promulgated under chapter 595, F.S., or is not in compliance with the program may be subject to a suspension or revocation of their agreement, loss of reimbursement, or a financial penalty in accordance with federal or state law or both. This does not restrict the applicability of any other law.

The bill amends s. 1001.42, F.S., to reference the department as opposed to the State Board of Education. The bill amends s. 1003.453, F.S., to provide that each school district must electronically submit its local school wellness policy to the department. The bill also requires each school district to review its local school wellness policy annually. Lastly, the bill requires each school district to provide an updated copy of such policies to the applicable agency when a change or revision is made.

Miscellaneous

Direct Support Organization

Present Situation

Section 570.903, F.S., requires the Legislature to authorize the establishment of a direct support organization (DSO) within the department. In so doing, the department must adhere to certain provisions that govern the creation, use, powers, and duties of the DSO, such as:

- The department must enter into a memorandum or letter of agreement with the DSO, specifying the approval of the department, the powers and duties of the DSO, and the rules with which the DSO must comply.
- The department may permit, without charge, appropriate use of department property, facilities, and personnel by a DSO. The use must be in directly keeping with the approved purposes of the DSO and may not be made at times or places that would unreasonably interfere with opportunities for the general public to use department facilities for established purposes.
- The department must prescribe, by contract or by rule, conditions with which a DSO must comply in order to use department or museum property, facilities, or personnel. Such rules must provide for budget and audit review and oversight by the department.
- The department cannot permit the use of property, facilities, or personnel of the museum, department, or designated program by a DSO that does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

The DSO is empowered to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the museum or designated program.

The DSO is authorized to enter into contracts or agreements with or without competitive bidding for the restoration of objects, historical buildings, and other historical materials; for the purchase of objects, historical buildings, and other historical materials which are to be added to the collections of the museum; or to benefit the designated program. However, before the DSO can enter into a contract or agreement without competitive bidding, the DSO must file a certification of conditions and circumstances with the internal auditor of the department justifying each contract or agreement.

The DSO is authorized to enter into contracts to insure property of the museum or designated programs and may insure objects or collections on loan from others in satisfying security terms of the lender. The DSO must provide for an annual audit in accordance with s. 215.981, F.S.

Neither a designated program or museum, nor a trustee or an employee of a nonprofit corporation may receive a commission, fee, or financial benefit in connection with the sale or exchange of historical objects or properties to the DSO, the museum, or the designated program. Likewise, neither a designated program or museum, nor a nonprofit corporation trustee or employee is allowed to be a business associate of any individual, firm, or organization involved in the sale or exchange of property to the DSO, the museum, or the designated program.

All monies received by the DSO must be deposited into an account of the DSO and used by the organization in a manner consistent with the goals of the museum or designated program. The identity of a donor or prospective donor who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.071(1), F.S., and s. 24(a), Art. 1 of the State Constitution. The Commissioner of Agriculture, or the commissioner's designee, may serve on the board of trustees and executive committee of any DSO established to benefit the museum or any designated program. The department must establish, by rule, archival procedures relating to museum artifacts and records. The rules must provide procedures which protect the museum's artifacts and records equivalent to those procedures which have been established by the Department of State under chapters 257 and 267, F.S.

Effect of Proposed Changes

The bill amends s. 570.903, F.S., to authorize the department to establish DSOs to provide assistance, funding and promotional support for the museums and other designated programs within the department. The department must prescribe by agreement, rather than contract or by rules as previously required, conditions that a DSO must comply with in order to use property, facilities, or personnel of the department.

The bill no longer requires DSOs to comply with competitive bidding laws when entering into contracts or agreements for the restoration of objects, historical buildings, and other historical materials; for the purchase of objects, historical buildings, and other historical materials which are to be added to the collections of the museum; or to benefit the designated program. Previously, DSOs were able to utilize competitive bidding.

The bill clarifies that a department employee, DSO or museum employee, volunteer or director, or a designated program may not receive a commission, fee, or financial benefit in connection with the sale or exchange of real or personal property, or historical objects to the DSO, the museum, or the designated program. This restriction also applies to the above-named persons acting as a business associate of any individual, firm, or organization involved in the sale or exchange of real or person property to the DSO, the museum, or the designated program.

The department is authorized to terminate the agreement with the DSO at any time it determines that the DSO is no longer meeting the objectives for which it was established. Upon termination, the assets of the DSO must be distributed pursuant to its Articles of Incorporation or by-laws or, if not provided for, to the department. The bill also cleans up statutory language referencing DSOs that are no longer in existence.

Apiary

Present Situation

Section 586.10, F.S., provides the powers and duties of the department with regard to honeybees and honey certification. The department is authorized to inspect all apiaries in the state at intervals it deems best. The department must keep an accurate and current list of the inspected apiaries which includes the:

- Name of the apiary.

- Name of the owner of the apiary.
- Mailing address of the apiary owner.
- Location of the apiary.
- Number of hives in the apiary.
- Pest problems associated with the apiary.
- Brands used by beekeepers where applicable.

Current law requires beekeepers having honeybee colonies within the state to apply to the department for certificates of inspection and registration. Certificates must be renewed annually on the anniversary date of the registration. Applications for renewal postmarked after the anniversary date are subject to a \$10 late filing fee. Registration applications must be accompanied by a fee as set by department rule. Neither the registration fee nor the renewal fee may exceed \$100. Any governmental agency having honeybee colonies for experimental or educational purposes may be exempted by the department from payment of a registration fee.

The department must provide written notice and renewal forms 60 days prior to the annual renewal date to each person who has obtained certificates of registration informing the persons of the registration renewal date and the renewal fee. The department may, for good cause, such as natural disasters, hardship cases, or unusual circumstances, which are supported by written documentation, extend the renewal date without penalty for up to 90 days. Certificates of registration are renewed as long as the registrant has complied with the provisions of Chapter 586, F.S., including the payment of the applicable fees, and the rules of the department.

Effect of Proposed Changes

The bill amends s. 586.10, F.S., to allow an apiary inspector to be a certified beekeeper as long as the inspector does not inspect his/her own apiary. The department states that the inspectors must have a good working knowledge of beekeeping ranging from the hobbyist to the commercial hives. This is a unique skill set mainly found in individuals who have some level of involvement within the apiary industry.

B. SECTION DIRECTORY:

Section 1: Amending s. 253.034, F.S.; requiring public hearings relating to the development of land management plans to be held in any one, rather than each, county affected by such plans.

Section 2: Amending s. 388.261, F.S.; revising provisions for the distribution and use of state funds for local mosquito control programs.

Section 3: Amending s. 388.271, F.S.; revising the date by which mosquito control districts must submit their certified budgets for approval by the department.

Section 4: Amending s. 487.160, F.S.; deleting provisions requiring the department to conduct a survey and compile a report on restricted-use pesticides.

Section 5: Amending s. 534.083, F.S.; deleting permitting requirements for livestock haulers.

Section 6: Amending s. 570.07, F.S.; clarifying the authority of the department to regulate certain open burning.

Section 7: Creating s. 570.64, F.S.; establishing the duties of the Division of Food, Nutrition, and Wellness within the department; and, providing for a director of the division.

Section 8: Amending s. 570.902, F.S.; clarifying the applicability of definitions relating to certain designated programs and direct-support organizations.

Section 9: Amending s. 570.903, F.S.; related to direct-support organizations.

Section 10: Amending s. 576.051, F.S.; authorizing the department to establish certain criteria for fertilizer sampling and analysis.

Section 11: Amending s. 576.061, F.S.; requiring the department to adopt rules establishing certain investigational allowances for fertilizer deficiencies; and, providing a date by which such allowances are effective and other allowances are repealed.

Section 12: Amending s. 576.181, F.S.; revising the department's authority to adopt rules establishing certain criteria for fertilizer analysis.

Section 13: Amending s. 585.61, F.S.; deleting provisions for the establishment of an animal disease diagnostic laboratory in Suwannee County.

Section 14: Amending s. 586.10, F.S.; authorizing apiary inspectors to be certified beekeepers under certain conditions.

Section 15: Amending s. 589.02, F.S.; deleting annual and special meeting requirements for the Florida Forestry Council.

Section 16: Amending s. 589.19, F.S.; establishing the Operation Outdoor Freedom Program within the Florida Forest Service to replace provisions for the designation of specified hunt areas in state forests for wounded veterans and servicemembers.

Section 17: Amending s. 589.30, F.S.; revising references to certain Florida Forest Service personnel titles.

Section 18: Amending s. 590.02, F.S.; authorizing the Florida Forest Service to allow certain types of burning; specifying that sovereign immunity applies to certain planning level activities; deleting provisions relating to the composition and duties of the Florida Forest Training Center advisory council; prohibiting government entities from banning certain types of burning; authorizing the service to delegate authority to special districts to manage certain types of burning; and revising such authority delegated to counties and municipalities.

Section 19: Amending s. 590.11, F.S.; revising the prohibition on leaving certain recreational fires unattended, to which penalties apply.

Section 20: Amending s. 590.125, F.S.; revising and providing definitions relating to open burning authorized by the Florida Forest Service; revising requirements for noncertified and certified burning; and limiting the liability of the service and certain persons related to certain burns.

Section 21: Amending s. 590.25, F.S.; revising provisions relating to criminal penalties for obstructing the prevention, detection, or suppression of wildfires.

Section 22: Creating chapter 595, F.S., to establish the Florida School Food and Nutrition Act.

Section 23: Creating s. 595.401, F.S.; providing a short title.

Section 24: Creating s. 595.402, F.S.; providing definitions.

Section 25: Creating s. 595.403, F.S.; declaring state policy relating to school food and nutrition services.

Sections 26-28: Transferring, renumbering, and amending ss. 570.98 and 570.981, F.S., relating to school food and nutrition services and the Florida Farm Fresh Schools Program; revising the department's duties and responsibilities for administering such services and program; and revising requirements for school districts and sponsors.

Section 29: Transferring, renumbering, and amending s. 570.982, F.S., relating to the children's summer nutrition program; and clarifying provisions.

Section 30: Creating s. 595.408, F.S.; authorizing the department to conduct, supervise, and administer commodity distribution services relating to school food and nutrition services.

Section 31: Creating s. 595.501, F.S.; providing certain penalties.

Section 32: Transferring, renumbering, and amending s. 570.983, relating to the Food and Nutrition Services Trust Fund; and, conforming a cross-reference.

Section 33: Transferring and renumbering s. 570.984, F.S.; relating to the Healthy Schools for Healthy Lives Council.

Section 34: Amending s. 1001.42, F.S.; requiring district school boards to perform duties relating to school lunch programs as required by the department's rules.

Section 35: Amending s. 1003.453, F.S., deleting an obsolete provision; requiring school districts to submit certain policies to the department and the Department of Education.

Section 36: Repealing ss. 487.0615, 570.382, 570.97, and 590.50, F.S., relating to the Pesticide Review Council, Arabian horse racing and the Arabian Horse Council, the Gertrude Maxwell Save a Pet Direct-Support Organization, and permits for the sale of cypress products, respectively.

Section 37: Amending s. 487.041, F.S.; conforming provisions.

Section 38: Amending s. 550.2625, F.S., conforming provisions.

Section 39: Amending s. 550.2633, F.S.; conforming provisions.

Section 40: Providing for the disbursement of specified funds.

Section 41: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments section

2. Expenditures:

See Fiscal Comments section

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments section

2. Expenditures:

See Fiscal Comments section

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

By repealing s. 570.97, F.S., a positive cash flow is provided to the Florida Animal Friends, Inc.

By amending s. 534.083, F.S., persons engaged in the hauling of livestock will realize a savings in both time and money through the elimination of the livestock haulers permit.

By amending s. 590.02, F.S., persons seeking an authorization for land-clearing may be charged a fee by the local government.

By repealing s. 590.51, F.S., persons selling cypress products will no longer be required to obtain a permit from the department.

D. FISCAL COMMENTS:

State Government Impact

To effectuate the repeal of s. 570.97, F.S., \$59,239 in non-recurring funds is appropriated to the department's General Inspection Trust Fund for the 2013-14 fiscal year in the expenses appropriation category within the Division of Animal Industry to transfer the balance of funds donated by Gertrude Maxwell to the Florida Animal Friends, Inc.

By repealing section 487.0615, F.S., the department estimates a decrease in expenditures of approximately \$20,000 per year associated with the administration of the Pesticide Review Council.

By amending section 534.083, F.S., the department estimates a decrease in revenues of approximately \$5,000 per year associated with the livestock haulers permit.

By amending section 585.61, F.S., the department estimates a decrease in expenditures of approximately \$400,000 per year associated with the closing of the animal disease diagnostic laboratory in Suwanee County.

Local Government Impact

By amending s. 388.261, F.S., local mosquito control programs with less than \$1 million in local budgets will receive more funding. Local programs with over \$1 million in local budgeted funds would receive less funding.

By amending s. 590.02, F.S., local governments that do not have infrastructure and personnel in place may incur some costs prior to having open burning authorization delegated to the local government. The department states that some local governments charge a fee for open burning authorizations; delegating the authority to the local government may result in a source of revenue.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None

B. RULE-MAKING AUTHORITY:

Section 388.261, F.S., authorizes the Department of Agriculture and Consumer Services (department) to adopt rules to provide for up to seventy percent of the funds appropriated by the state to be distributed to local mosquito control programs with budgets of less than \$1 million, if the local programs meet the eligibility requirements.

