

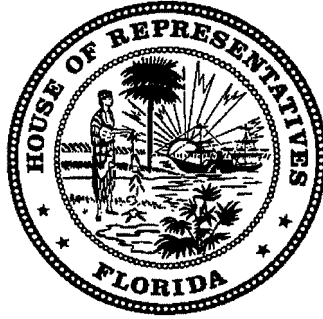


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# **Agriculture & Natural Resources Appropriations Subcommittee**

## **Meeting Packet**

**March 29, 2011  
1:00 PM – 3:00 PM  
Reed Hall**



## **AGENDA**

Agriculture & Natural Resources Appropriations Subcommittee

March 29, 2011

1:00 p.m. – 3:00 p.m.

Reed Hall

- I. Call to Order/Roll Call
- II. CS/HB 293—Vessels by Harrell
- III. HB 663—State Forests by Steube
- IV. HB 901—Household Moving Services by Horner
- V. CS/HB 735—Division of Forestry by Porter
- VI. Closing Remarks/Adjournment



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 293 Vessels  
SPONSOR(S): Agriculture & Natural Resources Subcommittee, Harrell and others  
TIED BILLS: IDEN./SIM. BILLS: SB 512

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	11 Y, 0 N, As CS	Deslatte	Blalock
2) Agriculture & Natural Resources Appropriations Subcommittee		Massengale	Massengale <i>SM</i>
3) State Affairs Committee			

SUMMARY ANALYSIS

Currently, any person who violates navigational rules that results in a boating accident, but whose violation did not constitute reckless operation of a vessel, is guilty of a second degree misdemeanor.

The bill amends current statute by removing the criminal penalty for individuals who violate a navigational rule that results in an accident and makes these noncriminal infractions, so long as it does not constitute reckless operation of a vessel and does not cause serious bodily injury or death. Any individual who violates navigational rules that causes serious bodily injury or death commits a second degree misdemeanor.

The bill increases the fine for all violations of navigational rules resulting in an accident not causing serious bodily injury or death to the following:

- For the first offense, up to a maximum of \$500.
- For the second offense, up to a maximum of \$750.
- For a third or subsequent offense, up to a maximum of \$1,000.

Lastly, the bill deletes a duplicative provision, makes technical changes, and reenacts s. 327.731(1), F.S., to incorporate changes for mandatory education requirements for violators.

According to the Fish and Wildlife Conservation Commission (FWCC) analysis, the bill appears to have a positive fiscal impact on FWCC revenues because of the increase in fines that will be collected for certain violations of navigational rules and deposited into the Marine Resources Conservation Trust Fund, to be used for boating education purposes. However, the exact fiscal impact is unknown. The bill also appears to have a positive fiscal impact on local governments by eliminating the criminal penalty, and thus reducing court costs and/or county jail costs.

The bill has an effective date of October 1, 2011.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Currently, any person who violates navigational rules that results in a boating accident, but whose violation did not constitute reckless operation of a vessel, is guilty of a second degree misdemeanor, punishable by a fine of up to \$500 and/or imprisoned for up to 60 days.<sup>1</sup> In addition, a judge can order restitution to a victim for damage or loss related to the defendant's criminal act.

Any person who violates navigational rules that does not result in a boating accident and does not constitute reckless operation of a vessel, is guilty of a noncriminal violation.<sup>2</sup> Section 775.08, F.S., defines a noncriminal violation as 'any offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by no other penalty than a fine, forfeiture, or other civil penalty. A noncriminal violation does not constitute a crime, and conviction for a noncriminal violation shall not give rise to any legal disability based on a criminal offense.'

Section 327.73, F.S., provides that any person charged with a noncriminal infraction will be cited and must appear before a county court or pay the civil penalty, which is \$50. If a person chooses to appear in court, he/she has waived the limitations of the civil penalty. If the court determines the person guilty, a civil penalty of up to \$500 may be imposed. Any person failing to appear for the boating citation will also be charged with failing to respond and, if convicted, will be guilty of a second degree misdemeanor.

Any person convicted of a criminal violation, a non-criminal infraction that resulted in a reportable boating accident, or two non-criminal infractions in a 12-month period is required to enroll in a boating safety course that meets minimum standards established by the Florida Fish and Wildlife Conservation Commission (FWCC).<sup>3</sup>

According to the FWCC analysis, from 2007-2010, there were 452 individuals cited for second degree misdemeanor violations of navigational rules that resulted in a boating accident. During that same period, there were 303 individuals cited for noncriminal infractions for navigational rule violations that did not result in a boating accident.

##### Effect of Proposed Changes

The bill amends current statute by removing the criminal penalty for individuals who violate a navigational rule that results in an accident and makes these noncriminal infractions, so long as it does not constitute reckless operation of a vessel and does not cause serious bodily injury or death. Any individual who violates navigational rules that causes serious bodily injury or death commits a second degree misdemeanor.

The bill increases the fine for all violations of navigational rules resulting in an accident not causing serious bodily injury or death to the following:

- For the first offense, up to a maximum of \$500.
- For the second offense, up to a maximum of \$750.
- For a third or subsequent offense, up to a maximum of \$1,000.

<sup>1</sup> s. 775.082 or s. 775.083, F.S.

<sup>22</sup> For a complete list of noncriminal infractions relating to vessel laws, see s. 327.33, F.S.

<sup>3</sup> Rule 68D-36.106, Florida Administrative Code (F.A.C.)

Lastly, the bill deletes a duplicative provision, makes technical changes, and reenacts s. 327.731(1), F.S., to incorporate changes for mandatory education requirements for violators.

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 327.33, F.S., revising penalty provisions for violation of navigation rules; providing misdemeanor penalties for a violation that results in a boating accident causing serious bodily injury or death; providing that under certain circumstances a violation of navigation rules is a noncriminal violation.

**Section 2.** Amends s. 327.73, F.S., providing for increased penalties for certain noncriminal violations; deleting a duplicate provision.

**Section 3.** Reenacts and amends s. 327.72, F.S., relating to penalties, to incorporate changes made by the act in references thereto.

**Section 4.** Reenacts s. 327.731(1), F.S., relating to mandatory education for violators, to incorporate changes made by the act in references thereto.

**Section 5.** Provides an effective date of October 1, 2011.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

See Fiscal Comments Section

2. Expenditures:

None

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None

2. Expenditures:

By removing the criminal penalty for individuals who violate navigational rules that result in an accident and making them noncriminal infractions, there could be a reduction in court costs and/or county jail costs.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Individuals who violate navigational rules resulting in an accident not causing serious bodily injury or death may have to pay higher fines. The increase in fines, however, may deter violation of the navigational rules.

**D. FISCAL COMMENTS:**

According to the FWCC analysis, the bill appears to have a positive fiscal impact on the FWCC revenues because of the increase in fines that will be collected for certain violations of navigational rules, which are deposited into the Marine Resources Conservation Trust Fund, to be used for boating education purposes. However, the exact fiscal impact is unknown.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of a state tax shared with counties or municipalities.

##### 2. Other:

None

#### B. RULE-MAKING AUTHORITY:

The bill does not provide additional rule making authority and none is required.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 22, 2011, the Subcommittee on Agriculture & Natural Resources amended HB 293 as a Committee Substitute (CS). The CS provides that any individual who violates navigational rules that causes serious bodily injury or death commits a second degree misdemeanor. The CS also provides for higher penalties for a violation of navigation rules resulting in an accident that does not cause serious bodily injury or death.

1                                   A bill to be entitled  
 2       An act relating to vessels; amending s. 327.33, F.S.;  
 3       revising penalty provisions for violation of navigation  
 4       rules; providing misdemeanor penalties for a violation  
 5       that results in a boating accident causing serious bodily  
 6       injury or death; providing that under certain  
 7       circumstances a violation of navigation rules is a  
 8       noncriminal violation; amending s. 327.73, F.S.; providing  
 9       for increased penalties for certain noncriminal  
 10      violations; deleting a duplicate provision; reenacting and  
 11      amending s. 327.72, F.S., relating to penalties, to  
 12      incorporate changes made by the act in references thereto;  
 13      reenacting s. 327.731(1), F.S., relating to mandatory  
 14      education for violators, to incorporate changes made by  
 15      the act in references thereto; providing an effective  
 16      date.

17  
 18   Be It Enacted by the Legislature of the State of Florida:

19  
 20       Section 1. Subsection (3) of section 327.33, Florida  
 21       Statutes, is amended to read:

22       327.33 Reckless or careless operation of vessel. -

23       (3) Each person operating a vessel upon the waters of this  
 24       state shall comply with the navigation rules.

25       (a) A person who violates ~~whose violation of~~ the  
 26       navigation rules and the violation results in a boating accident  
 27       causing serious bodily injury as defined in s. 327.353 or death,  
 28       but the ~~whose~~ violation does ~~did~~ not constitute reckless



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29 operation of a vessel, commits ~~is guilty of~~ a misdemeanor of the  
 30 second degree, punishable as provided in s. 775.082 or s.  
 31 775.083.

32 (b) A person who violates ~~whose violation of~~ the  
 33 navigation rules and the violation ~~does not result in a boating~~  
 34 ~~accident and~~ does not constitute reckless operation of a vessel  
 35 commits is guilty of a noncriminal violation as defined in s.  
 36 775.08, punishable as provided in s. 327.73.

37 (c) Law enforcement vessels may deviate from the  
 38 navigational rules when such diversion is necessary to the  
 39 performance of their duties and when such deviation may be  
 40 safely accomplished.

41 Section 2. Subsections (1) and (5) of section 327.73,  
 42 Florida Statutes, are amended to read:

43 327.73 Noncriminal infractions.—

44 (1) Violations of the following provisions of the vessel  
 45 laws of this state are noncriminal infractions:

46 (a) Section 328.46, relating to operation of unregistered  
 47 and unnumbered vessels.

48 (b) Section 328.48(4), relating to display of number and  
 49 possession of registration certificate.

50 (c) Section 328.48(5), relating to display of decal.

51 (d) Section 328.52(2), relating to display of number.

52 (e) Section 328.54, relating to spacing of digits and  
 53 letters of identification number.

54 (f) Section 328.60, relating to military personnel and  
 55 registration of vessels.

56 (g) Section 328.72(13), relating to operation with an

57 | expired registration.

58 | (h) Section 327.33(2), relating to careless operation.

59 | (i) Section 327.37, relating to water skiing, aquaplaning,  
60 | parasailing, and similar activities.

61 | (j) Section 327.44, relating to interference with  
62 | navigation.

63 | (k) Violations relating to boating-restricted areas and  
64 | speed limits:

65 | 1. Established by the commission or by local governmental  
66 | authorities pursuant to s. 327.46.

67 | 2. Speed limits established pursuant to s. 379.2431(2).

68 | (l) Section 327.48, relating to regattas and races.

69 | (m) Section 327.50(1) and (2), relating to required safety  
70 | equipment, lights, and shapes.

71 | (n) Section 327.65, relating to muffling devices.

72 | (o) 1. Section 327.33(3)(b), relating to a violation of  
73 | navigation rules not resulting in an accident.

74 | 2. Section 327.33(3)(b), relating to a violation of  
75 | navigation rules resulting in an accident not causing serious  
76 | bodily injury or death, for which the penalty is:

77 | a. For a first offense, up to a maximum of \$500.

78 | b. For a second offense, up to a maximum of \$750.

79 | c. For a third or subsequent offense, up to a maximum of  
80 | \$1,000.

81 | (p) Section 327.39(1), (2), (3), and (5), relating to  
82 | personal watercraft.

83 | (q) Section 327.53(1), (2), and (3), relating to marine  
84 | sanitation.

85 (r) Section 327.53(4), (5), and (7), relating to marine  
 86 sanitation, for which the civil penalty is \$250.

87 (s) Section 327.395, relating to boater safety education.

88 (t) Section 327.52(3), relating to operation of overloaded  
 89 or overpowered vessels.

90 (u) Section 327.331, relating to divers-down flags, except  
 91 for violations meeting the requirements of s. 327.33.