Section 576.061, F.S., authorizes the department to establish, by rule, investigational allowances to be utilized in determining whether a fertilizer is deficient in plant food.

Section 595.403, F.S., authorizes the department to implement and adopt by rule, as required, federal regulations to maximize federal assistance for the school food nutrition programs as well as an appeal process for applicants and participants under the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

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

57 requirements for the Florida Forestry Council;
58 amending s. 589.19, F.S.; establishing the Operation
59 Outdoor Freedom Program within the Florida Forest
60 Service to replace provisions for the designation of
61 specified hunt areas in state forests for wounded
62 veterans and servicemembers; providing purpose and
63 intent of the program; providing eligibility
64 requirements for program participation; providing
65 exceptions from eligibility requirements for certain
66 activities; providing for deposit and use of funds
67 donated to the program; limiting the liability of
68 private landowners who provide land for designation as
69 hunting sites for purposes of the program; amending s.
70 589.30, F.S.; revising references to certain Florida
71 Forest Service personnel titles; amending s. 590.02,
72 F.S.; authorizing the Florida Forest Service to allow
73 certain types of burning; specifying that sovereign
74 immunity applies to certain planning level activities;
75 deleting provisions relating to the composition and
76 duties of the Florida Forest Training Center advisory
77 council; prohibiting government entities from banning
78 certain types of burning; authorizing the service to
79 delegate authority to special districts to manage
80 certain types of burning; revising such authority
81 delegated to counties and municipalities; amending s.
82 590.11, F.S.; revising the prohibition on leaving
83 certain recreational fires unattended, to which
84 penalties apply; amending s. 590.125, F.S.; revising

85 and providing definitions relating to open burning
 86 authorized by the Florida Forest Service; revising
 87 requirements for noncertified and certified burning;
 88 limiting the liability of the service and certain
 89 persons related to certain burns; amending s. 590.25,
 90 F.S.; revising provisions relating to criminal
 91 penalties for obstructing the prevention, detection,
 92 or suppression of wildfires; creating chapter 595,
 93 F.S., to establish the Florida School Food and
 94 Nutrition Act; creating s. 595.401, F.S.; providing a
 95 short title; creating s. 595.402, F.S.; providing
 96 definitions; creating s. 595.403, F.S.; declaring
 97 state policy relating to school food and nutrition
 98 services; transferring, renumbering, and amending ss.
 99 570.98 and 570.981, F.S., relating to school food and
 100 nutrition services and the Florida Farm Fresh Schools
 101 Program; revising the department's duties and
 102 responsibilities for administering such services and
 103 program; revising requirements for school districts
 104 and sponsors; transferring, renumbering, and amending
 105 s. 570.982, F.S., relating to the children's summer
 106 nutrition program; clarifying provisions; creating s.
 107 595.408, F.S.; authorizing the department to conduct,
 108 supervise, and administer commodity distribution
 109 services relating to school food and nutrition
 110 services; creating s. 595.501, F.S.; providing certain
 111 penalties; transferring, renumbering, and amending s.
 112 570.983, relating to the Food and Nutrition Services

113 Trust Fund; conforming a cross-reference; transferring
 114 and renumbering s. 570.984, F.S., relating to the
 115 Healthy Schools for Healthy Lives Council; amending s.
 116 1001.42, F.S.; requiring district school boards to
 117 perform duties relating to school lunch programs as
 118 required by the department's rules; amending s.
 119 1003.453, F.S.; deleting an obsolete provision;
 120 requiring school districts to submit certain policies
 121 to the Department of Agriculture and Consumer Services
 122 and the Department of Education; repealing ss.
 123 487.0615, 570.382, 570.97, and 590.50, F.S., relating
 124 to the Pesticide Review Council, Arabian horse racing
 125 and the Arabian Horse Council, the Gertrude Maxwell
 126 Save a Pet Direct-Support Organization, and permits
 127 for the sale of cypress products, respectively;
 128 amending ss. 487.041, 550.2625, and 550.2633, F.S.;
 129 conforming provisions; providing for the disbursement
 130 of specified funds; providing an effective date.

131

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

133

134 Section 1. Paragraph (f) of subsection (5) of section
 135 253.034, Florida Statutes, is amended to read:

136 253.034 State-owned lands; uses.—

137 (5) Each manager of conservation lands shall submit to the
 138 Division of State Lands a land management plan at least every 10
 139 years in a form and manner prescribed by rule by the board and
 140 in accordance with the provisions of s. 259.032. Each manager of

141 conservation lands shall also update a land management plan
 142 whenever the manager proposes to add new facilities or make
 143 substantive land use or management changes that were not
 144 addressed in the approved plan, or within 1 year of the addition
 145 of significant new lands. Each manager of nonconservation lands
 146 shall submit to the Division of State Lands a land use plan at
 147 least every 10 years in a form and manner prescribed by rule by
 148 the board. The division shall review each plan for compliance
 149 with the requirements of this subsection and the requirements of
 150 the rules established by the board pursuant to this section. All
 151 land use plans, whether for single-use or multiple-use
 152 properties, shall include an analysis of the property to
 153 determine if any significant natural or cultural resources are
 154 located on the property. Such resources include archaeological
 155 and historic sites, state and federally listed plant and animal
 156 species, and imperiled natural communities and unique natural
 157 features. If such resources occur on the property, the manager
 158 shall consult with the Division of State Lands and other
 159 appropriate agencies to develop management strategies to protect
 160 such resources. Land use plans shall also provide for the
 161 control of invasive nonnative plants and conservation of soil
 162 and water resources, including a description of how the manager
 163 plans to control and prevent soil erosion and soil or water
 164 contamination. Land use plans submitted by a manager shall
 165 include reference to appropriate statutory authority for such
 166 use or uses and shall conform to the appropriate policies and
 167 guidelines of the state land management plan. Plans for managed
 168 areas larger than 1,000 acres shall contain an analysis of the

169 multiple-use potential of the property, which analysis shall
 170 include the potential of the property to generate revenues to
 171 enhance the management of the property. Additionally, the plan
 172 shall contain an analysis of the potential use of private land
 173 managers to facilitate the restoration or management of these
 174 lands. In those cases where a newly acquired property has a
 175 valid conservation plan that was developed by a soil and
 176 conservation district, such plan shall be used to guide
 177 management of the property until a formal land use plan is
 178 completed.

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

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

183 388.261 State aid to counties and districts for arthropod
 184 control; distribution priorities and limitations.—

185 (2) Every county or district budgeting local funds to be
 186 used exclusively for the control of mosquitoes and other
 187 arthropods, under a plan submitted by the county or district and
 188 approved by the department, is ~~shall be~~ eligible to receive
 189 state funds and supplies, services, and equipment on a dollar-
 190 for-dollar matching basis to the amount of local funds budgeted.
 191 If ~~Should~~ state funds appropriated by the Legislature are ~~be~~
 192 insufficient to grant each county or district state funds on a
 193 dollar-for-dollar matching basis to the amount budgeted in local
 194 funds, the department shall distribute the funds as prescribed
 195 by rule. Such rules shall provide for up to 80 percent of the
 196 funds to be distributed to programs with local funds for

197 mosquito control budgets of less than \$1 million, if the county
 198 or district meets the eligibility requirements. The funds shall
 199 be distributed as equally as possible within the category of
 200 counties pursuant to this section. The remaining funds shall be
 201 distributed as prescribed by rule among the remaining counties
 202 to support mosquito control and to support research, education,
 203 and outreach ~~prorate said state funds based on the amount of~~
 204 ~~matchable local funds budgeted for expenditure by each county or~~
 205 ~~district.~~

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

208 388.271 Prerequisites to participation.—

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

225 Governor.

226 Section 4. Section 487.160, Florida Statutes, is amended
227 to read:

228 487.160 ~~Records, report.~~—Licensed private applicators
229 supervising 15 or more unlicensed applicators or mixer-loaders
230 and licensed public applicators and licensed commercial
231 applicators shall maintain records as the department may
232 determine by rule with respect to the application of restricted
233 pesticides, including, but not limited to, the type and quantity
234 of pesticide, method of application, crop treated, and dates and
235 location of application. Other licensed private applicators
236 shall maintain records as the department may determine by rule
237 with respect to the date, type, and quantity of restricted-use
238 pesticides used. Licensees shall keep records for a period of 2
239 years from date of the application of the pesticide to which the
240 records refer, and shall furnish to the department a copy of the
241 records upon written request by the department. ~~Every third~~
242 ~~year, the department shall conduct a survey and compile a report~~
243 ~~on restricted-use pesticides in this state. This report shall~~
244 ~~include, but not be limited to, types and quantities of~~
245 ~~pesticides, methods of application, crops treated, and dates and~~
246 ~~locations of application; records of persons working under~~
247 ~~direct supervision; and reports of misuse, damage, or injury.~~

248 Section 5. Section 534.083, Florida Statutes, is amended
249 to read:

250 534.083 Livestock hauler's ~~permit; display of permit on~~
251 ~~vehicle;~~ bill of lading.—

252 ~~(1) No person shall engage in the business of transporting~~

253 ~~or hauling for hire livestock on any street or highway, as~~
 254 ~~defined in s. 316.003(53), without first having applied for and~~
 255 ~~obtained from the department a permit which shall expire on~~
 256 ~~December 31 of each year. The information supplied by the~~
 257 ~~applicant on the application for permit shall be certified under~~
 258 ~~oath. Cost of the permit shall be \$5 for each year or fraction~~
 259 ~~thereof.~~

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

265 ~~(3) The metal tag or plate required under this section~~
 266 ~~shall be attached to each vehicle used for transporting or~~
 267 ~~hauling livestock in a conspicuous place in an upright position~~
 268 ~~on the rear of the vehicle. When livestock is transported in a~~
 269 ~~trailer type vehicle propelled or drawn by a motor truck or~~
 270 ~~tractor, each such trailer shall have the tag or plate attached~~
 271 ~~to the rear of the trailer in a conspicuous place in an upright~~
 272 ~~position, and it shall not be necessary to have a tag attached~~
 273 ~~to the motor truck or tractor.~~

274 ~~(4) Persons engaged in the business of transporting or~~
 275 ~~hauling livestock in the state shall, upon receiving such~~
 276 ~~livestock for transportation, issue a waybill or bill of lading~~
 277 ~~for all livestock transported or hauled by them, and such~~
 278 ~~waybill or bill of lading shall accompany the shipment of~~
 279 ~~livestock, with a copy thereof being furnished to the person~~
 280 ~~delivering livestock to the hauler. The waybill or bill of~~

281 lading shall show the place of origin and destination of the
 282 shipment, the name of the owner of the livestock, date and time
 283 of loading, name of person or company hauling the livestock, and
 284 the number of animals and a general description thereof. The
 285 waybill or bill of lading shall be signed by the person
 286 delivering the livestock to the hauler certifying that the
 287 information contained thereon is correct.

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

290 570.07 Department of Agriculture and Consumer Services;
 291 functions, powers, and duties.—The department shall have and
 292 exercise the following functions, powers, and duties:

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

297 Section 7. Section 570.64, Florida Statutes, is created to
 298 read:

299 570.64 Division of Food, Nutrition, and Wellness.—

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

304 (2) The director of the division shall be appointed by,
 305 and serve at the pleasure of, the commissioner. The director
 306 shall supervise, direct, and coordinate activities of the
 307 division, exercise such powers and duties as authorized by the
 308 commissioner, enforce the provisions of chapter 595 and the

309 rules adopted thereunder, and any other powers and duties as
 310 authorized by the department.

311 Section 8. Section 570.902, Florida Statutes, is amended
 312 to read:

313 570.902 Definitions; ss. 570.902 and 570.903.—For the
 314 purpose of this section ~~ss. 570.902 and s. 570.903~~:

315 (1) "Designated program" means the ~~specific~~ departmental
 316 program which a direct-support organization has been created to
 317 support.

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

323 (3) "Museum" means the Florida Agricultural Museum which
 324 is designated as the museum for agriculture and rural history of
 325 the State of Florida.

326 Section 9. Section 570.903, Florida Statutes, is amended
 327 to read:

328 570.903 Direct-support organization.—

329 (1) The department may authorize ~~When the Legislature~~
 330 ~~authorizes~~ the establishment of a direct-support organizations
 331 ~~organization~~ to provide assistance, funding, and promotional
 332 support for the museums, ~~the Florida Agriculture in the~~
 333 ~~Classroom Program, the Florida State Collection of Arthropods,~~
 334 ~~the Friends of the Florida State Forests Program of the Florida~~
 335 ~~Forest Service, the Forestry Arson Alert Program,~~ and other
 336 programs of the department. 7 The following provisions shall

337 govern the creation, use, powers, and duties of the direct-
 338 support organizations ~~organization~~:

339 (a) The department shall enter into a memorandum or letter
 340 of agreement with the direct-support organization, which shall
 341 specify the approval of the department, the powers and duties of
 342 the direct-support organization, and rules with which the
 343 direct-support organization must comply.

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

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

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

364 (2)(a) The direct-support organization may ~~shall be~~

365 ~~empowered to~~ conduct programs and activities; raise funds;
 366 request and receive grants, gifts, and bequests of money;
 367 acquire, receive, hold, invest, and administer, in its own name,
 368 securities, funds, objects of value, or other property, real or
 369 personal; and make expenditures to or for the direct or indirect
 370 benefit of the museum or designated program.

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

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

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

390 (4) A department employee, direct-support organization or
 391 museum employee, volunteer, or director, or ~~Neither a designated~~
 392 ~~program or a museum, nor a nonprofit corporation trustee or~~

393 ~~employee~~ may not:

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

398 (b) Be a business associate of any individual, firm, or
 399 organization involved in the sale or exchange of real or
 400 personal property to the direct-support organization, the
 401 museum, or the designated program.

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

406 (6) The identity of a donor or prospective donor who
 407 desires to remain anonymous and all information identifying such
 408 donor or prospective donor are confidential and exempt from the
 409 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 410 Constitution.

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

415 (8) The department may terminate its agreement with a
 416 direct-support organization at any time if the department
 417 determines that the direct-support organization no longer meets
 418 the objectives of this section ~~The department shall establish by~~
 419 ~~rule archival procedures relating to museum artifacts and~~
 420 ~~records. The rules shall provide procedures which protect the~~

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

424 (9) Upon termination of the direct-support organization,
 425 the assets of the direct-support organization shall be
 426 distributed pursuant to its articles of incorporation or by-laws
 427 or, if not provided for, to the department.

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

430 576.051 Inspection, sampling, analysis.—

431 (3) The official analysis shall be made from the official
 432 sample. The department, before making the official analysis,
 433 shall take a sufficient portion from the official sample for
 434 check analysis and place that portion in a bottle sealed and
 435 identified by number, date, and the preparer's initials. The
 436 official check sample shall be kept until the analysis of the
 437 official sample is completed. However, the licensee may obtain
 438 upon request a portion of the official check sample. Upon
 439 completion of the analysis of the official sample, a true copy
 440 of the fertilizer analysis report shall be mailed to the
 441 licensee of the fertilizer from whom the official sample was
 442 taken and to the dealer or agent, if any, and purchaser, if
 443 known. This fertilizer analysis report shall show all
 444 determinations of plant nutrient and pesticides. If the official
 445 analysis conforms with the provisions of this law, the official
 446 check sample may be destroyed. If the official analysis does not
 447 conform with the provisions of this law, the official check
 448 sample shall be retained for a period of 90 days from the date

449 of the fertilizer analysis report of the official sample. If
 450 within that time the licensee of the fertilizer from whom the
 451 official sample was taken, upon receipt of the fertilizer
 452 analysis report, makes written demand for analysis of the
 453 official check sample by a referee chemist, a portion of the
 454 official check sample sufficient for analysis shall be sent to a
 455 referee chemist who is mutually acceptable to the department and
 456 the licensee for analysis at the expense of the licensee. The
 457 referee chemist, upon completion of the analysis, shall forward
 458 to the department and to the licensee a fertilizer analysis
 459 report bearing a proper identification mark or number; and the
 460 fertilizer analysis report shall be verified by an affidavit of
 461 the person making the analysis. If the results reported on the
 462 fertilizer analysis report agree within the matching criteria
 463 defined in department rule ~~checks within three tenths of 1~~
 464 ~~actual percent~~ with the department's analysis on each element
 465 for which analysis was made, the mean average of the two
 466 analyses shall be accepted as final and binding on all
 467 concerned. However, if the referee's fertilizer analysis report
 468 results do not agree within the matching criteria defined in
 469 department rule with ~~shows a variation of greater than three-~~
 470 ~~tenths of 1 actual percent from~~ the department's analysis in any
 471 one or more elements for which an analysis was made, upon demand
 472 of either the department or the licensee from whom the official
 473 sample was taken, a portion of the official check sample
 474 sufficient for analysis shall be submitted to a second referee
 475 chemist who is mutually acceptable to the department and to the
 476 licensee from whom the official sample was taken, at the expense

477 of the party or parties requesting the referee analysis. If no
 478 demand is made for an analysis by a second referee chemist, the
 479 department's fertilizer analysis report shall be accepted as
 480 final and binding on all concerned. The second referee chemist,
 481 upon completion of the analysis, shall make a fertilizer
 482 analysis report as provided in this subsection for the first
 483 referee chemist. The mean average of the two analyses nearest in
 484 conformity to each other shall be accepted as final and binding
 485 on all concerned.

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

488 576.061 Plant nutrient investigational allowances,
 489 deficiencies, and penalties.—

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

496 (a) Effective July 1, 2014, this paragraph and paragraphs
 497 (b)-(f) are repealed. Until July 1, 2014, investigational
 498 allowances shall be set as provided in paragraphs (b)-(f).
 499 follows:

500 (b)(a) Primary plant nutrients; investigational
 501 allowances.—

502

Guaranteed	Total	Available	Potash
Percent	Nitrogen	Phosphate	Percent

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

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	Percent	Percent	
503			
504			
505	04 or less	0.49	0.67 0.41
506	05	0.51	0.67 0.43
507	06	0.52	0.67 0.47
508	07	0.54	0.68 0.53
509	08	0.55	0.68 0.60
510	09	0.57	0.68 0.65
511	10	0.58	0.69 0.70
512	12	0.61	0.69 0.79
513	14	0.63	0.70 0.87
514	16	0.67	0.70 0.94
515	18	0.70	0.71 1.01
516	20	0.73	0.72 1.08

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517	22	0.75	0.72	1.15
518	24	0.78	0.73	1.21
519	26	0.81	0.73	1.27
520	28	0.83	0.74	1.33
521	30	0.86	0.75	1.39
522	32 or more	0.88	0.76	1.44

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

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

526

Investigational Allowances

Nitrogen Breakdown

Percent

527

528

Nitrate nitrogen

0.40

529

Ammoniacal nitrogen

0.40

530

Water soluble nitrogen
 or urea nitrogen

0.40

531

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532	Water insoluble nitrogen	0.30
533	In no case may the investigational allowance exceed 50 percent	
534	of the amount guaranteed.	
535	<u>(d)</u> (e) Secondary and micro plant nutrients, total or	
536	soluble.-	
537		
538	Element	Investigational Allowances Percent
539		
540	Calcium	0.2 unit+5 percent of guarantee
541	Magnesium	0.2 unit+5 percent of guarantee
542	Sulfur (free and combined)	0.2 unit+5 percent of guarantee
543	Boron	0.003 unit+15 percent of guarantee
544	Cobalt	0.0001 unit+30 percent of guarantee
545	Chlorine	0.005 unit+10 percent of guarantee
546	Copper	0.005 unit+10 percent of guarantee
547	Iron	0.005 unit+10 percent of guarantee

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548 Manganese 0.005 unit+10 percent of guarantee
 549 Molybdenum 0.0001 unit+30 percent of guarantee
 550 Sodium 0.005 unit+10 percent of guarantee
 551 Zinc 0.005 unit+10 percent of guarantee

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

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

557

Investigational Allowances

Range Percent	Percent
558 0-10	0.30
559 Over 10-25	0.40
560 Over 25	0.50

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

566 fertilizers.

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

569 576.181 Administration; rules; procedure.—

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

585 Section 13. Section 585.61, Florida Statutes, is amended
 586 to read:

587 585.61 Animal disease diagnostic laboratory ~~laboratories.~~—

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

592 (2) The construction and operation of ~~all~~ the laboratory
 593 ~~laboratories~~ established by this section shall be under the

594 supervision and control of the department. It shall be the duty
 595 of the department to operate the laboratory ~~these laboratories~~
 596 in an efficient manner so that any person who maintains animals
 597 in this state may obtain prompt reliable diagnosis of animal
 598 diseases, including any disease which may affect poultry eggs,
 599 in this state, and recommendations for the control and
 600 eradication of such diseases, to the end that diseases of
 601 animals may be reduced and controlled, and eradicated when
 602 possible.

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

614 Section 14. Paragraph (f) of subsection (3) of section
 615 586.10, Florida Statutes, is amended to read:

616 586.10 Powers and duties of department; preemption of
 617 local government ordinances.—

618 (3) The department may:

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

622 the:

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

630

631 Notwithstanding s. 112.313, an apiary inspector may be a
 632 certified beekeeper as long as the inspector does not inspect
 633 his or her own apiary.

634 Section 15. Section 589.02, Florida Statutes, is amended
 635 to read:

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

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

650 589.19 Creation of certain state forests; naming of
 651 certain state forests; Operation Outdoor Freedom Program.—
 652 (4) (a) To honor the nation's disabled veterans and injured
 653 active duty servicemembers, the Florida Forest Service shall
 654 coordinate efforts to develop an Operation Outdoor Freedom
 655 Program to provide hunting and other activities for eligible
 656 veterans and servicemembers in designated state forest areas and
 657 on designated public and private lands. The Legislature finds it
 658 to be in the public interest for the Florida Forest Service to
 659 develop partnerships with the Fish and Wildlife Conservation
 660 Commission and other public and private organizations in order
 661 to provide the needed resources and funding to make the program
 662 successful ~~The Florida Forest Service shall designate one or~~
 663 ~~more areas of state forests as an "Operation Outdoor Freedom~~
 664 ~~Special Hunt Area" to honor wounded veterans and servicemembers.~~
 665 ~~The purpose of such designated areas is to provide special~~
 666 ~~outdoor recreational opportunities for eligible veterans and~~
 667 ~~servicemembers.~~
 668 (b) Participation in the Operation Outdoor Freedom Program
 669 shall be limited to Florida residents, as defined in s.
 670 379.101(30)(b), ~~The Florida Forest Service shall limit guest~~
 671 ~~admittance to such designated areas to any person who:~~
 672 1. Are honorably discharged military veterans certified by
 673 the United States Department of Veterans Affairs or its
 674 predecessor or by any branch of the United States Armed Forces
 675 to be at least 30 percent permanently service-connected disabled
 676 ~~Is an active duty member of any branch of the United States~~
 677 ~~Armed Forces and has a combat-related injury as determined by~~

678 ~~his or her branch of the United States Armed Forces; or~~
 679 2. Have been awarded the Military Order of the Purple
 680 Heart; or ~~is a veteran who served during a period of wartime~~
 681 ~~service as defined in s. 1.01(14) or peacetime service as~~
 682 ~~defined in s. 296.02 and:~~
 683 a. ~~Has a service-connected disability as determined by the~~
 684 ~~United States Department of Veterans Affairs; or~~
 685 b. ~~Was discharged or released from military service~~
 686 ~~because of a disability acquired or aggravated while serving on~~
 687 ~~active duty~~
 688 3. Are active duty servicemembers with a service-connected
 689 injury as determined by his or her branch of the United States
 690 Armed Forces.
 691
 692 Proof of eligibility under this subsection, as prescribed by the
 693 Florida Forest Service, may be required.
 694 (c) Notwithstanding the eligibility requirements for
 695 program participation in paragraph (b), guided or unguided
 696 invitation-only activities may be conducted as part of the
 697 Operation Outdoor Freedom Program for injured or disabled
 698 veterans and injured or disabled active duty servicemembers of
 699 any branch of the United States Armed Forces in designated state
 700 forest areas and on designated public and private lands. The
 701 Florida Forest Service may grant admittance to ~~such~~ designated
 702 areas and lands to a person who is not an eligible veteran or
 703 servicemember for the sole purpose ~~purposes~~ of accompanying an
 704 eligible veteran or servicemember who requires the person's
 705 assistance to use such ~~designated~~ areas and lands.

706 (d) The Florida Forest Service may cooperate with state
 707 and federal agencies, local governments, private landowners, and
 708 other entities in connection with the Operation Outdoor Freedom
 709 Program. Donations to the Operation Outdoor Freedom Program
 710 Funding required for specialized accommodations shall be
 711 deposited into the account of ~~provided through~~ the Friends of
 712 Florida State Forests Program created under s. 589.012 and used
 713 for Operation Outdoor Freedom Program activities.

714 (e)1. A private landowner who provides land for
 715 designation and use as an Operation Outdoor Freedom Program
 716 hunting site shall have limited liability pursuant to s.
 717 375.251.

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

723 3. This subsection does not:

724 a. Relieve any person of liability that would otherwise
 725 exist for deliberate, willful, or malicious injury to persons or
 726 property.

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

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

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

732 Section 17. Section 589.30, Florida Statutes, is amended
 733 to read:

734 589.30 Duty of district or center manager ~~forester~~.—It
 735 shall be the duty of the district or center manager ~~forester~~ to
 736 direct all work in accordance with the law and regulations of
 737 the Florida Forest Service; gather and disseminate information
 738 in the management of commercial timber, including establishment,
 739 protection and utilization; and assist in the development and
 740 use of forest lands for outdoor recreation, watershed
 741 protection, and wildlife habitat. The district or center manager
 742 ~~forester~~ or his or her representative shall provide
 743 encouragement and technical assistance to individuals and urban
 744 and county officials in the planning, establishment, and
 745 management of trees and plant associations to enhance the beauty
 746 of the urban and suburban environment and meet outdoor
 747 recreational needs.

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

750 590.02 Florida Forest Service; powers, authority, and
 751 duties; liability; building structures; Florida Center for
 752 Wildfire and Forest Resources Management Training.—

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

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

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

760 (c) To provide firefighting crews, who shall be under the
 761 control and direction of the Florida Forest Service and its

762 designated agents;

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

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

781 (f) To make rules to accomplish the purposes of this
 782 chapter;

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

788 (h) To require all state, regional, and local government
 789 agencies operating aircraft in the vicinity of an ongoing

790 wildfire to operate in compliance with the applicable state
 791 Wildfire Aviation Plan; and

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

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

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

815 (7) The Florida Forest Service may organize, staff, equip,
 816 and operate the Florida ~~Center for Wildfire and Forest Resources~~
 817 ~~Management Training~~ Center. The center shall serve as a site

818 | where fire and forest resource managers can obtain current
 819 | knowledge, techniques, skills, and theory as they relate to
 820 | their respective disciplines.