92 (v) Section 327.391(1), relating to the requirement for an  
 93 adequate muffler on an airboat.

94 (w) Section 327.391(3), relating to the display of a flag  
 95 on an airboat.

96 (x) Section 253.04(3)(a), relating to carelessly causing  
 97 seagrass scarring, for which the civil penalty upon conviction  
 98 is:

99 1. For a first offense, \$50.

100 2. For a second offense occurring within 12 months after a  
 101 prior conviction, \$250.

102 3. For a third offense occurring within 36 months after a  
 103 prior conviction, \$500.

104 4. For a fourth or subsequent offense occurring within 72  
 105 months after a prior conviction, \$1,000.

106

107 Any person cited for a violation of any such provision shall be  
 108 deemed to be charged with a noncriminal infraction, shall be  
 109 cited for such an infraction, and shall be cited to appear  
 110 before the county court. The civil penalty for any such  
 111 infraction is \$50, except as otherwise provided in this section.

112 Any person who fails to appear or otherwise properly respond to

113 a uniform boating citation shall, in addition to the charge  
 114 relating to the violation of the boating laws of this state, be  
 115 charged with the offense of failing to respond to such citation  
 116 and, upon conviction, be guilty of a misdemeanor of the second  
 117 degree, punishable as provided in s. 775.082 or s. 775.083. A  
 118 written warning to this effect shall be provided at the time  
 119 such uniform boating citation is issued.

120

121 ~~Any person cited for a violation of any such provision shall be~~  
 122 ~~deemed to be charged with a noncriminal infraction, shall be~~  
 123 ~~cited for such an infraction, and shall be cited to appear~~  
 124 ~~before the county court. The civil penalty for any such~~  
 125 ~~infraction is \$50, except as otherwise provided in this section.~~  
 126 ~~Any person who fails to appear or otherwise properly respond to~~  
 127 ~~a uniform boating citation shall, in addition to the charge~~  
 128 ~~relating to the violation of the boating laws of this state, be~~  
 129 ~~charged with the offense of failing to respond to such citation~~  
 130 ~~and, upon conviction, be guilty of a misdemeanor of the second~~  
 131 ~~degree, punishable as provided in s. 775.082 or s. 775.083. A~~  
 132 ~~written warning to this effect shall be provided at the time~~  
 133 ~~such uniform boating citation is issued.~~

134 (5) Any person electing to appear before the county court  
 135 or who is required so to appear shall be deemed to have waived  
 136 the limitations on the civil penalty specified in subsection  
 137 (1). The court, after a hearing, shall make a determination as  
 138 to whether an infraction has been committed. If the commission  
 139 of an infraction has been proven, the court may impose a civil  
 140 penalty not to exceed \$500 or a higher amount specified in

141 subsection (1).

142 Section 3. For the purpose of incorporating the amendment  
 143 made by this act to section 327.73, Florida Statutes, in a  
 144 reference thereto, section 327.72, Florida Statutes, is  
 145 reenacted and amended to read:

146 327.72 Penalties.—Any person failing to comply with the  
 147 provisions of this chapter or chapter 328 not specified in s.  
 148 327.73 or not paying the civil penalty specified in s. 327.73  
 149 ~~said section~~ within 30 days, except as otherwise provided in  
 150 this chapter or chapter 328, commits a misdemeanor of the second  
 151 degree, punishable as provided in s. 775.082 or s. 775.083.

152 Section 4. For the purpose of incorporating the amendment  
 153 made by this act to section 327.73, Florida Statutes, in a  
 154 reference thereto, subsection (1) of section 327.731, Florida  
 155 Statutes, is reenacted to read:

156 327.731 Mandatory education for violators.—

157 (1) Every person convicted of a criminal violation of this  
 158 chapter, every person convicted of a noncriminal infraction  
 159 under this chapter if the infraction resulted in a reportable  
 160 boating accident, and every person convicted of two noncriminal  
 161 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),  
 162 and (s)-(x), said infractions occurring within a 12-month  
 163 period, must:

164 (a) Enroll in, attend, and successfully complete, at his  
 165 or her own expense, a boating safety course that meets minimum  
 166 standards established by the commission by rule; however, the  
 167 commission may provide by rule pursuant to chapter 120 for  
 168 waivers of the attendance requirement for violators residing in

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169 | areas where classroom presentation of the course is not  
170 | available;

171 |       (b) File with the commission within 90 days proof of  
172 | successful completion of the course;

173 |       (c) Refrain from operating a vessel until he or she has  
174 | filed the proof of successful completion of the course with the  
175 | commission.

176 |

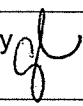
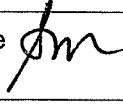
177 | Any person who has successfully completed an approved boating  
178 | course shall be exempt from these provisions upon showing proof  
179 | to the commission as specified in paragraph (b).

180 |       Section 5. This act shall take effect October 1, 2011.

HB 663  
Steube

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 663 State Forests  
SPONSOR(S): Steube  
TIED BILLS: None IDEN./SIM. BILLS: SB 850

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	15 Y, 0 N	Maurer	Blalock
2) Rulemaking & Regulation Subcommittee	13 Y, 0 N	Miller	Rubottom
3) Agriculture & Natural Resources Appropriations Subcommittee		Lolley 	Massengale 
4) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Forestry (division) of the Department of Agriculture and Consumer Services (DACS) manages and administers all state forests in the interests of the public. The division is authorized to direct multiple-use management of forest lands owned by the state. The bill directs the Division of Forestry (division) to designate areas of state forests as "Wounded Warrior Special Hunt Areas" to honor veterans and provide outdoor recreational opportunities for eligible veterans. Admittance to these designated areas is limited to particular veterans and persons accompanying eligible veterans who require that person's assistance to use the area.

The bill authorizes the division to receive, administer, and expend funds for special accommodations for Wounded Warrior Special Hunt Areas from private sources including, but not limited to, Friends of Florida State Forests, Inc. The division is granted general rulemaking authority to administer this subsection.

It may be necessary for DACS to expend an indeterminate amount of funds for special accommodations and maintenance of the special hunt areas provided for in the bill if costs exceed the amount of any donations the division receives.

The bill provides specific guidance concerning the veterans and assisting persons eligible for admission to such areas, does not define "special outdoor recreational opportunities," and is unclear on whether the division is authorized to incur additional expense to provide specialized accommodations for use of the designated areas.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Division of Forestry (division) of the Department of Agriculture and Consumer Services (DACS) manages and administers all state forests in the interests of the public.<sup>1</sup> The division is authorized to direct multiple-use management of forest lands owned by the state. Such use includes, but is not limited to, water-resource protection, forest-ecosystems protection, natural-resource-based low-impact recreation, and sustainable timber management for forest products.<sup>2</sup> Furthermore, the division cooperates with federal, state, and local government agencies, non-profit organizations, and other persons to apply for, solicit, and receive grants and funds from those agencies, organizations, firms and individuals.<sup>3</sup>

There are 35 state forests in Florida, totaling more than 1,052,000 acres.<sup>4</sup> Under the direction of the Fish and Wildlife Conservation Commission, many state forests are open to regulated hunting and fishing.<sup>5</sup> Hunting requires a license and permit and is allowed only in designated Wildlife Management Areas (WMAs) during specific seasons.<sup>6</sup> Fishing also requires a valid license.<sup>7</sup>

Non-profit organizations such as Wounded Warrior Outdoors, Inc.<sup>8</sup> and Wounded Warriors In Action<sup>9</sup> provide wounded servicemen and servicewomen with opportunities for outdoor recreational activities. In the past, such activities have included hunting and fishing excursions in various parts of the country. The organizations assert that such activities are therapeutic and an important part of physical and mental recovery.

Currently, the division provides a hunting area in Lake Wales Ridge State Forest for a nearby "Wounded Warrior" organization. The hunts typically last for a weekend or several days and include special accommodations as needed by the wounded warriors, such as turkey blinds with space for operation of a motorized wheelchair.

##### Effect of Bill

HB 663 amends s. 589.19, F.S., to require the division to designate one or more areas of state forests as a "Wounded Warrior Special Hunt Area" to provide special outdoor recreational opportunities for eligible veterans. Having multiple "Wounded Warrior Special Hunt Areas" throughout the state would make these areas more accessible to more eligible veterans.

Admittance to these designated areas is limited to veterans who served during a period of wartime service as defined in s. 1.01(14), F.S., or peacetime service as defined in s. 296.02, F.S., and who have a service-connected disability as determined by the U.S. Department of Veterans Affairs or were discharged or released from military service because of a disability acquired or aggravated while serving on active duty. A person who is not an eligible veteran but accompanies an eligible veteran who requires that person's assistance to use the designated area may also be granted admittance.

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<sup>1</sup> s. 589.21, F.S.

<sup>2</sup> s. 589.04(4), F.S.

<sup>3</sup> s. 589.04(1)(B), F.S.

<sup>4</sup> *State Forests in Florida*, DIVISION OF FORESTRY, [http://www.fl-dof.com/state\\_forests/#history](http://www.fl-dof.com/state_forests/#history) (last visited Feb. 25, 2011).

<sup>5</sup> *State Forest Recreation*, DIVISION OF FORESTRY, [http://www.fl-dof.com/forest\\_recreation/index.html](http://www.fl-dof.com/forest_recreation/index.html) (last visited Feb. 25, 2011).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> ABOUT WWO INC., <http://www.woundedwarrioroutdoors.com/about.html> (last visited Feb. 25, 2011).

<sup>9</sup> ABOUT WWIA, <http://www.woundedwarriorsinaction.org/about.html> (last visited Feb. 25, 2011).

The bill refers to "special outdoor recreational opportunities" without additional definition. Activities currently conducted in other areas of state forest lands, for which the division charges a fee, include camping, hunting, fishing, off-road vehicle use, and hiking.<sup>10</sup> The bill will provide flexibility sufficient for the division to offer programs in addition to opportunities for hunting.

The bill authorizes the division to receive, administer, and expend any gift, grant, or donation to fund specialized accommodations for the designated areas from any private source. These funds could be used for construction of permanent facilities that are compliant with the Americans with Disabilities Act of 1990. Private sources include, but are not limited to Friends of Florida State Forests, Inc.

The division presently has general authority to adopt rules necessary for the protection, utilization, occupancy, and development of the state forest land it manages<sup>11</sup> and more narrow authority pertaining to forest management.<sup>12</sup> The grant of additional rulemaking authority enables the division to adopt rules furthering the legislative intent in the bill.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 589.19, F.S., directing the Division of Forestry to designate "Wounded Warrior Special Hunt Areas"; limiting admittance to veterans with certain service-connected disabilities and persons accompanying them for assistance; authorizing receipt of funds from private sources; granting division rulemaking authority for administration.

**Section 2:** Provides an effective date of July 1, 2011.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None. The division presently charges different recreational use fees in state forest lands. According to the division, the areas contemplated for this designation currently are closed to public use and therefore produce no recreational use fee revenue.

##### 2. Expenditures:

According to DACS's analysis, this bill will have no fiscal impact on the department; however, it may be necessary for DACS to expend an indeterminate amount of funds for special accommodations and maintenance of the special hunt areas provided for in the bill if costs exceed the amount of any donations the division receives. The division states it currently incurs no expense for the hunting program conducted on in the Lake Wales Ridge State Forest.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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<sup>10</sup> Division of Forestry web site at [http://www.fl-dof.com/forest\\_recreation/fees.html](http://www.fl-dof.com/forest_recreation/fees.html).

<sup>11</sup> s. 589.011(4), F.S.

<sup>12</sup> s. 589.12, F.S.

None.

**D. FISCAL COMMENTS:**

This bill does not change any of the permitting or licensing requirements for hunting or fishing. As such, all associated fees would be paid as currently required.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

The division presently has general authority to adopt rules necessary for the protection, utilization, occupancy, and development of the state forest land it manages<sup>13</sup> and more narrow authority pertaining to forest management.<sup>14</sup> The grant of additional rulemaking authority enables the division to adopt rules furthering the legislative intent in the bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The bill language vests broad authority for administering "Wounded Warrior Special Hunt Area" in the division, under DACS. No provisions exist to clarify whether the limitations on admittance to these sites apply only during specific hunting seasons or year-round.