821 | (a) The center may establish cooperative efforts involving
 822 | federal, state, and local entities; hire appropriate personnel;
 823 | and engage others by contract or agreement with or without
 824 | compensation to assist in carrying out the training and
 825 | operations of the center.

826 | (b) The center shall provide wildfire suppression training
 827 | opportunities for rural fire departments, volunteer fire
 828 | departments, and other local fire response units.

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

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

839 | ~~(e) An advisory committee consisting of the following~~
 840 | ~~individuals or their designees must review program curriculum,~~
 841 | ~~course content, and scheduling: the director of the Florida~~
 842 | ~~Forest Service; the assistant director of the Florida Forest~~
 843 | ~~Service; the director of the School of Forest Resources and~~
 844 | ~~Conservation of the University of Florida; the director of the~~
 845 | ~~Division of Recreation and Parks of the Department of~~

846 ~~Environmental Protection; the director of the Division of the~~
 847 ~~State Fire Marshal; the director of the Florida Chapter of The~~
 848 ~~Nature Conservancy; the executive vice president of the Florida~~
 849 ~~Forestry Association; the president of the Florida Farm Bureau~~
 850 ~~Federation; the executive director of the Fish and Wildlife~~
 851 ~~Conservation Commission; the executive director of a water~~
 852 ~~management district as appointed by the Commissioner of~~
 853 ~~Agriculture; the supervisor of the National Forests in Florida;~~
 854 ~~the president of the Florida Fire Chief's Association; and the~~
 855 ~~executive director of the Tall Timbers Research Station.~~

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

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

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

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

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

876 590.11 Recreational fires.—

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

881 Section 20. Subsections (1) and (2), paragraphs (b) and
 882 (c) of subsection (3), and paragraph (a) of subsection (4) of
 883 section 590.125, Florida Statutes, are amended to read:

884 590.125 Open burning authorized by the Florida Forest
 885 Service.—

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

887 (a) "Certified pile burner" means an individual who
 888 successfully completes the pile burning certification program of
 889 the Florida Forest Service and possesses a valid pile burner
 890 certification number.

891 (b) "Certified pile burning" means a pile burn conducted
 892 in accordance with a written pile burning plan by a certified
 893 pile burner.

894 (c) ~~(b)~~ "Certified prescribed burn manager" means an
 895 individual who successfully completes the certified prescribed
 896 burning program of the Florida Forest Service and possesses a
 897 valid certification number.

898 (d) "Certified prescribed burning" means prescribed
 899 burning in accordance with a written prescription conducted by a
 900 certified prescribed burn manager.

901 (e) "Contained" means that fire and smoldering exist

902 entirely within established or natural firebreaks.

903 (f)-(e) "Completed" "Extinguished" means that for:

904 1. Broadcast burning, no continued lateral movement of
 905 fire across the authorized area into entirely unburned fuels
 906 ~~Wildland burning or certified prescribed burning, no spreading~~
 907 ~~flames exist.~~

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

910 3. Certified pile ~~Vegetative land-clearing debris~~ burning
 911 or pile burning in an area designated as smoke sensitive by the
 912 Florida Forest Service, no visible flames, smoke, or emissions
 913 exist.

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

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

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

929 (i) "Pile burn plan" means a written plan establishing the

930 method of conducting a certified pile burn.

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

938 (k)-(g) "Prescription" means a written plan establishing
 939 the conditions and method for conducting ~~criteria necessary for~~
 940 ~~starting, controlling, and extinguishing~~ a certified prescribed
 941 burn.

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

944 (m)-(h) "Yard trash" means vegetative matter resulting from
 945 landscaping and yard maintenance operations and other such
 946 routine property cleanup activities. The term includes materials
 947 such as leaves, shrub trimmings, grass clippings, brush, and
 948 palm fronds.

949 (2) NONCERTIFIED BURNING.—

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

- 953 1. There is specific consent of the landowner or his or
 954 her designee;
- 955 2. Authorization has been obtained from the Florida Forest
 956 Service or its designated agent before starting the burn;
- 957 3. There are adequate firebreaks at the burn site and

958 sufficient personnel and firefighting equipment for the
 959 containment ~~control~~ of the fire;

960 4. The fire remains within the boundary of the authorized
 961 area;

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

965 6. The Florida Forest Service does not cancel the
 966 authorization; and

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

969 (b) A person who broadcast burns or pile burns ~~wild land~~
 970 ~~or vegetative land-clearing debris~~ in a manner that violates any
 971 requirement of this subsection commits a misdemeanor of the
 972 second degree, punishable as provided in s. 775.082 or s.
 973 775.083.

974 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 975 PURPOSE.—

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

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

986 ~~to its completion.~~

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

989 a. A new prescription or authorization is not required for
990 smoldering that occurs within the authorized burn area when no
991 new ignitions are conducted by the certified prescribed burn
992 manager.

993 b. Monitoring the smoldering activity of a certified
994 prescribed burn does not require a prescription or an additional
995 authorization even if flames begin to spread within the
996 authorized burn area due to ongoing smoldering.

997 3. Requires that the specific consent of the landowner or
998 his or her designee be obtained before requesting an
999 authorization.

1000 4. Requires that an authorization to burn be obtained from
1001 the Florida Forest Service before igniting the burn.

1002 5. Requires that there be adequate firebreaks at the burn
1003 site and sufficient personnel and firefighting equipment to
1004 contain for the control of the fire within the authorized burn
1005 area.

1006 a. Fire spreading outside the authorized burn area on the
1007 day of the certified prescribed burn ignition does not
1008 constitute conclusive proof of inadequate firebreaks,
1009 insufficient personnel, or a lack of firefighting equipment.

1010 b. During the authorization period, if the certified
1011 prescribed burn is contained within the authorized burn area, a
1012 strong rebuttable presumption shall exist that adequate
1013 firebreaks, sufficient personnel, and sufficient firefighting

1014 equipment were present.

1015 c. Continued smoldering of a certified prescribed burn
 1016 resulting in a subsequent wildfire does not by itself constitute
 1017 evidence of gross negligence under this section.

1018 6. Is considered to be in the public interest and does not
 1019 constitute a public or private nuisance when conducted under
 1020 applicable state air pollution statutes and rules.

1021 7. Is considered to be a property right of the property
 1022 owner if vegetative fuels are burned as required in this
 1023 subsection.

1024 (c) ~~Neither~~ A property owner, ~~nor~~ his or her agent,
 1025 contractor, or legally authorized designee is not liable
 1026 pursuant to s. 590.13 for damage or injury caused by the fire,
 1027 including the reignition of a smoldering, previously contained
 1028 burn, or resulting smoke or considered to be in violation of
 1029 subsection (2) for burns conducted in accordance with this
 1030 subsection, unless gross negligence is proven. The Florida
 1031 Forest Service is not liable for burns for which it issues
 1032 authorizations.

1033 (4) CERTIFIED PILE BURNING.—

1034 (a) Certified pile burning pertains to the disposal of
 1035 piled, naturally occurring debris from an agricultural,
 1036 silvicultural, ~~or temporary~~ land-clearing, or tree cutting
 1037 debris originating on site operation. A land-clearing operation
 1038 ~~is temporary if it operates for 6 months or less.~~ Certified pile
 1039 burning must be conducted in accordance with the following:

1040 1. A certified pile burner must ensure, before ignition,
 1041 that the piles are properly placed and that the content of the

1042 piles is conducive to efficient burning.

1043 2. A certified pile burner must ensure that the authorized
 1044 burn is completed ~~piles are properly extinguished~~ no later than
 1045 1 hour after sunset. If the burn is conducted in an area
 1046 designated by the Florida Forest Service as smoke sensitive, a
 1047 certified pile burner must ensure that the authorized burn is
 1048 completed ~~piles are properly extinguished~~ at least 1 hour before
 1049 sunset.

1050 3. A written pile burning plan must be prepared before
 1051 receiving authorization from the Florida Forest Service to burn
 1052 and must be on site and available for inspection by a department
 1053 representative.

1054 4. The specific consent of the landowner or his or her
 1055 agent must be obtained before requesting authorization to burn.

1056 5. An authorization to burn must be obtained from the
 1057 Florida Forest Service or its designated agent before igniting
 1058 the burn.

1059 6. There must be adequate firebreaks and sufficient
 1060 personnel and firefighting equipment at the burn site to contain
 1061 the burn to the piles authorized ~~control the fire.~~

1062 Section 21. Section 590.25, Florida Statutes, is amended
 1063 to read:

1064 590.25 Penalty for ~~preventing or~~ obstructing the
 1065 prevention, detection, or suppression ~~extinguishment~~ of
 1066 wildfires.—Whoever interferes ~~shall interfere~~ with, obstructs
 1067 ~~obstruct~~ or commits ~~commit~~ any act aimed to obstruct the
 1068 prevention, detection, or suppression ~~extinguishment~~ of
 1069 wildfires by the employees of the Florida Forest Service or any

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1070 other person engaged in the prevention, detection, or
 1071 suppression ~~extinguishment~~ of a wildfire, or who damages or
 1072 destroys any equipment being used for such purpose, commits
 1073 ~~shall be guilty of~~ a felony of the third degree, punishable as
 1074 provided in s. 775.082, s. 775.083, or s. 775.084.

1075 Section.22. Chapter 595, Florida Statutes, is created,
 1076 shall consist of sections 595.401-595.701, Florida Statutes, and
 1077 shall be entitled "School Food and Nutrition Services."

1078 Section 23. Section 595.401, Florida Statutes, is created
 1079 to read:

1080 595.401 Short title.—This chapter may be cited as the
 1081 "Florida School Food and Nutrition Act."

1082 Section 24. Section 595.402, Florida Statutes, is created
 1083 to read:

1084 595.402 Definitions.—As used in this chapter, the term:

1085 (1) "Commissioner" means the Commissioner of Agriculture.

1086 (2) "Department" means the Department of Agriculture and
 1087 Consumer Services.

1088 (3) "Program" means any one or more of the school food and
 1089 nutrition service programs that the department has
 1090 responsibility over including, but not limited to, the National
 1091 School Lunch Program, the Special Milk Program, the School
 1092 Breakfast Program, the Summer Food Service Program, the Fresh
 1093 Fruit and Vegetable Program, and any other program that relates
 1094 to school nutrition.

1095 (4) "School district" means any of the 67 county school
 1096 districts, including the respective district school board.

1097 (5) "Sponsor" means any entity that is conducting a

1098 program under a current agreement with the department.

1099 Section 25. Section 595.403, Florida Statutes, is created
1100 to read:

1101 595.403 State policy.—The Legislature, in recognition of
1102 the demonstrated relationship between good nutrition and the
1103 capacity of students to develop and learn, declares that it is
1104 the policy of the state to provide standards for school food and
1105 nutrition services and to require each school district to
1106 establish and maintain an appropriate school food and nutrition
1107 service program consistent with the nutritional needs of
1108 students. To implement that policy, the state shall provide
1109 funds to meet the state National School Lunch Act matching
1110 requirements. The funds provided shall be distributed in such a
1111 manner as to comply with the requirements of the National School
1112 Lunch Act.

1113 Section 26. Section 570.98, Florida Statutes, is
1114 transferred, renumbered as section 595.404, Florida Statutes,
1115 and amended to read:

1116 595.404 570.98 School food and nutrition service program;
1117 powers and duties of the department programs.—

1118 (1) The department has the following powers and duties:
1119 ~~shall~~

1120 (1) To conduct, supervise, and administer the program all
1121 ~~school food and nutrition programs~~ that will be carried out
1122 using federal or state funds, or funds from any other source.

1123 (2) To fully ~~The department shall~~ cooperate fully with the
1124 United States Government and its agencies and instrumentalities
1125 so that the department may receive the benefit of all federal

1126 financial allotments and assistance possible to carry out the
 1127 purposes of this chapter.

1128 (3) To implement and adopt by rule, as required, federal
 1129 regulations to maximize federal assistance for the program. The
 1130 department may

1131 (4) To act as agent of, or contract with, the Federal
 1132 Government, another state agency, or any county or municipal
 1133 government, or sponsor for the administration of the program
 1134 school food and nutrition programs, including the distribution
 1135 of funds provided by the Federal Government to support the
 1136 program school food and nutrition programs.

1137 (5) To make a reasonable effort to ensure that any school
 1138 designated as a "severe need school" receives the highest rate
 1139 of reimbursement to which it is entitled under 42 U.S.C. s. 1773
 1140 for each breakfast meal served.

1141 (6) To develop and propose legislation necessary to
 1142 implement the program, encourage the development of innovative
 1143 school food and nutrition services, and expand participation in
 1144 the program.

1145 (7) To annually allocate among the sponsors, as
 1146 applicable, funds provided from the school breakfast supplement
 1147 in the General Appropriations Act based on each district's total
 1148 number of free and reduced-price breakfast meals served.

1149 (8) To employ such persons as are necessary to perform its
 1150 duties under this chapter.

1151 (9) To adopt rules covering the administration, operation,
 1152 and enforcement of the program as well as to implement the
 1153 provisions of this chapter.