It is unclear in the bill whether the state forest areas designated as Wounded Warrior Special Hunt Areas must be designated by the Division of Forestry on state forests that are managed by DACS, or if they may be established on any state forests. Other agencies, including the Florida Fish and Wildlife Conservation Commission, are lead managers on lands within state forest boundaries. If activities allowed by the bill are established on a Commission managed WMA, then the WMA regulation will apply, if activities are on a non-Commission managed area, then the general statewide hunting regulations will apply.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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<sup>13</sup> s. 589.011(4), F.S.

<sup>14</sup> s. 589.12, F.S.

1                                    A bill to be entitled  
 2                    An act relating to state forests; amending s. 589.19,  
 3                    F.S.; requiring the designation of "Wounded Warrior  
 4                    Special Hunt Areas" within state forests; limiting guest  
 5                    admittance to such areas for eligible veterans and certain  
 6                    persons; authorizing the Division of Forestry of the  
 7                    Department of Agriculture and Consumer Services to expend  
 8                    funds received from private sources for specified purposes  
 9                    and adopt rules; providing an effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13                    Section 1. Subsection (4) is added to section 589.19,  
 14 Florida Statutes, to read:

15                    589.19 Creation of certain state forests; naming of  
 16 certain state forests.—

17                    (4) (a) The Division of Forestry shall designate one or  
 18 more areas of state forests as a "Wounded Warrior Special Hunt  
 19 Area" to honor wounded veterans of the United States Armed  
 20 Forces. The purpose of such designated areas is to provide  
 21 special outdoor recreational opportunities for eligible  
 22 veterans.

23                    (b) The division shall limit guest admittance to such  
 24 designated areas to persons who:

25                    1. Are veterans who served during a period of wartime  
 26 service as defined in s. 1.01(14) or peacetime service as  
 27 defined in s. 296.02; and

28        2. Have a service-connected disability as determined by  
 29 the United States Department of Veterans Affairs or were  
 30 discharged or released from military service because of a  
 31 disability acquired or aggravated while serving on active duty.

32        (c) The division may grant admittance to such designated  
 33 areas to a person who is not an eligible veteran for purposes of  
 34 accompanying an eligible veteran who requires the person's  
 35 assistance to use such designated areas.

36        (d) The division may receive, administer, and expend any  
 37 gift, grant, or donation to fund specialized accommodations for  
 38 such designated areas from any private source, including, but  
 39 not limited to, Friends of Florida State Forests, Inc.

40        (e) The division may adopt rules to administer this  
 41 subsection.

42        Section 2. This act shall take effect July 1, 2011.

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 Appropriations Subcommittee  
3 Representative(s) Steube offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove lines 36-39 and insert:

7 (d) Funding required for specialized accommodations shall  
8 be provided through the Friends of Florida State Forests Program  
9 created in s. 589.012.

10  
11  
12 -----  
13 **T I T L E A M E N D M E N T**

14 Remove lines 6-9 and insert:

15 persons; requiring funding to be obtained from certain private  
16 sources for specified purposes; authorizing the Division of  
17 Forestry of the Department of Agriculture and Consumer Services  
18 to adopt rules; providing an effective date.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 901 Household Moving Services

**SPONSOR(S):** Horner and others

**TIED BILLS:** IDEN./SIM. **BILLS:** SB 296

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	14 Y, 0 N	Morton	Creamer
2) Agriculture & Natural Resources Appropriations Subcommittee		Lolley 	Massengale 
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

The bill reduces the regulatory requirements for intrastate movers. Specifically the bill:

- Extends the renewal cycle of intrastate mover registration from annually to biennially.
- Removes requirements for movers and moving brokers to obtain local licensing and pre-empts any applicable local regulation not enacted before January 1, 2011. Pre-existing local registration fees must be reasonable and may not exceed the cost of administering the regulation.
- Allows a mover to exclude liability for goods packed by the shipper, if the exclusion is disclosed and the shipper declines to allow the mover to open and inspect the packed goods.
- Allows a mover to refuse to transport or ship any goods, if it refuses to do so before transporting or shipping the goods and the shipper is notified and acknowledges the refusal in writing.

The bill has no negative impact on state trust funds as a result of a staggered expiration date for the renewal period. To the extent that current local fees under local regulation enacted before January 1, 2011, are unreasonable or exceed the cost of administering the regulation, local governments could see a decrease in revenues caused by lowering those fees to be reasonable and in line with the cost of regulation.

The bill provides an effective date of July 1, 2011.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Chapter 507, F.S., establishes registration, insurance and contractual requirements for intrastate movers.

“Mover” is defined as “a person who, for compensation, loads, transports or ships, or unloads household goods as part of a household move.” “Moving Broker” is defined as “a person who, for compensation, arranges for another person to load, transport or ship, or unload household goods as part of a household move or who, for compensation, refers a shipper to a mover.”

Intrastate movers and moving brokers must register with the Department of Agriculture and Consumer Affairs (DACs) and pay an annual fee of \$300.

Annual registration requires disclosure of contact information and copies of contracts offered to the public. Movers and moving brokers must maintain liability insurance or post a \$25,000 security. Movers must also maintain motor vehicle insurance, including combined bodily injury and property damage liability coverage in varying amounts.

The DACs has the authority to enforce the chapter by seeking civil or administrative remedies. Violations of the chapter are also deemed unfair or deceptive trade practices, triggering enforcement by the state attorney or Department of Legal Affairs. Certain prohibited acts also subject movers to criminal penalties.<sup>1</sup>

A mover that lawfully fails to relinquish a shipper’s household goods may place the goods in storage until payment is tendered. “Storage” is defined as “the warehousing of a shipper’s goods while under the care, custody, and control of the mover.”

A mover may not limit its liability for the loss or damage of household goods to a valuation rate that is less than 60 cents per pound per article. It must disclose any limitation and may offer valuation coverage to compensate the shipper in the event of loss or damage. If a mover offers valuation coverage, the coverage must indemnify the shipper for at least the minimum valuation rate.

##### *Local regulation*

Section 507.13, F.S., allows for local regulation and cooperative agreements between the DACs and local governments for enforcement. Currently, Miami-Dade, Broward, Palm Beach, and Pinellas Counties have relevant local ordinances.<sup>2</sup>

##### Proposed Changes

The bill extends the renewal cycle of intrastate mover registration from annually to biennially. The registration fee would still be calculated as \$300 per year.

The bill removes requirements for movers and moving brokers to obtain local licensing and pre-empts any applicable local regulation not enacted before January 1, 2011. Local governments may still levy local business taxes. Pre-existing local registration fees must be reasonable and may not exceed the cost of administering the regulation. Pre-existing local registration or bonding requirements may only be applied to movers and moving brokers whose principal place of business is within that county’s jurisdiction.

---

<sup>1</sup> s. 507.11, F.S.

<sup>2</sup> Miami-Dade County, Sec. 8A-325; Palm Beach County Ordinance NO. 2005-007; Pinellas County, Sec. 42-357; Broward County Moving Ordinance sec. 20-176.90 et seq.

The bill allows a mover to exclude liability for household goods packed by the shipper, if the exclusion is disclosed and the shipper declines, in writing, to allow the mover to open and inspect the goods packed by the shipper.

The bill allows a mover to refuse to transport or ship any goods, if it refuses to do so before transporting or shipping the goods and the shipper is notified and acknowledges the refusal in writing.

The bill limits the definition of "storage" to include only temporary warehousing.

The bill provides an effective date of July 1, 2011.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 507.01, F.S., to redefine the term "storage."

**Section 2:** Amends s. 507.03, F.S., to provide for the biennial renewal of mover and moving broker registrations.

**Section 3:** Amends s. 507.04, F.S., to authorize a mover to exclude liability for household goods packed by the shipper under certain circumstances.

**Section 4:** Amends s. 507.06, F.S., to authorize a mover to refuse to transport or ship household goods under certain circumstances.

**Section 5:** Amends s. 507.07, F.S., conforms changes to the renewal cycle.

**Section 6:** Amends s. 507.13, F.S., to preempt new local ordinances and regulations.

**Section 7:** Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

Since the biennial fee is calculated based on the previous annual fee of \$300, revenues remain the same. Fiscal Year 2011-12 revenues represent half of the registrants paying the registration fee based on the biennial calculation (\$600) and half paying the fee based on the annual calculation (\$300). Revenues based on the biennial calculation for FY 2012-13 and thereafter would be derived from those registrants paying the annual fee (\$600).

	(FY 11-12)	(FY 12-13)	(FY 13-14)
(984 Registrants estimated)			
<u>1<sup>st</sup> Year</u>			
492 Registrants @ \$600 biennial	\$442,800		
492 Registrants @ \$300 annual			
 <u>Subsequent Years</u>			
492 Registrants @ \$600 biennial		\$295,200	\$295,200

2. Expenditures:

Recurring	\$266,829	\$266,829	\$266,829
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**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

To the extent that current local fees under local regulation enacted before January 1, 2011, are unreasonable or exceed the cost of administering the regulation, local governments could see a decrease in revenues caused by lowering those fees to be reasonable and in line with the cost of regulation.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Intrastate movers will be able to register biennially, rather than annually. Applicable fees would not change. Movers may see a reduction in the cost of local regulation.

Under certain circumstances, movers may be able to avoid liability for damage to goods packed by shippers.

D. FISCAL COMMENTS:

The bill has no negative impact on state trust funds as a result of a staggered expiration date for the renewal period.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that the counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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1                                   A bill to be entitled  
 2           An act relating to household moving services; amending s.  
 3           507.01, F.S.; redefining the term "storage"; amending s.  
 4           507.03, F.S.; providing for the biennial renewal of mover  
 5           and moving broker registrations; authorizing the  
 6           Department of Agriculture and Consumer Services to extend  
 7           registration expiration dates in order to establish  
 8           staggered dates; requiring the calculation of biennial  
 9           registration fees based on an annual rate; deleting a  
 10          provision requiring certain movers and moving brokers to  
 11          obtain a local license or registration and pay the state  
 12          registration fee; amending s. 507.04, F.S.; authorizing a  
 13          mover to exclude liability for household goods packed by  
 14          the shipper under certain circumstances; amending s.  
 15          507.06, F.S.; authorizing a mover to refuse to transport  
 16          or ship household goods under certain circumstances;  
 17          amending s. 507.07, F.S.; prohibiting a mover or moving  
 18          broker from conducting business without being registered  
 19          with the department; providing penalties; amending s.  
 20          507.13, F.S.; preempting local ordinances and regulations  
 21          except in certain counties; restricting the levy or  
 22          collection of local registration fees and taxes of movers  
 23          and moving brokers; providing for local registration and  
 24          bonding; exempting local business taxes from preemption;  
 25          providing an effective date.

26  
 27   Be It Enacted by the Legislature of the State of Florida:  
 28

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29 Section 1. Subsection (13) of section 507.01, Florida  
 30 Statutes, is amended to read:

31 507.01 Definitions.—As used in this chapter, the term:

32 (13) "Storage" means the temporary warehousing of a  
 33 shipper's goods while under the care, custody, and control of  
 34 the mover.

35 Section 2. Subsections (1), (3), and (4) of section  
 36 507.03, Florida Statutes, are amended to read:

37 507.03 Registration.—

38 (1) Each mover and moving broker must ~~annually~~ register  
 39 with the department, providing its legal business and trade  
 40 name, mailing address, and business locations; the full names,  
 41 addresses, and telephone numbers of its owners or corporate  
 42 officers and directors and the Florida agent of the corporation;  
 43 a statement whether it is a domestic or foreign corporation, its  
 44 state and date of incorporation, its charter number, and, if a  
 45 foreign corporation, the date it registered with the Department  
 46 of State; the date on which the mover or broker registered its  
 47 fictitious name if the mover or broker is operating under a  
 48 fictitious or trade name; the name of all other corporations,  
 49 business entities, and trade names through which each owner of  
 50 the mover or broker operated, was known, or did business as a  
 51 mover or moving broker within the preceding 5 years; and proof  
 52 of the insurance or alternative coverages required under s.  
 53 507.04.

54 (3) Registration fees shall be calculated at the rate of  
 55 \$300 per year per mover or moving broker. All amounts collected  
 56 shall be deposited by the Chief Financial Officer to the credit

57 of the General Inspection Trust Fund of the department for the  
 58 sole purpose of administration of this chapter.

59 (4) A registration must be renewed biennially on or before  
 60 its expiration date. In order to establish staggered expiration  
 61 dates, the department may extend the expiration date of a  
 62 registration for a period not to exceed 12 months. ~~Any mover or~~  
 63 ~~moving broker whose principal place of business is located in a~~  
 64 ~~county or municipality that requires, by local ordinance, a~~  
 65 ~~local license or registration to engage in the business of~~  
 66 ~~moving and storage of household goods must obtain the license or~~  
 67 ~~registration from the county or municipality. A mover or broker~~  
 68 ~~that obtains a local license or registration must also pay the~~  
 69 ~~state registration fee under subsection (3).~~

70 Section 3. Subsection (4) of section 507.04, Florida  
 71 Statutes, is amended to read:

72 507.04 Required insurance coverages; liability  
 73 limitations; valuation coverage.—

74 (4) LIABILITY LIMITATIONS; VALUATION RATES.—

75 (a) A mover may not limit its liability for the loss or  
 76 damage of household goods to a valuation rate that is less than  
 77 60 cents per pound per article. A provision of a contract for  
 78 moving services is void if the provision limits a mover's  
 79 liability to a valuation rate that is less than the minimum rate  
 80 allowed under this subsection.

81 (b) A mover may exclude liability for any household goods  
 82 packed by the shipper if the exclusion is declared and the  
 83 shipper declines, in writing, to allow the mover to open and  
 84 inspect the box or crate in which the goods were packed by the

85 shipper.

86 (c) If a mover limits its liability for a shipper's goods,  
 87 the mover must disclose the limitation, including the valuation  
 88 rate, to the shipper in writing at the time that the estimate  
 89 and contract for services are executed and before any moving or  
 90 accessorial services are provided. The disclosure must also  
 91 inform the shipper of the opportunity to purchase valuation  
 92 coverage if the mover offers that coverage under subsection (5).

93 Section 4. Section 507.06, Florida Statutes, is amended to  
 94 read:

95 507.06 Transportation or shipment, delivery, and storage  
 96 of household goods.—

97 (1) A mover, before transporting or shipping a shipper's  
 98 household goods, may refuse to transport or ship any of the  
 99 goods if the mover notifies the shipper and the shipper  
 100 acknowledges the refusal in writing.

101 (2)~~(1)~~ A mover must relinquish household goods to a  
 102 shipper and must place the goods inside a shipper's dwelling or,  
 103 if directed by the shipper, inside a storehouse or warehouse  
 104 that is owned or rented by the shipper or the shipper's agent,  
 105 unless the shipper has not tendered payment in the amount  
 106 specified in a written contract or estimate signed and dated by  
 107 the shipper. A mover may not refuse to relinquish prescription  
 108 medicines and goods for use by children, including children's  
 109 furniture, clothing, or toys, under any circumstances.

110 (3)~~(2)~~ A mover may not refuse to relinquish household  
 111 goods to a shipper or fail to place the goods inside a shipper's  
 112 dwelling or, if directed by the shipper, inside a storehouse or

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113 warehouse that is owned or rented by the shipper or the  
 114 shipper's agent, based on the mover's refusal to accept an  
 115 acceptable form of payment.

116 (4)~~(3)~~ A mover that lawfully fails to relinquish a  
 117 shipper's household goods may place the goods in storage until  
 118 payment is tendered; however, the mover must notify the shipper  
 119 of the location where the goods are stored and the amount due  
 120 within 5 days after receipt of a written request for that  
 121 information from the shipper, which request must include the  
 122 address where the shipper may receive the notice. A mover may  
 123 not require a prospective shipper to waive any rights or  
 124 requirements under this section.

125 Section 5. Subsection (1) of section 507.07, Florida  
 126 Statutes, is amended to read:

127 507.07 Violations.—It is a violation of this chapter to:

128 (1) Conduct business as a mover or moving broker, or  
 129 advertise to engage in the business of moving or offering to  
 130 move, without ~~first~~ being registered ~~annually~~ with the  
 131 department.

132 Section 6. Subsection (1) of section 507.13, Florida  
 133 Statutes, is amended to read:

134 507.13 Local regulation.—

135 (1) (a) Except as provided in paragraphs (b) and (c), this  
 136 chapter preempts a ~~does not preempt~~ local ordinance ~~ordinances~~  
 137 or regulation ~~regulations~~ of a county or municipality which  
 138 regulates ~~regulate~~ transactions relating to movers of household  
 139 goods or moving brokers.

140 (b) This chapter does not preempt an ordinance or



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141 regulation originally enacted by a county before January 1,  
 142 2011, or a subsequent amendment to such an ordinance or  
 143 regulation. However, registration fees required by such an  
 144 ordinance or regulation must be reasonable and may not exceed  
 145 the cost of administering the ordinance or regulation. In  
 146 addition, registration and bonding may be required only of a  
 147 mover or moving broker whose principal place of business is  
 148 located within that county's jurisdiction.



149 (c) This section does not preempt a local government's  
 150 authority to levy a local business tax pursuant to chapter 205.  
 151 ~~As provided in s. 507.03(4), counties and municipalities may~~  
 152 ~~require, levy, or collect any registration fee or tax or~~  
 153 ~~require the registration or bonding in any manner of any mover~~  
 154 ~~or moving broker.~~

155 Section 7. This act shall take effect July 1, 2011.

**CS/HB 735**  
**Porter**

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 735 Division of Forestry  
**SPONSOR(S):** Porter  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1046

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	15 Y, 0 N, As CS	Kaiser	Blalock
2) Rulemaking & Regulation Subcommittee	11 Y, 0 N	Jensen	Rubottom
3) Agriculture & Natural Resources Appropriations Subcommittee		Lolley 	Massengale 
4) State Affairs Committee			

### SUMMARY ANALYSIS

The Division of Forestry (division) within the Department of Agriculture and Consumer Services (department) is responsible for managing more than one million acres of forest resources. Besides forest management, the division also provides wildfire prevention and suppression among its many other duties.

Florida has had an organized forestry service for more than 80 years. Prior to the State Governmental Reorganization Act of 1969<sup>1</sup> (act), the state forests fell under the jurisdiction of the Florida Forest Service (service). The service was led by the Florida Board of Forestry (board), which was appointed by, and reported directly to, the governor. The board was responsible for setting forest policy, as well as appointing state foresters, among other responsibilities.

With the passage of the act in 1969, the service became a division within the newly created Department of Agriculture and Consumer Services and the board was converted to the Florida Advisory Council, which reported to the Commissioner of Agriculture.

The bill changes the name of the Division of Forestry to the Florida Forest Service, as it was first designated in the early 1900s. The bill also changes the title of the director of the Division of Forestry to the State Forester.

The Department of Agriculture and Consumer Services (department) states that the fiscal impact of this legislation would be minimal<sup>2</sup> with the signage transition occurring over a 3-year period. The bill does not appear to have a fiscal impact on local governments.

<sup>1</sup> In 1968, Florida voters approved a new State Constitution that called for consolidation of a number of executive offices, requiring that 159 offices, boards, and departments be reorganized into "not more than twenty-five departments."

<sup>2</sup> \$6,600 (nonrecurring)

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

The Division of Forestry (division) within the Department of Agriculture and Consumer Services (department) is responsible for managing more than one million acres of forest resources. Besides forest management, the division also provides wildfire prevention and suppression among its many other duties.

Florida has had an organized forestry service for more than 80 years. Prior to the State Governmental Reorganization Act of 1969<sup>3</sup> (act), the state forests fell under the jurisdiction of the Florida Forest Service (service). The service was led by the Florida Board of Forestry (board), which was appointed by, and reported directly to, the governor. The board was responsible for setting forest policy, as well as appointing state foresters, among other responsibilities.

With the passage of the act in 1969, the service became a division within the newly created Department of Agriculture and Consumer Services and the board was converted to the Florida Advisory Council, which reported to the Commissioner of Agriculture.

##### **Effect of Proposed Changes**

The bill changes the name of the Division of Forestry to the Florida Forest Service, as it was first designated in the early 1900s. The bill also changes the title of the director of the Division of Forestry to the State Forester.

#### B. SECTION DIRECTORY:

**Sections 1-5:** Amending ss. 20.14, 121.0515, 125.27, 253.036, and 258.501, F.S.; renaming the Division of Forestry as the Florida Forest Service.

**Section 6:** Amending s. 25.035, F.S.; renaming the director of the Division of Forestry as the State Forester.

**Section 7:** Amending s. 259.036, F.S.; renaming the Division of Forestry as the Florida Forest Service.

**Section 8:** Amending s. 259.037, F.S.; renaming the director of the Division of Forestry as the State Forester.

**Sections 9-11:** Amending ss. 259.101, 259.105, and 259.10521, F.S.; renaming the Division of Forestry as the Florida Forest Service.

**Section 12:** Amending s. 260.0142, F.S.; renaming the director of the Division of Forestry as the State Forester.

**Sections 13-67:** Amending ss. 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591, 379.226, 403.7071, 479.16, 570.29, 570.548, 570.549, 570.903, 581.1843, 589.01, 589.011, 589.012, 589.04, 589.06, 589.07, 589.071, 589.08, 589.081, 589.09, 589.10, 589.101, 589.11, 589.12, 589.13, 589.14, 589.18, 589.19, 589.20, 589.21, 589.26, 589.27, 589.275, 589.277, 589.28, 589.29, 589.30, 589.31, 589.32, 589.33, 589.34, 590.01, 590.015, 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, and 590.25, F.S.; renaming the Division of Forestry as the Florida Forest Service.

**Sections 68-69:** Amending ss. 590.33 and 590.34, F.S.; renaming the director of the Division of Forestry as the State Forester.

<sup>3</sup> In 1968, Florida voters approved a new State Constitution that called for consolidation of a number of executive offices, requiring that 159 offices, boards, and departments be reorganized into "not more than twenty-five departments."

**Sections 70-71:** Amending ss. 590.35 and 590.42, F.S.; renaming the Division of Forestry as the Florida Forest Service.

**Section 72:** Amending chapter 591, F.S.; amending the name of Chapter 591, F.S., from "Forest Development" to "Community Forests."

**Sections 73-84:** Amending ss. 591.15, 591.16, 591.17, 591.18, 591.19, 591.20, 591.21, 591.22, 591.23, 591.24, 591.25, and 591.26, F.S.; revising terminology used in provisions relating to community forests, transferring and renumbering statute sections, and renaming the Division of Forestry as the Florida Forest Service.

**Sections 85-87:** Amending ss. 633.115, 633.821, and 790.15, F.S.; renaming the Division of Forestry as the Florida Forest Service.

**Section 88:** Providing an effective date of July 1, 2011.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

See Fiscal Comments section.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

### D. FISCAL COMMENTS:

The Department of Agriculture and Consumer Services (department) states that the fiscal impact of this legislation would be minimal<sup>4</sup> with the signage transition occurring over a 3-year period.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of a state tax shared with counties or municipalities.

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<sup>4</sup> \$6,600 (nonrecurring)  
STORAGE NAME: h0735d.ANRAS.DOCX  
DATE: 3/17/2011

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 8, 2011, the Agriculture and Natural Resources Subcommittee adopted one amendment to HB 735. The amendment was technical in nature, changing a reference to the "division" to the Florida Forest Service.