1154 (10) To adopt and implement an appeal process by rule, as
 1155 required by federal regulations, for applicants and participants
 1156 under the program, notwithstanding s. 120.569 and ss. 120.57-
 1157 120.595.

1158 (11) To assist, train, and review each sponsor in its
 1159 implementation of the program.

1160 (12) To advance funds from the program's annual
 1161 appropriation to sponsors, when requested, in order to implement
 1162 the provisions of this chapter and in accordance with federal
 1163 regulations.

1164 Section 27. Subsections (1) through (5) of section
 1165 570.981, Florida Statutes, are transferred, renumbered as
 1166 section 595.405, Florida Statutes, and amended to read:

1167 595.405 ~~570.981~~ Program requirements for school districts
 1168 and sponsors food service programs.-

1169 ~~(1) In recognition of the demonstrated relationship~~
 1170 ~~between good nutrition and the capacity of students to develop~~
 1171 ~~and learn, it is the policy of the state to provide standards~~
 1172 ~~for school food service and to require district school boards to~~
 1173 ~~establish and maintain an appropriate private school food~~
 1174 ~~service program consistent with the nutritional needs of~~
 1175 ~~students.~~

1176 ~~(2) The department shall adopt rules covering the~~
 1177 ~~administration and operation of the school food service~~
 1178 ~~programs.-~~

1179 (1)(3) Each school district ~~school board~~ shall consider
 1180 the recommendations of the district school superintendent and
 1181 adopt policies to provide for an appropriate food and nutrition

1182 service program for students consistent with federal law and
 1183 department rules rule.

1184 ~~(4) The state shall provide the state National School~~
 1185 ~~Lunch Act matching requirements. The funds provided shall be~~
 1186 ~~distributed in such a manner as to comply with the requirements~~
 1187 ~~of the National School Lunch Act.~~

1188 (2)~~(5)(a)~~ Each school district ~~school board~~ shall
 1189 implement school breakfast programs that make breakfast meals
 1190 available to all students in each elementary school. Universal
 1191 school breakfast programs shall be offered in schools in which
 1192 80 percent or more of the students are eligible for free or
 1193 reduced-price meals. Each school shall, to the maximum extent
 1194 practicable, make breakfast meals available to students at an
 1195 alternative site location, which may include, but need not be
 1196 limited to, alternative breakfast options as described in
 1197 publications of the Food and Nutrition Service of the United
 1198 States Department of Agriculture for the federal School
 1199 Breakfast Program.

1200 (3)~~(b)~~ Each school district must annually set prices for
 1201 breakfast meals at rates that, combined with federal
 1202 reimbursements and state allocations, are sufficient to defray
 1203 costs of school breakfast programs without requiring allocations
 1204 from the district's operating funds, except if the district
 1205 school board approves lower rates.

1206 (4)~~(c)~~ Each school district ~~school board~~ is encouraged to
 1207 provide universal-free school breakfast meals to all students in
 1208 each elementary, middle, and high school. Each school district
 1209 ~~school board~~ shall approve or disapprove a policy, after

1210 receiving public testimony concerning the proposed policy at two
 1211 or more regular meetings, which makes universal-free school
 1212 breakfast meals available to all students in each elementary,
 1213 middle, and high school in which 80 percent or more of the
 1214 students are eligible for free or reduced-price meals.

1215 (5)~~(d)~~ Each elementary, middle, and high school shall make
 1216 a breakfast meal available if a student arrives at school on the
 1217 ~~school~~ bus less than 15 minutes before the first bell rings and
 1218 shall allow the student at least 15 minutes to eat the
 1219 breakfast.

1220 (6)~~(e)~~ Each school district shall annually provide to all
 1221 students in each elementary, middle, and high school information
 1222 prepared by the district's food service administration regarding
 1223 its school breakfast programs. The information shall be
 1224 communicated through school announcements and written notices
 1225 ~~notice~~ sent to all parents.

1226 (7)~~(f)~~ A school district ~~school board~~ may operate a
 1227 breakfast program providing for food preparation at the school
 1228 site or in central locations with distribution to designated
 1229 satellite schools or any combination thereof.

1230 (8) Each sponsor shall complete all corrective action
 1231 plans required by the department or a federal agency to be in
 1232 compliance with the program.

1233 ~~(g) The commissioner shall make every reasonable effort to~~
 1234 ~~ensure that any school designated as a "severe need school"~~
 1235 ~~receives the highest rate of reimbursement to which it is~~
 1236 ~~entitled under 42 U.S.C. s. 1773 for each breakfast meal served.~~

1237 ~~(h) The department shall annually allocate among the~~

1238 ~~school districts funds provided from the school breakfast~~
 1239 ~~supplement in the General Appropriations Act based on each~~
 1240 ~~district's total number of free and reduced-price breakfast~~
 1241 ~~meals served.~~

1242 Section 28. Subsection (6) of section 570.981, Florida
 1243 Statutes, is transferred, renumbered as section 595.406, Florida
 1244 Statutes, and amended to read:

1245 595.406 ~~570.981~~ Florida Farm Fresh Schools Program School
 1246 ~~food service programs.-~~

1247 ~~(6) The Legislature, recognizing that school children need~~
 1248 ~~nutritious food not only for healthy physical and intellectual~~
 1249 ~~development but also to combat diseases related to poor~~
 1250 ~~nutrition and obesity, establishes the Florida Farm Fresh~~
 1251 ~~Schools Program within the department. The program shall comply~~
 1252 ~~with the regulations of the National School Lunch Program and~~
 1253 ~~require:~~

1254 (1)(a) In order to implement the Florida Farm Fresh
 1255 Schools Program, the department shall ~~to~~ develop policies
 1256 pertaining to school food services which encourage:

1257 (a)1. Sponsors School districts to buy fresh and high-
 1258 quality foods grown in this state when feasible.

1259 (b)2. Farmers in this state to sell their products to
 1260 sponsors, school districts, and schools.

1261 (c)3. Sponsors School districts and schools to demonstrate
 1262 a preference for competitively priced organic food products.

1263 (d)(b) Sponsors School districts and schools to make
 1264 reasonable efforts to select foods based on a preference for
 1265 those that have maximum nutritional content.

1266 (2)~~(e)~~ The department shall ~~to~~ provide outreach, guidance,
 1267 and training to sponsors ~~school districts~~, schools, school food
 1268 service directors, parent and teacher organizations, and
 1269 students about the benefit ~~benefits~~ of fresh food products from
 1270 farms in this state.

1271 Section 29. Section 570.982, Florida Statutes, is
 1272 transferred, renumbered as section 595.407, Florida Statutes,
 1273 and amended to read:

1274 595.407 ~~570.982~~ Children's summer nutrition program.—

1275 (1) This section may be cited as the "Ms. Willie Ann Glenn
 1276 Act."

1277 (2) Each school district ~~school board~~ shall develop a plan
 1278 to sponsor a summer nutrition program to operate sites in the
 1279 school district as follows:

1280 (a) Within 5 miles of at least one elementary school at
 1281 which 50 percent or more of the students are eligible for free
 1282 or reduced-price school meals and for the duration of 35
 1283 consecutive days. ~~and~~

1284 (b) ~~Except as operated pursuant to paragraph (a),~~ Within
 1285 10 miles of each elementary school at which 50 percent or more
 1286 of the students are eligible for free or reduced-price school
 1287 meals, except as operated pursuant to paragraph (a).

1288 (3) (a) A school district ~~school board~~ may be exempt from
 1289 sponsoring a summer nutrition program pursuant to this section.
 1290 A school district ~~school board~~ seeking such exemption must
 1291 include the issue on an agenda at a regular or special school
 1292 district ~~school board~~ meeting that is publicly noticed, provide
 1293 residents an opportunity to participate in the discussion, and

1294 vote on whether to be exempt from this section. The school
 1295 district ~~school board~~ shall notify the department commissioner
 1296 within 10 days after it decides to become exempt from this
 1297 section.

1298 (b) Each year, the school district ~~school board~~ shall
 1299 reconsider its decision to be exempt from the provisions of this
 1300 section and shall vote on whether to continue the exemption from
 1301 sponsoring a summer nutrition program. The school district
 1302 ~~school board~~ shall notify the department commissioner within 10
 1303 days after each subsequent year's decision to continue the
 1304 exemption.

1305 (c) If a school district ~~school board~~ elects to be exempt
 1306 from sponsoring a summer nutrition program under this section,
 1307 the school district ~~school board~~ may encourage not-for-profit
 1308 entities to sponsor the program. If a not-for-profit entity
 1309 chooses to sponsor the summer nutrition program but fails to
 1310 perform with regard to the program, ~~the district school board,~~
 1311 the school district, and the department are not required to
 1312 continue the program and shall be held harmless from any
 1313 liability arising from the discontinuation of the summer
 1314 nutrition program.

1315 (4) The superintendent of schools may collaborate with
 1316 municipal and county governmental agencies and private, not-for-
 1317 profit leaders in implementing the plan. Although schools have
 1318 proven to be the optimal site for a summer nutrition program,
 1319 any not-for-profit entity may serve as a site or sponsor. By
 1320 April 15 of each year, each school district with a summer
 1321 nutrition program shall report to the department the district's

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1322 summer nutrition program sites in compliance with this section.

1323 (5) The department shall provide to each school district
 1324 ~~school board~~ by February 15 of each year a list of local
 1325 organizations that have filed letters of intent to participate
 1326 in the summer nutrition program in order that a school district
 1327 may school board is able to determine how many sites are needed
 1328 to serve the children and where to place each site.

1329 Section 30. Section 595.408, Florida Statutes, is created
 1330 to read:

1331 595.408 Commodity distribution services; department
 1332 responsibilities and functions.-

1333 (1) (a) The department shall conduct, supervise, and
 1334 administer all commodity distribution services that will be
 1335 carried on using federal or state funds, or funds from any other
 1336 source, or commodities received and distributed from the United
 1337 States or any of its agencies.

1338 (b) The department shall determine the benefits each
 1339 applicant or recipient of assistance is entitled to receive
 1340 under this chapter, provided that each applicant or recipient is
 1341 a resident of this state and a citizen of the United States or
 1342 is an alien lawfully admitted for permanent residence or
 1343 otherwise permanently residing in the United State under color
 1344 of law.

1345 (2) The department shall cooperate fully with the United
 1346 States Government and its agencies and instrumentalities so that
 1347 the department may receive the benefit of all federal financial
 1348 allotments and assistance possible to carry out the purposes of
 1349 this chapter.

1350 (3) The department may:
 1351 (a) Accept any duties with respect to commodity
 1352 distribution services as are delegated to it by an agency of the
 1353 federal government or any state, county, or municipal
 1354 government.

1355 (b) Act as agent of, or contract with, the federal
 1356 government, state government, or any county or municipal
 1357 government in the administration of commodity distribution
 1358 services to secure the benefits of any public assistance that is
 1359 available from the federal government or any of its agencies,
 1360 and in the distribution of funds received from the federal
 1361 government, state government, or any county or municipal
 1362 government for commodity distribution services within the state.

1363 (c) Accept from any person or organization all offers of
 1364 personal services, commodities, or other aid or assistance.

1365 (4) This chapter does not limit, abrogate, or abridge the
 1366 power and duties of any other state agency.

1367 Section 31. Section 595.501, Florida Statutes, is created
 1368 to read:

1369 595.501 Penalties.-Any person, sponsor, or school district
 1370 that violates any provision of this chapter or any rule adopted
 1371 thereunder or otherwise does not comply with the program is
 1372 subject to a suspension or revocation of their agreement, loss
 1373 of reimbursement, or a financial penalty in accordance with
 1374 federal or state law or both. This section does not restrict the
 1375 applicability of any other law.

1376 Section 32. Section 570.983, Florida Statutes, is
 1377 transferred, renumbered as section 595.601, Florida Statutes,

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1378 and amended to read:

1379 595.601 ~~570.983~~ Food and Nutrition Services Trust Fund.—
 1380 Chapter 99-37, Laws of Florida, recreated the Food and Nutrition
 1381 Services Trust Fund to record revenue and disbursements of
 1382 Federal Food and Nutrition funds received by the department as
 1383 authorized in s. 595.405 ~~570.981~~.

1384 Section 33. Section 570.984, Florida Statutes, is
 1385 transferred and renumbered as section 595.701, Florida Statutes,
 1386 to read:

1387 595.701 ~~570.984~~ Healthy Schools for Healthy Lives
 1388 Council.—

1389 (1) There is created within the Department of Agriculture
 1390 and Consumer Services the Healthy Schools for Healthy Lives
 1391 Council, which shall consist of 11 members appointed by the
 1392 Commissioner of Agriculture. The council shall advise the
 1393 department on matters relating to nutritional standards and the
 1394 prevention of childhood obesity, nutrition education,
 1395 anaphylaxis, and other needs to further the development of the
 1396 various school nutrition programs.

1397 (2) The meetings, powers, duties, procedures, and
 1398 recordkeeping of the Healthy Schools for Healthy Lives Council
 1399 shall be governed by s. 570.0705, relating to advisory
 1400 committees established within the department.