1                                   A bill to be entitled  
2       An act relating to the Division of Forestry; amending s.  
3       20.14, F.S.; renaming the Division of Forestry of the  
4       Department of Agriculture and Consumer Services as the  
5       Florida Forest Service; amending ss. 121.0515, 125.27,  
6       253.036, and 258.501, F.S.; conforming provisions;  
7       amending s. 259.035, F.S.; redesignating the director of  
8       the division as the State Forester; amending ss. 259.036,  
9       259.037, 259.101, 259.105, 259.10521, 260.0142, 261.03,  
10      261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591,  
11      379.226, 403.7071, 479.16, 570.29, and 570.548, F.S.;  
12      conforming provisions; transferring, renumbering, and  
13      amending s. 570.549, F.S.; conforming provisions; amending  
14      ss. 570.903, 581.1843, 589.01, 589.011, 589.012, 589.04,  
15      589.06, and 589.07, F.S.; conforming provisions; amending  
16      s. 589.071, F.S.; clarifying what constitutes a violation  
17      of certain rules regulating traffic control in state  
18      forests for which penalties apply; conforming provisions;  
19      amending ss. 589.08, 589.081, 589.09, and 589.10, F.S.;  
20      conforming provisions; amending s. 589.101, F.S.;  
21      clarifying requirements for leases of the state's interest  
22      in oil, gas, and minerals in the Blackwater River State  
23      Forest; conforming provisions; amending s. 589.11, F.S.;  
24      clarifying an authorization for the state's cooperation  
25      with the United States Secretary of Agriculture under the  
26      federal Clarke-McNary Act; conforming a cross-reference to  
27      the repeal of certain federal provisions; conforming  
28      provisions; amending ss. 589.12, 589.13, 589.14, 589.18,

29 589.19, 589.20, and 589.21, F.S.; conforming provisions;  
 30 amending s. 589.26, F.S.; clarifying requirements for the  
 31 dedication of state park lands for public use; conforming  
 32 provisions; amending ss. 589.27, 589.275, and 589.277,  
 33 F.S.; conforming provisions; amending ss. 589.28, 589.29,  
 34 589.30, 589.31, 589.32, 589.33, and 589.34, F.S.;  
 35 clarifying requirements for assistance provided to  
 36 counties and municipalities by the Florida Forest Service  
 37 under cooperative agreements; conforming cross-references;  
 38 conforming provisions; amending ss. 590.01, 590.015,  
 39 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, 590.25,  
 40 590.33, 590.34, and 590.35, F.S.; conforming provisions;  
 41 amending s. 590.42, F.S.; clarifying that funds received  
 42 or contributed by counties under a certain federal fire  
 43 assistance program are supplementary to certain county  
 44 fire control funds and assessments; conforming provisions;  
 45 redesignating the title of chapter 591, F.S.; amending s.  
 46 591.15, F.S.; conforming a short title; amending ss.  
 47 591.16, 591.17, 591.18, 591.19, and 591.20, F.S.; revising  
 48 terminology used in provisions relating to community  
 49 forests; conforming provisions; transferring, renumbering,  
 50 and amending ss. 591.21 and 591.22, F.S.; conforming  
 51 provisions; amending ss. 591.23, 591.24, and 591.25, F.S.;  
 52 conforming provisions; amending s. 591.26, F.S.;  
 53 clarifying provisions authorizing sale of community  
 54 forests upon referendum election; amending ss. 633.115,  
 55 633.821, and 790.15, F.S.; conforming provisions;  
 56 providing an effective date.



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

Section 1. Paragraph (h) of subsection (2) of section 20.14, Florida Statutes, is amended to read:

20.14 Department of Agriculture and Consumer Services.—  
There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

(h) Florida Forest Service Forestry.

Section 2. Paragraph (b) of subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires, fire prevention, or firefighter training; direct supervision of firefighting units, fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Florida Forest Service Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the

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85 supervisor or command officer of a member or members who have  
 86 such responsibilities; provided, however, administrative support  
 87 personnel, including, but not limited to, those whose primary  
 88 duties and responsibilities are in accounting, purchasing,  
 89 legal, and personnel, shall not be included and further provided  
 90 that all periods of creditable service in fire prevention or  
 91 firefighter training, or as the supervisor or command officer of  
 92 a member or members who have such responsibilities, and for  
 93 which the employer paid the special risk contribution rate,  
 94 shall be included;

95 Section 3. Section 125.27, Florida Statutes, is amended to  
 96 read:

97 125.27 Countywide forest fire protection; authority of  
 98 Florida Forest Service ~~the Division of Forestry~~; state funding;  
 99 county fire control assessments; disposition; equipment  
 100 donations.-

101 (1) The Florida Forest Service ~~Division of Forestry of the~~  
 102 ~~Department of Agriculture and Consumer Services~~ and the board of  
 103 county commissioners of each county in this state shall enter  
 104 into agreements for the establishment and maintenance of  
 105 countywide fire protection of all forest and wild lands within  
 106 the said county, with the total cost of such fire protection  
 107 being funded by state and federal funds. Each county shall,  
 108 under the terms of such agreements, be assessed each fiscal  
 109 year, as its share of the cost of providing such fire  
 110 protection, a sum in dollars equal to the total forest and wild  
 111 land acreage of the county, as determined by the Florida Forest  
 112 Service ~~Division of Forestry~~, multiplied by 7 cents. The forest

113 and wild lands acreage included in such agreements shall be  
 114 reviewed each year by the contracting parties and the number of  
 115 forest and wild land acres and the annual fire control  
 116 assessment adjusted so as to reflect the current forest acreage  
 117 of the county. If ~~In the event~~ the Florida Forest Service  
 118 ~~division~~ and the county commissioners do not agree, the Board of  
 119 Trustees of the Internal Improvement Trust Fund shall make such  
 120 acreage determination. All fire control assessments received by  
 121 the Florida Forest Service ~~Division of Forestry~~ from the several  
 122 counties under agreements made under ~~pursuant to~~ this section  
 123 shall be deposited as follows:

124 (a) An amount equal to the total forest land and wild land  
 125 acreage of the counties, multiplied by 4 cents, shall be  
 126 distributed to the Incidental Trust Fund of the Florida Forest  
 127 Service ~~Division of Forestry~~; and

128 (b) An amount equal to the total forest land and wild land  
 129 acreage of the counties, multiplied by 3 cents, shall be  
 130 distributed to the General Revenue Fund.

131 (2) The Florida Forest Service ~~Division of Forestry~~ may  
 132 include provisions in the agreements authorized in this section,  
 133 or execute separate or supplemental agreements with the several  
 134 counties, county agencies, or municipalities, to provide  
 135 communication services and other services directly related to  
 136 fire protection within the county, other than forest fire  
 137 control, on a cost reimbursable basis only, but ~~provided~~ the  
 138 rendering of such services may ~~does~~ not hinder or impede in any  
 139 way the Florida Forest Service's ~~division's~~ ability to  
 140 accomplish its primary function with respect to forest fire

141 control.

142 (3) The Department of Agriculture and Consumer Services  
 143 may lease, loan, or otherwise make available, without charge, to  
 144 state, county, and local governmental entities that have fire-  
 145 rescue ~~fire/rescue~~ responsibilities, new or used fire protection  
 146 equipment, vehicles, or supplies, including ~~which shall include~~  
 147 all such items received from public or private entities. The  
 148 department, and those private or public entities providing at no  
 149 cost, or de minimis cost, such items for loan or lease through  
 150 the department are, ~~shall not be held~~ liable for civil damages  
 151 resulting from use or possession of such items. Private or  
 152 public entities that donate fire-rescue ~~fire/rescue~~ equipment,  
 153 vehicles, or supplies directly to state, county, or local  
 154 governmental entities having fire-rescue ~~fire/rescue~~  
 155 responsibilities are ~~shall not be held~~ liable for civil damages  
 156 resulting from use or possession of such items.

157 Section 4. Section 253.036, Florida Statutes, is amended  
 158 to read:

159 253.036 Forest management.—All land management plans  
 160 described in s. 253.034(5) that ~~which~~ are prepared for parcels  
 161 larger than 1,000 acres shall contain an analysis of the  
 162 multiple-use potential of the parcel, which analysis shall  
 163 include the potential of the parcel to generate revenues to  
 164 enhance the management of the parcel. The lead agency shall  
 165 prepare the analysis, which shall contain a component or section  
 166 prepared by a qualified professional forester that ~~which~~  
 167 assesses the feasibility of managing timber resources on the  
 168 parcel for resource conservation and revenue generation purposes

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169 through a stewardship ethic that embraces sustainable forest  
 170 management practices if the lead management agency determines  
 171 that the timber resource management is not in conflict with the  
 172 primary management objectives of the parcel. For purposes of  
 173 this section, practicing sustainable forest management means  
 174 meeting the needs of the present without compromising the  
 175 ability of future generations to meet their own needs by  
 176 practicing a land stewardship ethic that ~~which~~ integrates the  
 177 reforestation, managing, growing, nurturing, and harvesting of  
 178 trees for useful products with the conservation of soil, air and  
 179 water quality, wildlife and fish habitat, and aesthetics. The  
 180 Legislature intends that each lead management agency, whenever  
 181 practicable and cost effective, use the services of the Florida  
 182 Forest Service ~~Division of Forestry of the Florida Department of~~  
 183 ~~Agriculture and Consumer Services~~ or other qualified private  
 184 sector professional forester in completing such feasibility  
 185 assessments and implementing timber resource management. The  
 186 Legislature further intends that the lead management agency  
 187 develop a memorandum of agreement with the Florida Forest  
 188 Service ~~Division of Forestry~~ to provide for full reimbursement  
 189 for any services provided for the feasibility assessments or  
 190 timber resource management. All additional revenues generated  
 191 through multiple-use management or compatible secondary use  
 192 management shall be returned to the lead agency responsible for  
 193 such management and shall be used to pay for management  
 194 activities on all conservation, preservation, and recreation  
 195 lands under the agency's jurisdiction. In addition, such revenue  
 196 shall be segregated in an agency trust fund and shall remain

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197 available to the agency in subsequent fiscal years to support  
 198 land management appropriations.

199 Section 5. Paragraph (a) of subsection (7) of section  
 200 258.501, Florida Statutes, is amended to read:

201 258.501 Myakka River; wild and scenic segment.—

202 (7) MANAGEMENT COORDINATING COUNCIL.—

203 (a) Upon designation, the department shall create a  
 204 permanent council to provide interagency and intergovernmental  
 205 coordination in the management of the river. The coordinating  
 206 council shall be composed of one representative appointed from  
 207 each of the following: the department, the Department of  
 208 Transportation, the Fish and Wildlife Conservation Commission,  
 209 the Department of Community Affairs, the Florida Forest Service  
 210 ~~Division of Forestry of the Department of Agriculture and~~  
 211 ~~Consumer Services~~, the Division of Historical Resources of the  
 212 Department of State, the Tampa Bay Regional Planning Council,  
 213 the Southwest Florida Water Management District, the Southwest  
 214 Florida Regional Planning Council, Manatee County, Sarasota  
 215 County, Charlotte County, the City of Sarasota, the City of  
 216 North Port, agricultural interests, environmental organizations,  
 217 and any others deemed advisable by the department.

218 Section 6. Paragraph (b) of subsection (1) of section  
 219 259.035, Florida Statutes, is amended to read:

220 259.035 Acquisition and Restoration Council.—

221 (1) There is created the Acquisition and Restoration  
 222 Council.

223 (b) The five remaining appointees shall be composed of the  
 224 Secretary of Environmental Protection, the State Forester

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225 ~~director of the Division of Forestry of the Department of~~  
 226 ~~Agriculture and Consumer Services,~~ the executive director of the  
 227 Fish and Wildlife Conservation Commission, the director of the  
 228 Division of Historical Resources of the Department of State, and  
 229 the secretary of the Department of Community Affairs, or their  
 230 respective designees.

231 Section 7. Paragraph (a) of subsection (1) of section  
 232 259.036, Florida Statutes, is amended to read:

233 259.036 Management review teams.—

234 (1) To determine whether conservation, preservation, and  
 235 recreation lands titled in the name of the Board of Trustees of  
 236 the Internal Improvement Trust Fund are being managed for the  
 237 purposes for which they were acquired and in accordance with a  
 238 land management plan adopted pursuant to s. 259.032, the board  
 239 of trustees, acting through the Department of Environmental  
 240 Protection, shall cause periodic management reviews to be  
 241 conducted as follows:

242 (a) The department shall establish a regional land  
 243 management review team composed of the following members:

244 1. One individual who is from the county or local  
 245 community in which the parcel or project is located and who is  
 246 selected by the county commission in the county which is most  
 247 impacted by the acquisition.