1401 Section 34. Subsection (16) of section 1001.42, Florida
 1402 Statutes, is amended to read:

1403 1001.42 Powers and duties of district school board.—The
 1404 district school board, acting as a board, shall exercise all
 1405 powers and perform all duties listed below:

1406 (16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities
 1407 and exercise such powers and perform such duties as may be
 1408 assigned to it by law or as may be required by rules of the
 1409 Department of Agriculture and Consumer Services ~~State Board of~~
 1410 ~~Education~~ or, as in the opinion of the district school board,
 1411 are necessary to ensure school lunch services, consistent with
 1412 needs of students; effective and efficient operation of the
 1413 program; and the proper articulation of the school lunch program
 1414 with other phases of education in the district.

1415 Section 35. Subsection (1) of section 1003.453, Florida
 1416 Statutes, is amended to read:

1417 1003.453 School wellness and physical education policies;
 1418 nutrition guidelines.—

1419 (1) Each school district shall electronically submit ~~to~~
 1420 ~~the Department of Education a copy of its local~~ school wellness
 1421 policy to the Department of Agriculture and Consumer Services ~~as~~
 1422 ~~required by the Child Nutrition and WIC Reauthorization Act of~~
 1423 ~~2004 and a copy of its physical education policy required under~~
 1424 s. 1003.455 to the Department of Education. Each school district
 1425 shall annually review its local school wellness policy and
 1426 physical education policy and provide a procedure for public
 1427 input and revisions. In addition, each school district shall
 1428 provide its revised local school ~~send an updated copy of its~~
 1429 wellness policy and revised physical education policy to the
 1430 applicable department ~~and to the Department of Agriculture and~~
 1431 ~~Consumer Services~~ when a change or revision is made.

1432 Section 36. Sections 487.0615, 570.382, 570.97, and
 1433 590.50, Florida Statutes, are repealed.

1434 Section 37. Subsection (5) of section 487.041, Florida
 1435 Statutes, is amended to read:

1436 487.041 Registration.—

1437 ~~(5) The department shall provide summary information to~~
 1438 ~~the Pesticide Review Council regarding applications for~~
 1439 ~~registration of those pesticides for which data received in the~~
 1440 ~~registration process indicate that the pesticide, when used~~
 1441 ~~according to label instructions and precautions, may have a~~
 1442 ~~significant potential for adverse effects on human health or the~~
 1443 ~~environment. The council shall be kept apprised of the status of~~
 1444 ~~these applications while under review and of the final action by~~
 1445 ~~the Commissioner of Agriculture regarding the registration of~~
 1446 ~~these pesticides.~~

1447 Section 38. Paragraph (b) of subsection (8) of section
 1448 550.2625, Florida Statutes, is amended to read:

1449 550.2625 Horseracing; minimum purse requirement, Florida
 1450 breeders' and owners' awards.—

1451 (8)

1452 ~~(b) The division shall deposit these collections to the~~
 1453 ~~credit of the General Inspection Trust Fund in a special account~~
 1454 ~~to be known as the "Florida Arabian Horse Racing Promotion~~
 1455 ~~Account." The Department of Agriculture and Consumer Services~~
 1456 ~~shall administer the funds and adopt suitable and reasonable~~
 1457 ~~rules for the administration thereof. The moneys in the Florida~~
 1458 ~~Arabian Horse Racing Promotion Account shall be allocated solely~~
 1459 ~~for supplementing and augmenting purses and prizes and for the~~
 1460 ~~general promotion of owning and breeding of racing Arabian~~
 1461 ~~horses in this state; and the moneys may not be used to defray~~

1462 ~~any expense of the Department of Agriculture and Consumer~~
 1463 ~~Services in the administration of this chapter, except that the~~
 1464 ~~moneys generated by Arabian horse registration fees received~~
 1465 ~~pursuant to s. 570.382 may be used as provided in paragraph~~
 1466 ~~(5)(b) of that section.~~

1467 Section 39. Paragraphs (b) and (c) of subsection (2) of
 1468 section 550.2633, Florida Statutes, are amended to read:

1469 550.2633 Horseracing; distribution of abandoned interest
 1470 in or contributions to pari-mutuel pools.—

1471 (2) All moneys or other property which has escheated to
 1472 and become the property of the state as provided herein and
 1473 which is held by a permitholder authorized to conduct pari-
 1474 mutuel pools in this state shall be paid annually by the
 1475 permitholder to the recipient designated in this subsection
 1476 within 60 days after the close of the race meeting of the
 1477 permitholder. Section 550.1645 notwithstanding, the moneys shall
 1478 be paid by the permitholder as follows:

1479 (b) ~~Except as provided in paragraph (c),~~ Funds from
 1480 quarter horse races shall be paid to the Florida Quarter Horse
 1481 Breeders and Owners Association and shall be allocated solely
 1482 for supplementing and augmenting purses and prizes and for the
 1483 general promotion of owning and breeding of racing quarter
 1484 horses in this state, as provided for in s. 550.2625.

1485 ~~(c) Funds for Arabian horse races conducted under a~~
 1486 ~~quarter horse racing permit shall be deposited into the General~~
 1487 ~~Inspection Trust Fund in a special account to be known as the~~
 1488 ~~"Florida Arabian Horse Racing Promotion Account" and shall be~~
 1489 ~~used for the payment of breeders' awards and stallion awards as~~

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1490 ~~provided for in s. 570.382.~~

1491 Section 40. In order to effectuate the repeal of s.
1492 570.97, Florida Statutes, and to honor the wishes of the donor,
1493 for the 2013-2014 fiscal year, the sum of \$59,239 in
1494 nonrecurring funds is appropriated to the Department of
1495 Agriculture and Consumer Services in the expenses appropriation
1496 category for deposit in the General Inspection Trust Fund to be
1497 used by the Division of Animal Industry for disbursement to
1498 Florida Animal Friend, Inc.

1499 Section 41. This act shall take effect upon becoming a
1500 law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANRS 13-02 DACS Public Records Exemption
SPONSOR(S): Agriculture & Natural Resources Subcommittee
TIED BILLS: PCB ANRS 13-01 **IDEN./SIM. BILLS:** SB 1756

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Subcommittee		Kaiser <i>JK</i>	Blalock <i>NFB</i>

SUMMARY ANALYSIS

Article I, s. 24(a) of the State Constitution guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a). The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.

The bill provides that personal identifying information of an applicant for or a participant in a school food and nutrition service program held by the Department of Agriculture and Consumer Services (DACs), the Department of Children and Families (DCF), or the Department of Education (DOE) is exempt from public records requirements.

The bill also provides that such personal identifying information must be disclosed to another governmental entity in the performance of its official duties and responsibilities, or to any person who has the written consent of the applicant for or participant in such program. This does not prohibit a participant's legal guardian from obtaining confirmation of acceptance and approval, dates of applicability, or other information the legal guardian may request. The exemption applies to any information identifying a program applicant or participant held by DACs, DCF, or DOE before, on, or after the effective date of this exemption.

In addition, the bill provides that this public records exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution.

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records exemption. The bill creates a new public records exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a). The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Public policy regarding access to government records is addressed further in s. 119.07(1), F.S., which guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act² provides that a public record exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

School and Food Nutrition Service Program

Current law provides that applicants for or participants in a school food and nutrition service program must provide certain information to the Department of Agriculture and Consumer Services (DACS), the Department of Children and Families (DCF), or the Department of Education (DOE). Some of the information provided is of a confidential nature and is used to determine eligibility for participation in the various programs administered by these agencies. If this information were to become public, it could have a defamatory effect on the individual and cause unwarranted damage to his or her good name or reputation.

Effect of Proposed Changes

The bill provides that personal identifying information of an applicant for or a participant in a school food and nutrition service program³ held by DACS, DCF, or DOE is exempt from public records requirements.

The bill provides that such personal identifying information must be disclosed to another governmental entity in the performance of its official duties and responsibilities, or any person who has the written consent of the applicant for or participant in such program. This does not prohibit a participant's legal guardian from obtaining confirmation of acceptance and approval, dates of applicability, or other information the legal guardian may request. The exemption applies to any information identifying a

¹ Section 24(c), Article I of the State Constitution.

² Section 119.15, F.S.

³ As defined in s. 595.402, F.S.

program applicant or participant held by DACS, DCF, or DOE before, on, or after the effective date of this exemption.

The bill provides that the exemption is subject to the Open Sunset Review Act and stands repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides the following statement of public necessity as required by the State Constitution:⁴

The Legislature finds that it is a public necessity that personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, Florida Statutes, held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education be made exempt from the requirements of s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In order for a person applying to or participating in a school food and nutrition service program to feel secure in the program, the applicant or participant should be able to rely upon the fact that his or her personal identifying information held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education is protected from disclosure to anyone other than those who have the need to know such information. A public records exemption for personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, Florida Statutes, held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education protects information of a sensitive, personal nature concerning an individual, the release of which could be defamatory to the individual, could cause unwarranted damage to his or her good name or reputation, and could possibly jeopardize the safety of the individual. Additionally, the public records exemption allows the state to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption. Thus, the Legislature declares that it is a public necessity that the personal identifying information of an applicant for or a participant in a school food and nutrition service program, as defined in s. 595.402, Florida Statutes, held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education be made exempt from public records requirements.

B. SECTION DIRECTORY:

Section 1: Creates s. 595.409, F.S.; providing an exemption from public records requirements for personal identifying information of an applicant for or participant in a school food and nutrition service program held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education; providing for specified disclosure; providing for applicability; and, providing for legislative review and repeal of the exemption under the Open Government Sunset Review Act.

Section 2: Provides a statement of public necessity as required by the State Constitution.

Section 3: Provides an effective date contingent upon the passage of PCB ANRS 13-01 or similar legislation.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

⁴ Section 24(c), Art. I of the State Constitution.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records exemption. The bill creates a new public records exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a new public records exemption; thus, it includes a public necessity statement.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or require additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Retroactive Application

The Supreme Court of Florida has ruled that a public records exemption is not to be applied retroactively unless the legislation clearly expresses intent that such exemption is to be applied retroactively. The bill does expressly provide that the public records exemption applies to identifying information held before, on, or after the effective date of the exemption.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES .

None

29 official duties and responsibilities; or

30 2. Any person who has the written consent of the applicant
 31 for or participant in such program.

32 (b) This section does not prohibit a participant's legal
 33 guardian from obtaining confirmation of acceptance and approval,
 34 dates of applicability, or other information the legal guardian
 35 may request.

36 (3) This exemption applies to any information identifying
 37 a program applicant or participant held by the department, the
 38 Department of Children and Families, or the Department of
 39 Education before, on, or after the effective date of this
 40 exemption.

41 (4) This section is subject to the Open Government Sunset
 42 Review Act in accordance with s. 119.15 and shall stand repealed
 43 on October 2, 2018, unless reviewed and saved from repeal
 44 through reenactment by the Legislature.

45 Section 2. The Legislature finds that it is a public
 46 necessity that personal identifying information of an applicant
 47 for or participant in a school food and nutrition service
 48 program, as defined in s. 595.402, Florida Statutes, held by the
 49 Department of Agriculture and Consumer Services, the Department
 50 of Children and Families, or the Department of Education be made
 51 exempt from the requirements of s. 119.07(1), Florida Statutes,
 52 and s. 24(a), Article I of the State Constitution. In order for
 53 a person applying to or participating in a school food and
 54 nutrition service program to feel secure in the program, the
 55 applicant or participant should be able to rely upon the fact
 56 that his or her personal identifying information held by the

57 Department of Agriculture and Consumer Services, the Department
 58 of Children and Families, or the Department of Education is
 59 protected from disclosure to anyone other than those who have
 60 the need to know such information. A public records exemption
 61 for personal identifying information of an applicant for or
 62 participant in a school food and nutrition service program, as
 63 defined in s. 595.402, Florida Statutes, held by the Department
 64 of Agriculture and Consumer Services, the Department of Children
 65 and Families, or the Department of Education protects
 66 information of a sensitive, personal nature concerning an
 67 individual, the release of which could be defamatory to the
 68 individual, could cause unwarranted damage to his or her good
 69 name or reputation, and could possibly jeopardize the safety of
 70 the individual. Additionally, the public records exemption
 71 allows the state to effectively and efficiently administer a
 72 governmental program, which administration would be
 73 significantly impaired without the exemption. Thus, the
 74 Legislature declares that it is a public necessity that the
 75 personal identifying information of an applicant for or a
 76 participant in a school food and nutrition service program, as
 77 defined in s. 595.402, Florida Statutes, held by the Department
 78 of Agriculture and Consumer Services, the Department of Children
 79 and Families, or the Department of Education be made exempt from
 80 public records requirements.