248 2. One individual from the Division of Recreation and  
 249 Parks of the department.

250 3. One individual from the Florida Forest Service Division  
 251 ~~of Forestry of the Department of Agriculture and Consumer~~  
 252 ~~Services.~~

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253 | 4. One individual from the Fish and Wildlife Conservation  
 254 | Commission.

255 | 5. One individual from the department's district office in  
 256 | which the parcel is located.

257 | 6. A private land manager mutually agreeable to the state  
 258 | agency representatives.

259 | 7. A member of the local soil and water conservation  
 260 | district board of supervisors.

261 | 8. A member of a conservation organization.

262 | Section 8. Subsection (1) of section 259.037, Florida  
 263 | Statutes, is amended to read:

264 | 259.037 Land Management Uniform Accounting Council. -

265 | (1) The Land Management Uniform Accounting Council is  
 266 | created within the Department of Environmental Protection and  
 267 | shall consist of the director of the Division of State Lands,  
 268 | the director of the Division of Recreation and Parks, the  
 269 | director of the Office of Coastal and Aquatic Managed Areas, and  
 270 | the director of the Office of Greenways and Trails of the  
 271 | Department of Environmental Protection; the State Forester  
 272 | ~~director of the Division of Forestry of the Department of~~  
 273 | ~~Agriculture and Consumer Services~~; the executive director of the  
 274 | Fish and Wildlife Conservation Commission; and the director of  
 275 | the Division of Historical Resources of the Department of State,  
 276 | or their respective designees. Each state agency represented on  
 277 | the council has ~~shall have~~ one vote. The chair of the council  
 278 | shall rotate annually in the foregoing order of state agencies.  
 279 | The agency of the representative serving as chair of the council  
 280 | shall provide staff support for the council. The Division of



281 State Lands shall serve as the recipient of and repository for  
 282 the council's documents. The council shall meet at the request  
 283 of the chair.

284 Section 9. Paragraph (e) of subsection (3) and subsection  
 285 (5) of section 259.101, Florida Statutes, are amended to read:

286 259.101 Florida Preservation 2000 Act.—

287 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs  
 288 of issuance, the costs of funding reserve accounts, and other  
 289 costs with respect to the bonds, the proceeds of bonds issued  
 290 pursuant to this act shall be deposited into the Florida  
 291 Preservation 2000 Trust Fund created by s. 375.045. In fiscal  
 292 year 2000-2001, for each Florida Preservation 2000 program  
 293 described in paragraphs (a)-(g), that portion of each program's  
 294 total remaining cash balance which, as of June 30, 2000, is in  
 295 excess of that program's total remaining appropriation balances  
 296 shall be redistributed by the department and deposited into the  
 297 Save Our Everglades Trust Fund for land acquisition. For  
 298 purposes of calculating the total remaining cash balances for  
 299 this redistribution, the Florida Preservation 2000 Series 2000  
 300 bond proceeds, including interest thereon, and the fiscal year  
 301 1999-2000 General Appropriations Act amounts shall be deducted  
 302 from the remaining cash and appropriation balances,  
 303 respectively. The remaining proceeds shall be distributed by the  
 304 Department of Environmental Protection in the following manner:

305 (e) Two and nine-tenths percent to the Florida Forest  
 306 Service Division of Forestry of the Department of Agriculture  
 307 and Consumer Services to fund the acquisition of state forest  
 308 inholdings and additions pursuant to s. 589.07.

309  
 310 Local governments may use federal grants or loans, private  
 311 donations, or environmental mitigation funds, including  
 312 environmental mitigation funds required pursuant to s. 338.250,  
 313 for any part or all of any local match required for the purposes  
 314 described in this subsection. Bond proceeds allocated pursuant  
 315 to paragraph (c) may be used to purchase lands on the priority  
 316 lists developed pursuant to s. 259.035. Title to lands purchased  
 317 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be  
 318 vested in the Board of Trustees of the Internal Improvement  
 319 Trust Fund. Title to lands purchased pursuant to paragraph (c)  
 320 may be vested in the Board of Trustees of the Internal  
 321 Improvement Trust Fund. The board of trustees shall hold title  
 322 to land protection agreements and conservation easements that  
 323 were or will be acquired pursuant to s. 380.0677, and the  
 324 Southwest Florida Water Management District and the St. Johns  
 325 River Water Management District shall monitor such agreements  
 326 and easements within their respective districts until the state  
 327 assumes this responsibility.

328 (5) Any funds received by the Florida Forest Service  
 329 ~~Division of Forestry~~ from the Preservation 2000 Trust Fund  
 330 pursuant to paragraph (3)(e) may only ~~shall~~ be used ~~only~~ to pay  
 331 the cost of the acquisition of lands in furtherance of outdoor  
 332 recreation and natural resources conservation in this state. The  
 333 administration and use of any funds received by the Florida  
 334 Forest Service ~~Division of Forestry~~ from the Preservation 2000  
 335 Trust Fund are ~~will be~~ subject to such terms and conditions  
 336 imposed thereon by the agency of the state responsible for the

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337 issuance of the revenue bonds, the proceeds of which are  
 338 deposited in the Preservation 2000 Trust Fund, including  
 339 restrictions imposed to ensure that the interest on any such  
 340 revenue bonds issued by the state as tax-exempt revenue bonds  
 341 are ~~will~~ not ~~be~~ included in the gross income of the holders of  
 342 such bonds for federal income tax purposes. All deeds for or  
 343 leases of ~~with respect to~~ any real property acquired with funds  
 344 received by the Florida Forest Service ~~Division of Forestry~~ from  
 345 the Preservation 2000 Trust Fund shall contain such covenants  
 346 and restrictions as are sufficient to ensure that the use of  
 347 such real property at all times complies with s. 375.051 and s.  
 348 9, Art. XII of the 1968 Constitution of Florida; and shall  
 349 contain reverter clauses providing for the reversion of title to  
 350 such property to the Board of Trustees of the Internal  
 351 Improvement Trust Fund or, in the case of a lease of such  
 352 property, providing for termination of the lease upon a failure  
 353 to use the property conveyed thereby for such purposes.

354 Section 10. Paragraph (f) of subsection (3) of section  
 355 259.105, Florida Statutes, is amended to read:

356 259.105 The Florida Forever Act.—

357 (3) Less the costs of issuing and the costs of funding  
 358 reserve accounts and other costs associated with bonds, the  
 359 proceeds of cash payments or bonds issued pursuant to this  
 360 section shall be deposited into the Florida Forever Trust Fund  
 361 created by s. 259.1051. The proceeds shall be distributed by the  
 362 Department of Environmental Protection in the following manner:

363 (f) One and five-tenths percent to the Florida Forest  
 364 Service ~~Division of Forestry of the Department of Agriculture~~

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365 ~~and Consumer Services~~ to fund the acquisition of state forest  
 366 inholdings and additions pursuant to s. 589.07, the  
 367 implementation of reforestation plans or sustainable forestry  
 368 management practices, and for capital project expenditures as  
 369 described in this section. At a minimum, 1 percent, but ~~and~~ no  
 370 more than 10 percent, of the funds allocated for the acquisition  
 371 of inholdings and additions pursuant to this paragraph may ~~shall~~  
 372 be spent on capital project expenditures identified during the  
 373 time of acquisition which meet land management planning  
 374 activities necessary for public access.

375 Section 11. Subsections (1) and (2) and paragraph (b) of  
 376 subsection (3) of section 259.10521, Florida Statutes, are  
 377 amended to read:

378 259.10521 Citizen support organization; use of property.—

379 (1) DEFINITION ~~DEFINITIONS.~~ As used in ~~For the purpose of~~  
 380 this section, the term "citizen support organization" means ~~an~~  
 381 ~~organization that is:~~

382 ~~(a)~~ a Florida corporation not for profit incorporated  
 383 under ~~the provisions of~~ chapter 617 and approved by the  
 384 Department of State that is:

385 (a) ~~(b)~~ Organized and operated to conduct programs and  
 386 activities in the best interest of the state; raise funds;  
 387 request and receive grants, gifts, and bequests of money;  
 388 acquire, receive, hold, invest, and administer, in its own name,  
 389 securities, funds, objects of value, or other property, real or  
 390 personal; and make expenditures to or for the direct or indirect  
 391 benefit of the Babcock Crescent B Ranch;

392 (b) ~~(c)~~ Determined by the Fish and Wildlife Conservation

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393 Commission and the Florida Forest Service ~~Division of Forestry~~  
 394 ~~within the Department of Agriculture and Consumer Services~~ to be  
 395 consistent with the goals of the state in acquiring the ranch  
 396 and in the best interests of the state; and

397 (c) ~~(d)~~ Approved in writing by the Fish and Wildlife  
 398 Conservation Commission and the Florida Forest Service ~~Division~~  
 399 ~~of Forestry~~ to operate for the direct or indirect benefit of the  
 400 ranch and in the best interest of the state. Such approval must  
 401 ~~shall~~ be given in a letter of agreement from the Fish and  
 402 Wildlife Conservation Commission and the Florida Forest Service  
 403 ~~Division of Forestry~~. Only one citizen support organization may  
 404 be created to operate for the direct or indirect benefit of the  
 405 Babcock Crescent B Ranch.

406 (2) USE OF PROPERTY.—

407 (a) The Fish and Wildlife Conservation Commission and the  
 408 Florida Forest Service ~~Division of Forestry~~ may permit, without  
 409 charge, appropriate use of fixed property and facilities of the  
 410 Babcock Crescent B Ranch by a citizen support organization,  
 411 subject to ~~the provisions of~~ this section. Such use must be  
 412 directly in keeping with the approved purposes of the citizen  
 413 support organization and may not be made at times or places that  
 414 would unreasonably interfere with recreational opportunities for  
 415 the general public.

416 (b) The Fish and Wildlife Conservation Commission and the  
 417 Florida Forest Service ~~Division of Forestry~~ may adopt rules  
 418 prescribing the conditions ~~prescribe by rule any condition~~ with  
 419 which the citizen support organization must ~~shall~~ comply in  
 420 order to use fixed property or facilities of the ranch.

421 (c) The Fish and Wildlife Conservation Commission and the  
 422 Florida Forest Service may ~~Division of Forestry shall~~ not permit  
 423 the use of any fixed property or facilities of the ranch by a  
 424 citizen support organization that does not provide equal  
 425 membership and employment opportunities to all persons  
 426 regardless of race, color, religion, sex, age, or national  
 427 origin.

428 (3) PARTNERSHIPS.—

429 (b) The Legislature may annually appropriate funds from  
 430 the Land Acquisition Trust Fund for use only as state matching  
 431 funds, in conjunction with private donations in aggregates of at  
 432 least \$60,000, matched by \$40,000 of state funds, for a total  
 433 minimum project amount of \$100,000 for capital improvement  
 434 facility development at the ranch at either individually  
 435 designated locations or for priority projects within the overall  
 436 ranch system. The citizen support organization may acquire  
 437 private donations under ~~pursuant to~~ this section, and matching  
 438 state funds for approved projects may be provided in accordance  
 439 with this subsection. The Fish and Wildlife Conservation  
 440 Commission and the Florida Forest Service may ~~Division of~~  
 441 ~~Forestry are authorized to properly~~ recognize and honor a  
 442 private donor by placing a plaque or other appropriate  
 443 designation noting the contribution on project facilities or by  
 444 naming project facilities after the person or organization that  
 445 provided matching funds. The Fish and Wildlife Conservation  
 446 Commission and the Florida Forest Service may ~~Division of~~  
 447 ~~Forestry are authorized to adopt necessary administrative rules~~  
 448 to administer ~~carry out the purposes of~~ this subsection.

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449 Section 12. Paragraph (d) of subsection (1) of section  
 450 260.0142, Florida Statutes, is amended to read:

451 260.0142 Florida Greenways and Trails Council;  
 452 composition; powers and duties.—

453 (1) There is created within the department the Florida  
 454 Greenways and Trails Council which shall advise the department  
 455 in the execution of the department's powers and duties under  
 456 this chapter. The council shall be composed of 21 members,  
 457 consisting of:

458 (d) The following 10 ~~remaining~~ members ~~shall include~~:

- 459 1. The Secretary of Environmental Protection or a  
 460 designee.
- 461 2. The executive director of the Fish and Wildlife  
 462 Conservation Commission or a designee.
- 463 3. The Secretary of Community Affairs or a designee.
- 464 4. The Secretary of Transportation or a designee.
- 465 5. The State Forester ~~Director of the Division of Forestry~~  
 466 ~~of the Department of Agriculture and Consumer Services~~ or a  
 467 designee.
- 468 6. The director of the Division of Historical Resources of  
 469 the Department of State or a designee.
- 470 7. A representative of the water management districts.  
 471 Membership on the council shall rotate among the five districts.  
 472 The districts shall determine the order of rotation.
- 473 8. A representative of a federal land management agency.  
 474 The Secretary of Environmental Protection shall identify the  
 475 appropriate federal agency and request designation of a  
 476 representative from the agency to serve on the council.

477 9. A representative of the regional planning councils ~~to~~  
 478 ~~be~~ appointed by the Secretary of Environmental Protection in  
 479 consultation with the Secretary of Community Affairs. Membership  
 480 on the council shall rotate among the seven regional planning  
 481 councils. The regional planning councils shall determine the  
 482 order of rotation.

483 10. A representative of local governments ~~to be~~ appointed  
 484 by the Secretary of Environmental Protection in consultation  
 485 with the Secretary of Community Affairs. Membership shall  
 486 alternate between a county representative and a municipal  
 487 representative.

488 Section 13. Subsections (5) through (12) of section  
 489 261.03, Florida Statutes, are renumbered as subsections (4)  
 490 through (11), respectively, and present subsections (4) and (11)  
 491 of that section are amended to read:

492 261.03 Definitions.—As used in this chapter, the term:  
 493 ~~(4) "Division" means the Division of Forestry of the~~  
 494 ~~Department of Agriculture and Consumer Services.~~

495 (10) ~~(11)~~ "Trust fund" means the Incidental Trust Fund of  
 496 the Florida Forest Service ~~Division of Forestry of the~~  
 497 ~~Department of Agriculture and Consumer Services.~~

498 Section 14. Subsection (1) of section 261.04, Florida  
 499 Statutes, is amended to read:

500 261.04 Off-Highway Vehicle Recreation Advisory Committee;  
 501 members; appointment.—

502 (1) Effective July 1, 2003, the Off-Highway Vehicle  
 503 Recreation Advisory Committee is created within the Florida  
 504 Forest Service ~~Division of Forestry~~ and consists of nine



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505 members, all of whom are appointed by the Commissioner of  
 506 Agriculture. The appointees shall include one representative of  
 507 the Department of Agriculture and Consumer Services, one  
 508 representative of the Department of Highway Safety and Motor  
 509 Vehicles, one representative of the Department of Environmental  
 510 Protection's Office of Greenways and Trails, one representative  
 511 of the Fish and Wildlife Conservation Commission, one citizen  
 512 with scientific expertise in disciplines relating to ecology,  
 513 wildlife biology, or other environmental sciences, one  
 514 representative of a licensed off-highway vehicle dealer, and  
 515 three representatives of off-highway vehicle recreation groups.  
 516 In making these appointments, the commissioner shall consider  
 517 the places of residence of the members to ensure statewide  
 518 representation.

519 Section 15. Section 261.06, Florida Statutes, is amended  
 520 to read:

521 261.06 Florida Forest Service; functions, duties, and  
 522 responsibilities ~~of the department~~.—The following are functions,  
 523 duties, and responsibilities of the Florida Forest Service  
 524 ~~department through the division~~:

525 (1) Coordinating ~~Coordination~~ of the planning,  
 526 development, conservation, and rehabilitation of state lands in  
 527 and for the system.

528 (2) Coordinating ~~Coordination~~ of the management,  
 529 maintenance, administration, and operation of state lands in the  
 530 system and providing ~~the provision~~ of law enforcement and  
 531 appropriate public safety activities.

532 (3) Managing ~~Management~~ of the trust fund and approving

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533 | ~~approval of~~ the advisory committee's budget recommendations.

534 |       (4) Implementing ~~Implementation of~~ the program, including  
535 | the ultimate approval of grant applications submitted by  
536 | governmental agencies or entities or nongovernmental entities.

537 |       (5) Coordinating the program ~~Coordination~~ to help ensure  
538 | compliance with environmental laws and regulations for ~~of~~ the  
539 | public program ~~and~~ lands in the system.

540 |       (6) Implementing ~~Implementation of~~ the policies  
541 | established by the advisory committee.

542 |       (7) Providing ~~Provision of~~ staff assistance to the  
543 | advisory committee.

544 |       (8) Preparing ~~Preparation of~~ plans for public lands in, or  
545 | proposed to be included in, the system.

546 |       (9) Conducting surveys and preparing ~~the preparation of~~  
547 | studies ~~as are necessary or desirable~~ for implementing the  
548 | program.

549 |       (10) Recruiting ~~Recruitment and using~~ utilization of  
550 | volunteers to further the program.

551 |       (11) Adopting rules ~~Rulemaking authority to~~ administer  
552 | ~~implement the provisions of~~ ss. 261.01-261.10.

553 |       Section 16. Section 261.12, Florida Statutes, is amended  
554 | to read:

555 |       261.12 Designated off-highway vehicle funds within the  
556 | Incidental Trust Fund of the Florida Forest Service ~~Division of~~  
557 | ~~Forestry of the Department of Agriculture and Consumer~~  
558 | ~~Services.~~

559 |       (1) The designated off-highway vehicle funds of the trust  
560 | fund shall consist of deposits from the following sources:

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561 (a) Fees paid to the Department of Highway Safety and  
 562 Motor Vehicles for the titling of off-highway vehicles.

563 (b) Revenues and income from any other sources required by  
 564 law or as appropriated by the Legislature for deposit ~~to be~~  
 565 ~~deposited~~ into the trust fund as designated off-highway vehicle  
 566 funds.

567 (c) Donations from private sources that are designated as  
 568 off-highway vehicle funds.

569 (d) Interest earned on designated off-highway vehicle  
 570 funds on deposit in the trust fund.

571 (2) Designated off-highway vehicle funds in the trust fund  
 572 shall be available for recommended allocation by the Off-Highway  
 573 Vehicle Recreation Advisory Committee and the department ~~of~~  
 574 ~~Agriculture and Consumer Services~~ and upon annual appropriation  
 575 by the Legislature, exclusively for the following:

576 (a) Implementation of the Off-Highway Vehicle Recreation  
 577 Program by the department ~~of Agriculture and Consumer Services,~~  
 578 including which includes personnel and other related expenses, ~~and~~  
 579 administrative and operating expenses, and expenses related to  
 580 safety, training, and rider education programs; ~~managing,~~  
 581 maintaining, and rehabilitating ~~management, maintenance, and~~  
 582 ~~rehabilitation of~~ lands in the Off-Highway Vehicle Recreation  
 583 Program's system of lands and trails; and, if funds are  
 584 available, acquiring ~~acquisition of~~ lands for inclusion ~~to be~~  
 585 ~~included~~ in the system and managing, maintaining, and  
 586 rehabilitating ~~the management, maintenance, and rehabilitation~~  
 587 ~~of~~ such lands.

588 (b) Approved grants to governmental agencies or entities

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589 or nongovernmental entities that wish to provide or improve off -  
 590 highway vehicle recreation areas or trails for public use on  
 591 public lands, provide environmental protection and restoration  
 592 to affected natural areas in the system, provide enforcement of  
 593 applicable regulations related to the system and off-highway  
 594 vehicle activities, or provide education in the operation of  
 595 off-highway vehicles.

596 (c) Matching funds to be used to match grant funds  
 597 available from other sources.

598 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
 599 any balance of designated off-highway vehicle funds in the trust  
 600 fund at the end of any fiscal year shall remain in the trust  
 601 fund ~~therein~~ and shall be available for the purposes set out in  
 602 this section and as otherwise provided by law.

603 Section 17. Section 317.0010, Florida Statutes, is amended  
 604 to read:

605 317.0010 Disposition of fees.—The department shall deposit  
 606 all funds received under this chapter, less administrative costs  
 607 of \$2 per title transaction, into the Incidental Trust Fund of  
 608 the Florida Forest Service ~~Division of Forestry of the~~  
 609 ~~Department of Agriculture and Consumer Services.~~

610 Section 18. Section 317.0016, Florida Statutes, is amended  
 611 to read:

612 317.0016 Expedited service; applications; fees.—The  
 613 department shall provide, through its agents and for use by the  
 614 public, expedited service on title transfers, title issuances,  
 615 duplicate titles, recordation of liens, and certificates of  
 616 repossession. A fee of \$7 shall be charged for this service,

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617 | which is in addition to the fees imposed by ss. 317.0007 and  
 618 | 317.0008, and \$3.50 of this fee shall be retained by the  
 619 | processing agency. All remaining fees shall be deposited in the  
 620 | Incidental Trust Fund of the Florida Forest Service ~~Division of~~  
 621 | ~~Forestry of the Department of Agriculture and Consumer Services.~~  
 622 | Application for expedited service may be made by mail or in  
 623 | person. The department shall issue each title applied for under  
 624 | ~~pursuant to~~ this section within 5 working days after receipt of  
 625 | the application except for an application for a duplicate title  
 626 | certificate covered by s. 317.0008(3), in which case the title  
 627 | must be issued within 5 working days after compliance with the  
 628 | department's verification requirements.

629 | Section 19. Paragraph (h) of subsection (1) of section  
 630 | 373.591, Florida Statutes, is amended to read:

631 | 373.591 Management review teams.—

632 | (1) To determine whether conservation, preservation, and  
 633 | recreation lands titled in the names of the water management  
 634 | districts are being managed for the purposes for which they were  
 635 | acquired and in accordance with land management objectives, the  
 636 | water management districts shall establish land management  
 637 | review teams to conduct periodic management reviews. The land  
 638 | management review teams shall be composed of the following  
 639 | members:

640 | (h) One individual from the Florida Forest Service  
 641 | ~~Department of Agriculture and Consumer Services' Division of~~  
 642 | ~~Forestry.~~

643 | Section 20. Subsection (10) of section 379.226, Florida  
 644 | Statutes, is amended to read:

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645 | 379.226 Florida Territorial Waters Act; alien-owned  
 646 | commercial fishing vessels; prohibited acts; enforcement. -  
 647 | (10) Harbormasters and law enforcement agencies may ~~are~~  
 648 | ~~authorized to~~ request assistance from the Civil Air Patrol in  
 649 | the surveillance of suspect vessels. Aircraft of the Florida  
 650 | Forest Service ~~Division of Forestry of the Department of~~  
 651 | ~~Agriculture and Consumer Services~~ or other state or county  
 652 | agencies which are conveniently located and not otherwise  
 653 | occupied may be similarly used ~~utilized~~.

654 | Section 21. Subsection (6) of section 403.7071, Florida  
 655 | Statutes, is amended to read:

656 | 403.7071 Management of storm-generated debris.—Solid waste  
 657 | generated as a result of a storm event that is the subject of an  
 658 | emergency order issued by the department may be managed as  
 659 | follows:

660 | (6) Local governments or their agents may conduct the  
 661 | burning of storm-generated yard trash, other storm-generated  
 662 | vegetative debris, or untreated wood from construction and  
 663 | demolition debris in air-curtain incinerators without prior  
 664 | notice to the department. Within 10 days after commencing such  
 665 | burning, the local government shall notify the department in  
 666 | writing describing the general nature of the materials burned;  
 667 | the location and method of burning; and the name, address, and  
 668 | telephone number of the representative of the local government  
 669 | to contact concerning the work. The operator of the air-curtain  
 670 | incinerator is subject to any requirement of the Florida Forest  
 671 | Service ~~Division of Forestry~~ or of any other agency concerning  
 672 | authorization to conduct open burning. Any person conducting

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673 open burning of vegetative debris is also subject to such  
674 requirements.