81 Section 3. This act shall take effect on the same date
 82 that HB ____ or similar legislation takes effect, if such
 83 legislation is adopted in the same legislative session or an
 84 extension thereof and becomes law.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

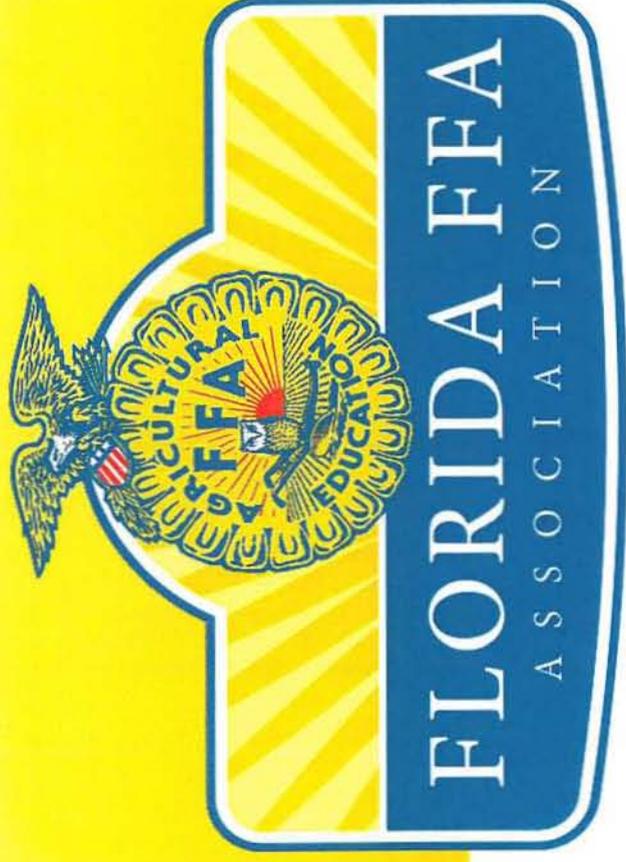
1 Committee/Subcommittee hearing PCB: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Beshears offered the following:

Amendment (with directory amendment)

D I R E C T O R Y A M E N D M E N T

Remove line 1329 and insert:

Section 30. Section 570.072, Florida Statutes, is
 transferred and renumbered as section 595.408, Florida
 Statutes,



Agricultural Education in Florida

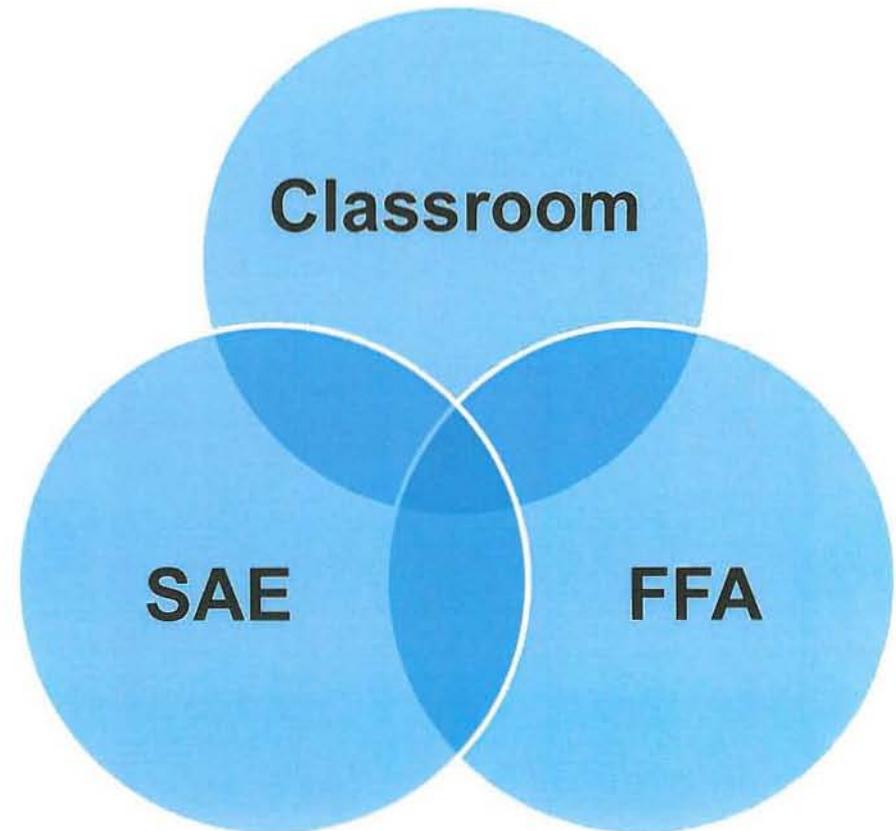
Clayton Willis, Florida FFA





Agricultural Education

- Classroom/Laboratory Instruction
- Work-based Learning (Supervised Agricultural Experience)
- Leadership Development (FFA)





Classroom/Laboratory Instruction

- Integrates academic concepts with technical agriculture skills
- Prepares students for work and postsecondary education in more than 300 careers
 - Animal Systems
 - Plant Systems
 - Food Products and Processing Systems
 - Power, Structural and Technical Systems
 - Natural Resource Systems
 - Environmental Service Systems
 - Agribusiness Systems





Supervised Agricultural Experience

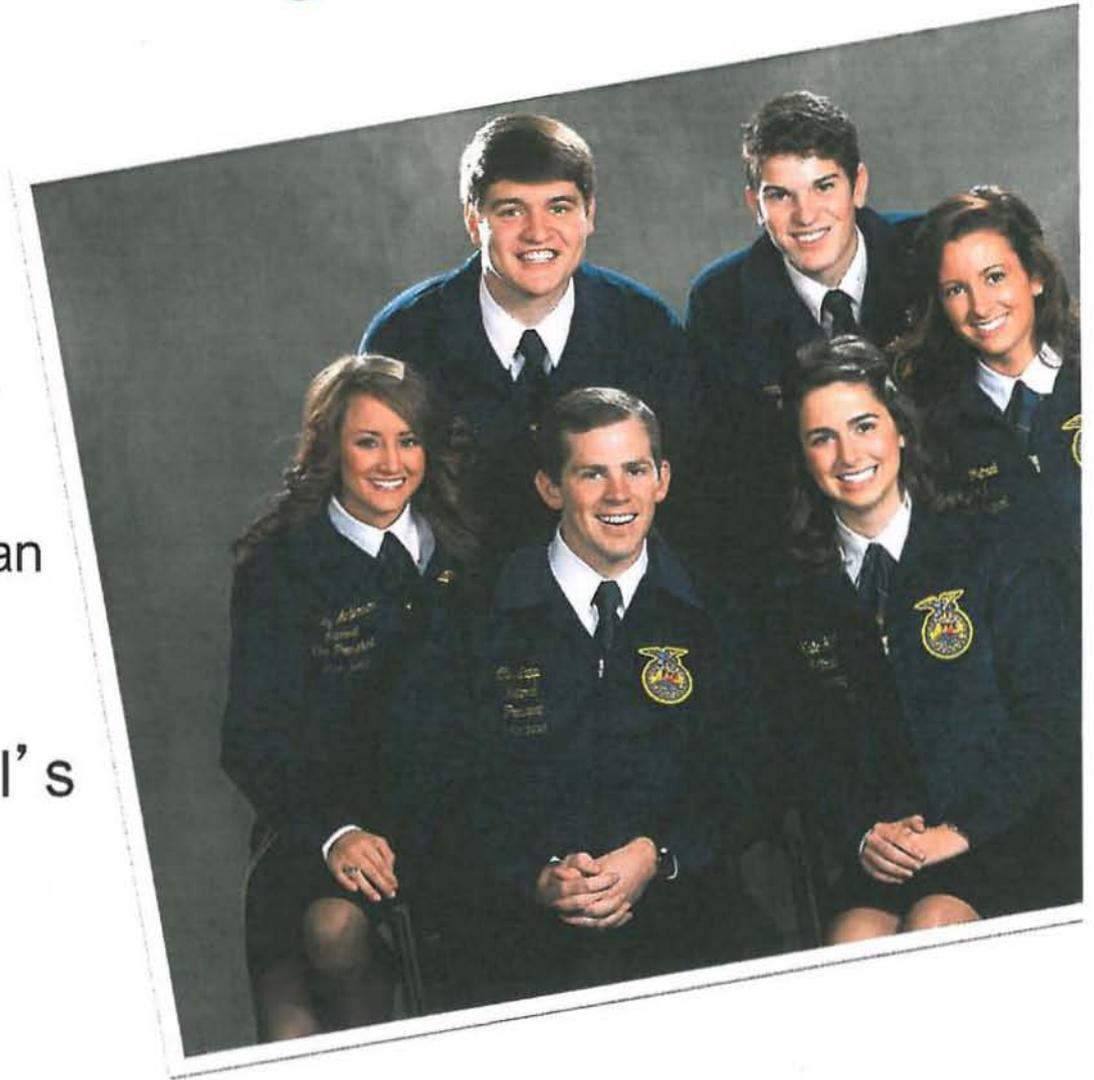
- Practical application of classroom/laboratory concepts conducted outside of class time
- Explore careers
 - Research
 - Placement
 - Ownership
- Earn money
- Learn work place skills
 - Team work
 - Responsibility
 - Communication skills





National FFA Organization

- Founded in 1928
- Chartered by U.S. Congress
- Approximately 540,379 members nationwide
 - 34% Urban and Suburban
 - 39% Rural, Non-Farm
 - 27% Rural, Farm
- Integral part of a school's agricultural education program





FFA Values

- Builds leadership skills for life
- Reinforces instruction
- Recognizes excellence
- Gives students opportunities to make a positive difference in their schools and communities



FFA Mission

FFA makes a positive difference in the lives of students by developing their potential for *premier leadership, personal growth, and career success* through agricultural education.





Florida FFA by the numbers

- Nearly 17,000 middle and high school members across the state
- Over 60,000 students enrolled in agricultural education
- Over 300 chapters
- Over 400 agriculture educators





Thank You

- On behalf of every Florida FFA member and agriculture student, thank you for all that you do for Florida FFA and agriculture education.



University of Florida Institute of Food and Agricultural Sciences

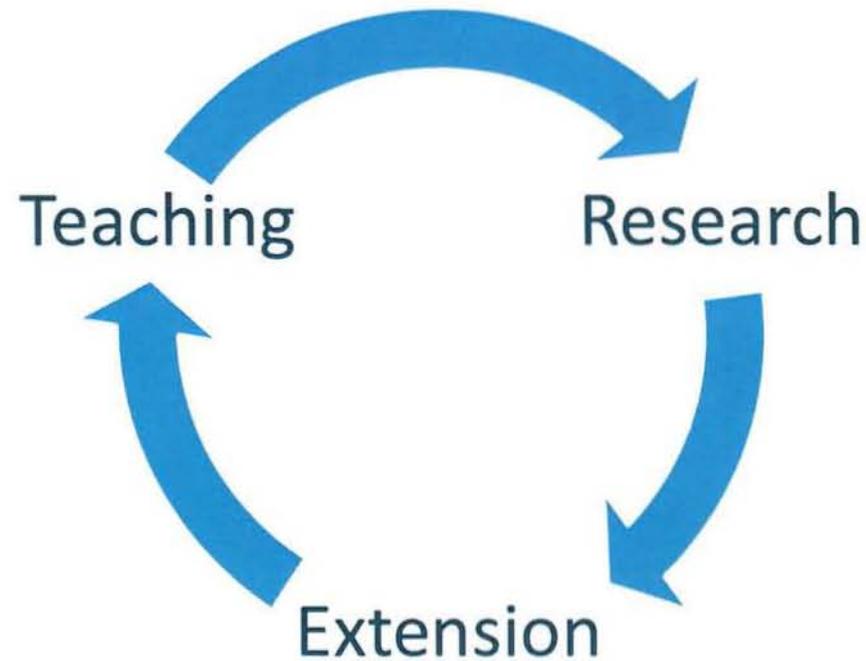
Solutions for Your Life....

Solutions for All Floridians

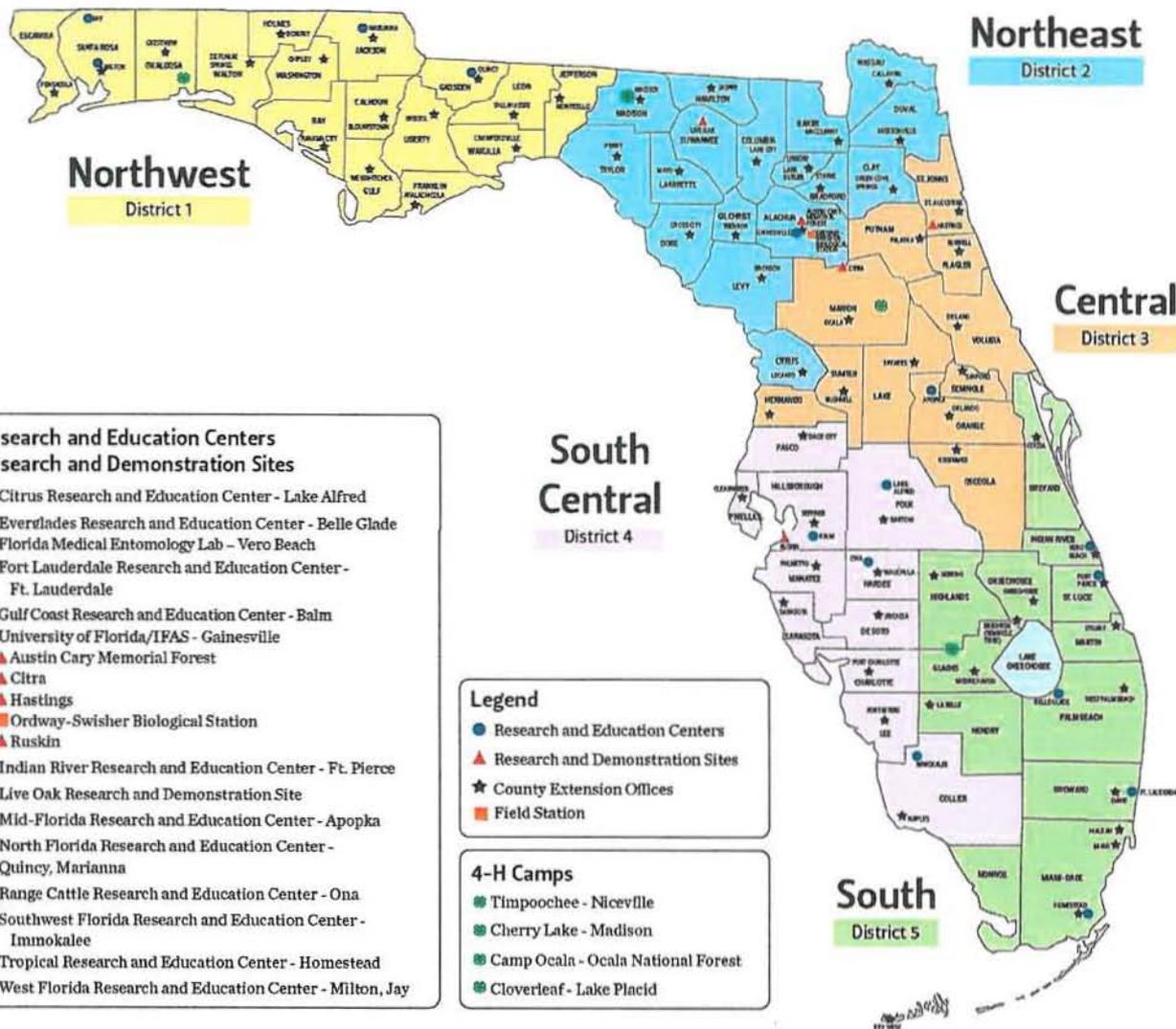
Mary Ann Gosa
Director, UF/IFAS Governmental Affairs
House Agriculture & Natural Resources Subcommittee
March 2013



Importance of Research, Teaching and Extension Linkage



UF/IFAS Statewide Facilities



Return on Investment

- Annual state contribution to agricultural research and extension approximately: \$136 million
- Translates in approximately: \$1.3 billion in economic benefits to the state
- For every dollar of state general revenue invested, IFAS leverages over one dollar in non-state funds



Research

- IFAS is the first line of defense to any threat or challenge to the agriculture and natural resources industries, be it pest, disease, drought, or remaining globally competitive.
- Ranked 1st by the National Science Foundation in agricultural research and development (R&D), IFAS sets a world class standard for innovative research.

Inventions Boosting Florida's Economy

FY 2011-12

- 949 research grants awarded
- \$92M in awards
- 15 patents
- 26 licenses



University of Florida horticulture researchers have been instrumental to the development of the blueberry industry in Florida.



Bioenergy Feedstocks in Florida

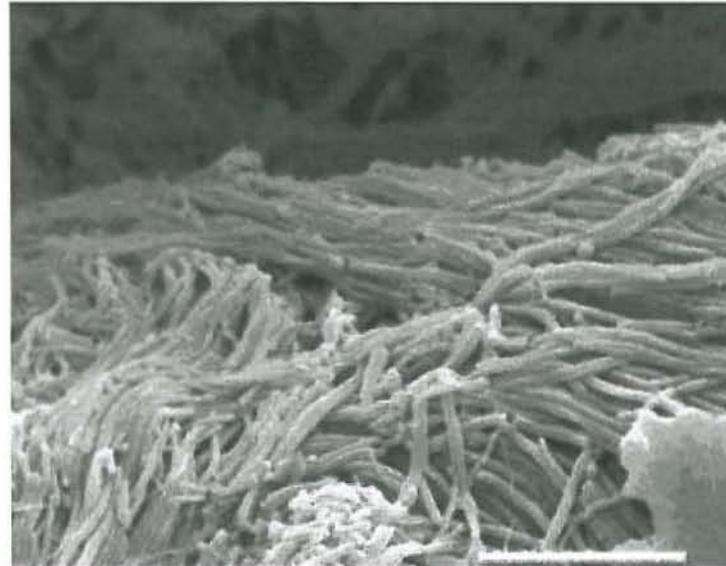
15 million acres of forest land
10 million acres of farm land

- #1 in sugarcane and citrus
- #1 in forest residues
- #1 in urban wood waste
- #2 in vegetables



By-Product Treats Cancer Patients

- Tiny lignin nanotubes travel through the body carrying cancer patient's medicine
- Drugs enclosed in plant-based nanotubes target specific tumors
- Protective shell prevents drug from affecting healthy parts of body
- Nanotechnology drug delivery projected to be a **\$220 Billion** market by 2015



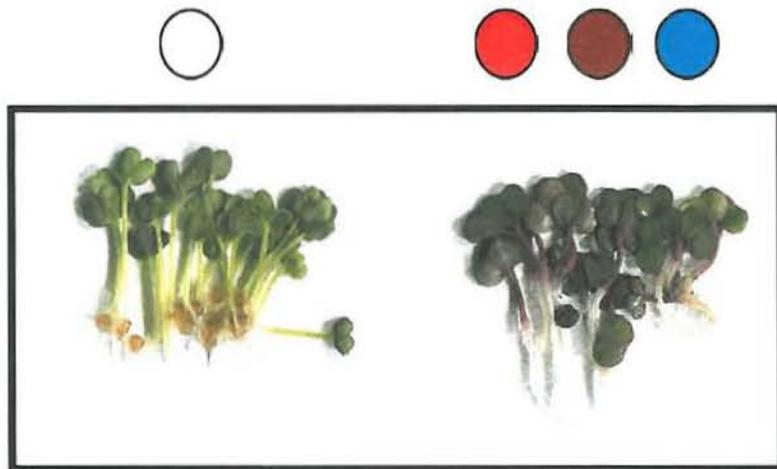
Using LED light to change industry-important traits

We can add energy-efficient LED light to greenhouse crops to:

- Control flowering
- Affect pests
- Change flavors
- Control ripening



M.S. student Kayla Childers measures light levels in our custom chambers.



Broccoli seedlings grown under different light environments

We can add substantial nutritious compounds by simply changing the light environment. This adds great benefit with no chemicals and low cost—simply by flicking a switch.

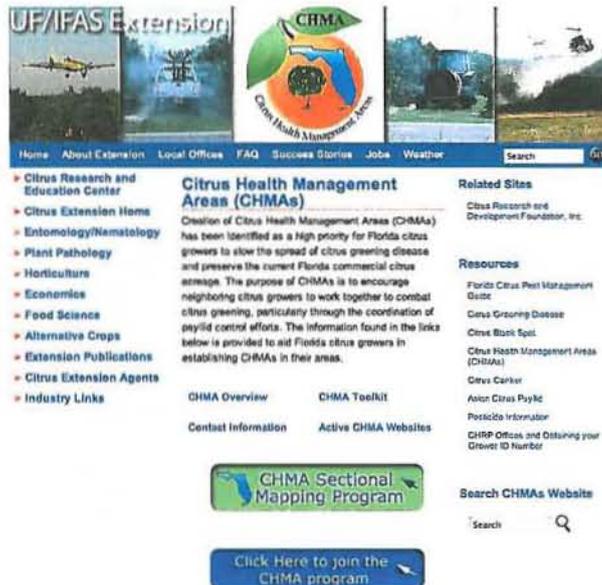
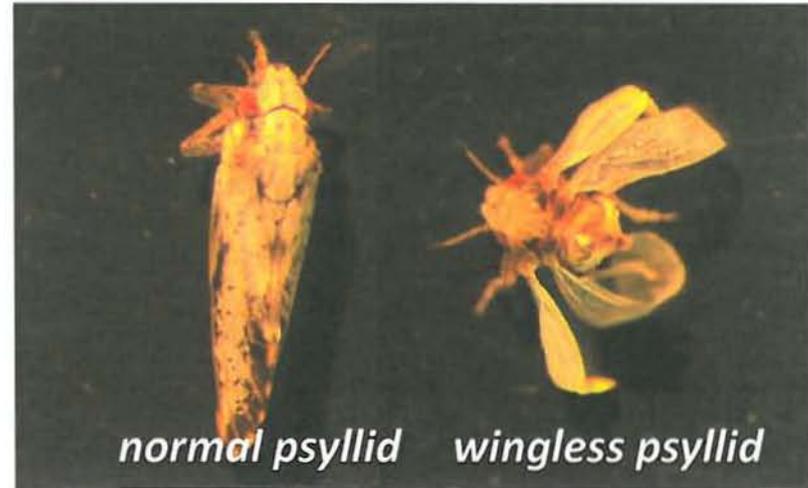
Putting Taste Back in Food

- Tasti-Lee vine ripe tomatoes with real tomato taste
- Ground-breaking aroma related research
- Sweeter fruit with less sugar



Citrus Greening

- **UF/IFAS** scientists are creating novel ways to stop the Asian citrus psyllid in its tracks; ways that are based on psyllid biology and behavior in citrus groves
- **UF/IFAS** is translating fundamental scientific knowledge into real-world solutions, lowering the annual infection rate and reducing statewide psyllid populations by 50%



The screenshot shows the UF/IFAS Extension website. The main content area is titled "Citrus Health Management Areas (CHMAs)" and includes a description of the program's purpose. Below the text are links for "CHMA Overview", "CHMA Toolkit", "Contact Information", and "Active CHMA Websites". There is also a "CHMA Sectional Mapping Program" button and a "Click Here to join the CHMA program" button. The website navigation menu includes Home, About Extension, Local Offices, FAQ, Success Stories, Jobs, and Weather.



Invasive Species

FL DPI, Jan. 17, 2011



A variety of pests have been recently introduced into the state. Florida is a sentinel state for pests and diseases because of climate and geography, trade and tourism, multiple pathways for pest introduction with international ports and urban encroachment on rural areas.

Mission of the Extension System

UF/IFAS Extension is dedicated to developing knowledge in agriculture, human and natural resources, and the life sciences and to making that knowledge accessible to the public.

Areas of Specialty

- Agriculture
- Horticulture—Environmental/Commercial
- Marine and Aquatic Sciences
- Natural Resources
- Family and Consumer Sciences
- 4-H Youth Development
- Community Development and Sustainability



Youth Programs

- Florida 4-H creates supportive environments for diverse youth to reach their fullest potential.
- Operation Military Kids: OMK is a program to support the youth of guard and reserve military members. Our mission is to reach out to military youth before, during and after their parents are deployed and help with the stress of their parents being deployed.
- Nutrition programs: Research-based information, resources, and tips for families, consumers, and educators; provided by the faculty of the UF/IFAS Department of Family, Youth and Community Sciences



College of Agricultural and Life Sciences (CAL S)

- An educational leader in the areas of food, agriculture, natural resources and life sciences.
- Over 5,000 students (2nd in overall graduate enrollment and 1st in PhD in nation among allied colleges).
- Tim Tebow, one of our most famous graduates, majored in Family, Youth and Community Sciences



CALS

24 undergraduate majors and 22 graduate majors with more than 60 areas of specialization. Students are offered a variety of majors that lead to diverse job opportunities such as:

- Toxicologist
- Hydrologist
- Agricultural Engineer
- Epidemiologist
- Biological Scientist
- Dietician
- Foster Care Worker
- Wetlands Ecologist
- Golf Course Superintendent
- Parks Superintendent
- Soil Scientist
- Wildlife & Fisheries Biologists
- Bacteriologist
- Reforestation Manager
- Geneticist
- Precision Agriculture Specialist

Economic Impacts

Agricultural and related industries generate

58,672 jobs (19.7% of total) in Lee County.

\$2.80 billion in revenues.

14.0% contribution to gross regional product.
Based on a 2010 UF study

It is estimated that for every **\$1** invested in agricultural research and extension, there is a return of **\$10** to the community.
Based on a 2007 USDA study

Funding

State funds for Extension **\$554,028**
Federal funds for Extension **\$70,969**
County funds for Extension **\$885,600**

Volunteers

Number of volunteers **644**
Hours worked **26,874**
Dollar value of hours worked **\$585,584**

Giving

Recent donors residing in county **5,462**
FY 2012 donors residing in county **2,897**
Gifts to UF from county residents **\$1,591,692**
Gifts to IFAS from county residents **\$22,711**

Statewide Client Satisfaction

Quality

96% Residents who used Extension services and were satisfied with the service provided.

Effectiveness

80% Clients who had an opportunity to use the information received, and...

90% Said it solved their problem or answered their question.

Leverage

75% Clients who shared the information with someone else.

Clientele Contacts

Field and office consultations **4,306**
Participants at group learning events **51,971**
Phone and email consultations **18,108**
Educational materials created **359**

Statewide Clientele Outcomes

Clients reporting an increase in knowledge or skill **92%**
Clients reporting a change in behavior or attitude **76%**
Clients adopting best practices resulting in societal, economic, or environmental benefits to community **59%**

Students and Alumni

UF students from county **872**
CALS students from county **90**
UF alumni residing in county **3,757**
IFAS alumni residing in county **349**

EXTENSION: Green industry BMP; Florida-Friendly Landscaping; Sustainability; Sustainable marine fisheries; Small farms sustainability; Family nutrition. Money Management; 4-H Youth

Lee Co. Cooperative Extension Service
3406 Palm Beach Blvd.
Ft. Myers, FL 33916-3736
239-533-4327
Director: Stephen Brown
Email: brownsh@ufl.edu
Web: <http://lee.ifas.ufl.edu/>

Thank you

Visit our website at : www.ifas.ufl.edu

County Reports: <http://ifas.ufl.edu/reports.html>

Mary Ann Gosa, Director

UF/IFAS Office of Governmental Affairs

mgosa@ufl.edu

850-681-0000