675 Section 22. Subsection (5) of section 479.16, Florida  
676 Statutes, is amended to read:

677 479.16 Signs for which permits are not required.—The  
678 following signs are exempt from the requirement that a permit  
679 for a sign be obtained under the provisions of this chapter but  
680 are required to comply with the provisions of s. 479.11(4) –(8):

681 (5) Danger or precautionary signs relating to the premises  
682 on which they are located; forest fire warning signs erected  
683 under the authority of the Florida Forest Service ~~Division of~~  
684 ~~Forestry of the Department of Agriculture and Consumer Services;~~  
685 and signs, notices, or symbols erected by the United States  
686 Government under the direction of the United States Forestry  
687 Service.

688 Section 23. Subsection (8) of section 570.29, Florida  
689 Statutes, is amended to read:

690 570.29 Departmental divisions.—The department shall  
691 include the following divisions:

692 (8) Florida Forest Service Forestry.

693 Section 24. Section 570.548, Florida Statutes, is amended  
694 to read:

695 570.548 Florida Forest Service; State Forester ~~Division of~~  
696 ~~Forestry~~; powers and duties.—

697 (1) The duties of the Florida Forest Service ~~Division of~~  
698 ~~Forestry~~ include, but are not limited to, administering and  
699 enforcing those powers and responsibilities of the Florida  
700 Forest Service ~~division~~ prescribed in chapters 589, 590, and 591

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701 and ~~the~~ rules adopted under those chapters ~~pursuant thereto~~ and  
 702 in other forest fire, forest protection, and forest management  
 703 laws of this state.

704 Section 25. Section 570.549, Florida Statutes, is  
 705 transferred, renumbered as subsection (2) of section 570.548,  
 706 Florida Statutes, and amended to read:

707 ~~570.549 Director; duties.-~~

708 (2) (a) (1) The head director of the Florida Forest Service  
 709 shall be the State Forester, who ~~Division of Forestry~~ shall be  
 710 appointed by the commissioner and shall serve at the  
 711 commissioner's pleasure.

712 ~~(b) (2) It shall be the duty of~~ The State Forester shall  
 713 ~~director of this division to~~ direct and supervise the overall  
 714 operation of the Florida Forest Service ~~division~~ and ~~to~~ exercise  
 715 such other powers and duties as authorized by the department.

716 Section 26. Subsection (1) of section 570.903, Florida  
 717 Statutes, is amended to read:

718 570.903 Direct-support organization.-

719 (1) When the Legislature authorizes the establishment of a  
 720 direct-support organization to provide assistance for the  
 721 museums, the Florida Agriculture in the Classroom Program, the  
 722 Florida State Collection of Arthropods, the Friends of the  
 723 Florida State Forests Program of the Florida Forest Service  
 724 ~~Division of Forestry,~~ and the Forestry Arson Alert Program, and  
 725 other programs of the department, the following provisions shall  
 726 govern the creation, use, powers, and duties of the direct-  
 727 support organization:-

728 (a) The department shall enter into a memorandum or letter



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729 | of agreement with the direct-support organization, which shall  
 730 | specify the approval of the department, the powers and duties of  
 731 | the direct-support organization, and rules with which the  
 732 | direct-support organization must ~~shall~~ comply.

733 |         (b) The department may permit, without charge, appropriate  
 734 | use of property, facilities, and personnel of the department by  
 735 | a direct-support organization, subject to ~~the provisions of~~ ss.  
 736 | 570.902 and 570.903. The use shall be directly in keeping with  
 737 | the approved purposes of the direct-support organization and may  
 738 | ~~shall~~ not be made at times or places that would unreasonably  
 739 | interfere with opportunities for the general public to use  
 740 | department facilities for established purposes.

741 |         (c) The department shall prescribe by contract or by rule  
 742 | conditions with which a direct-support organization must ~~shall~~  
 743 | comply in order to use property, facilities, or personnel of the  
 744 | department or museum. Such rules shall provide for budget and  
 745 | audit review and oversight by the department.

746 |         (d) The department may ~~shall~~ not permit the use of  
 747 | property, facilities, or personnel of the museum, department, or  
 748 | designated program by a direct-support organization that ~~which~~  
 749 | does not provide equal employment opportunities to all persons  
 750 | regardless of race, color, religion, sex, age, or national  
 751 | origin.

752 |         Section 27. Subsection (7) of section 581.1843, Florida  
 753 | Statutes, is amended to read:

754 |             581.1843 Citrus nursery stock propagation and production  
 755 | and the establishment of regulated areas around citrus  
 756 | nurseries.—

757 (7) The department shall relocate foundation source trees  
 758 maintained by the Division of Plant Industry from various  
 759 locations, including those in Dundee and Winter Haven, to  
 760 protective structures at the Florida Forest Service's ~~Division~~  
 761 ~~of Forestry~~ nursery in Chiefland or to other protective sites  
 762 located a minimum of 10 miles from any commercial citrus grove.

763 Section 28. Section 589.01, Florida Statutes, is amended  
 764 to read:

765 589.01 Florida Forestry Council.—The Florida Forestry  
 766 Council, ~~hereinafter called the "council,"~~ is hereby created  
 767 within the Florida Forest Service ~~in the Division of Forestry of~~  
 768 ~~the Department of Agriculture and Consumer Services~~. The council  
 769 shall be composed of five members appointed by the Department of  
 770 Agriculture and Consumer Services for terms of 4 years.

771 (1) There shall be one member of the council from each of  
 772 the following areas of forestry:

- 773 (a) The pulp and paper manufacturing industry.
- 774 (b) A forest products industry other than that described  
 775 in paragraph (a).
- 776 (c) A timber or timber products dealer.
- 777 (d) An individual forest landowner.
- 778 (e) An active member of a statewide conservation  
 779 organization having as one of its principal objectives the  
 780 conservation and development of the forest resource.

781 (2) At least ~~Not fewer than~~ two but not ~~or~~ more than three  
 782 nominations must ~~shall~~ be made for each appointment to  
 783 ~~membership on~~ the council, and any statewide organization  
 784 representing an area of forestry represented on the council may

785 | make nominations.

786 |         (3) The council shall meet at the call of its chair, at  
 787 | the request of a majority of its membership or of the Department  
 788 | of Agriculture and Consumer Services, or at such times as the  
 789 | department may prescribe ~~be prescribed~~ by rule ~~its rules~~.

790 |         (4) A majority of the members of the council constitutes  
 791 | ~~shall constitute~~ a quorum for all purposes, and an act by a  
 792 | majority of such quorum at any meeting constitutes ~~shall~~  
 793 | ~~constitute~~ an official act of the council.

794 |         (5) The powers and duties of the council are to ~~shall be~~  
 795 | ~~as follows:~~

796 |             (a) ~~To~~ Consider and study the entire field of forestry. ~~;~~

797 |             (b) ~~To~~ Advise, counsel, and consult, upon request, with  
 798 | the Department of Agriculture and Consumer Services and the  
 799 | State Forester ~~director of the Division of Forestry~~ ~~upon request~~  
 800 | in connection with the adoption ~~promulgation~~, administration,  
 801 | and enforcement of all laws and rules relating to forestry. ~~;~~

802 |             (c) ~~To~~ Consider all matters submitted to the council ~~it~~ by  
 803 | the Department of Agriculture and Consumer Services or the State  
 804 | Forester. ~~director of the Division of Forestry;~~

805 |             (d) ~~To~~ Offer suggestions and recommendations to the  
 806 | Department of Agriculture and Consumer Services and the State  
 807 | Forester ~~director of the Division of Forestry~~ on the council's  
 808 | ~~its~~ own initiative with ~~in~~ regard to changes in the laws and  
 809 | rules relating to forestry for ~~as may be deemed advisable to~~  
 810 | ~~secure~~ the effective administration and enforcement of such laws  
 811 | and rules relating to the work of the Florida Forest Service.  
 812 | ~~division; and~~

813 (e) ~~To~~ Keep a complete record of all of the council's ~~its~~  
 814 proceedings, showing the names of the members present at each  
 815 meeting and any action taken by the council, and ~~to~~ file and  
 816 maintain such records in the Florida Forest Service ~~Division of~~  
 817 ~~Forestry~~ as a public record.

818 Section 29. Section 589.011, Florida Statutes, is amended  
 819 to read:

820 589.011 Use of state forest lands; fees; rules.—The  
 821 Florida Forest Service may:

822 (1) ~~The Division of Forestry of the Department of~~  
 823 ~~Agriculture and Consumer Services may~~ Grant privileges, permits,  
 824 leases, and concessions for the use of state forest lands,  
 825 timber, and forest products for purposes not inconsistent with  
 826 ~~the provisions of~~ this chapter.

827 (2) ~~The Division of Forestry is authorized to~~ Grant  
 828 easements for rights-of-way, over, across, and upon state forest  
 829 lands for the construction and maintenance of public roads,  
 830 poles and lines for the transmission and distribution of  
 831 electrical power, pipelines for the distribution and  
 832 transportation of oils and gases, and poles and lines for  
 833 telephone and telegraphic purposes ~~and for public roads,~~ under  
 834 such conditions and limitations as the Florida Forest Service  
 835 ~~division~~ may impose.

836 (3) ~~The Division of Forestry shall have the power to~~ Set  
 837 and charge reasonable fees or rent for the use or operation of  
 838 facilities on state forests or any lands leased by or otherwise  
 839 assigned to the Florida Forest Service ~~division~~ for management  
 840 purposes. Moneys collected from such fees and rent shall be

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841 deposited into the Incidental Trust Fund of the Florida Forest  
 842 Service division.

843 (4) ~~The Division of Forestry may~~ Adopt and enforce rules  
 844 necessary for the protection, use ~~utilization~~, occupancy, and  
 845 development of state forest lands or any lands leased by or  
 846 otherwise assigned to the Florida Forest Service division for  
 847 management purposes. Any person who violates ~~violating~~ or  
 848 otherwise fails ~~failing~~ to comply with ~~any provision of~~ this  
 849 subsection or any rule adopted under this subsection commits a  
 850 noncriminal violation as defined in s. 775.08(3), punishable  
 851 only by a ~~fine~~, not to exceed \$500 per violation. ~~Jurisdiction~~  
 852 ~~shall be with~~ The appropriate county court has jurisdiction.

853 (5) ~~The Division of Forestry may~~ Prohibit on state forest  
 854 lands, or any lands leased by or otherwise assigned to the  
 855 Florida Forest Service division for management purposes,  
 856 activities that interfere with management objectives, create a  
 857 nuisance, or pose a threat to public safety. Such prohibited  
 858 activities must be posted with signs not more than 500 feet  
 859 apart along, and at each corner of, the boundaries of the land.  
 860 The signs must be placed along the boundary line of posted land  
 861 in a manner and in such position as to be clearly noticeable  
 862 from outside the boundary line. A person who violates ~~the~~  
 863 ~~provisions of~~ this subsection commits a misdemeanor of the  
 864 second degree, punishable as provided in s. 775.082 or s.  
 865 775.083.

866 (6) ~~The Division of Forestry may~~ Enter into contracts or  
 867 agreements, with or without competitive bidding or procurement,  
 868 to make available, on a fair, reasonable, and nondiscriminatory

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869 | basis, property and other structures under the Florida Forest  
 870 | Service's ~~division~~ control for the placement of new facilities  
 871 | by any wireless provider of mobile service as defined in 47  
 872 | U.S.C. s. 153(27) or 47 U.S.C. s. 332(d) or any  
 873 | telecommunications company as defined in s. 364.02 when it is  
 874 | determined to be practical and feasible to make such property or  
 875 | other structures available. The Florida Forest Service ~~division~~  
 876 | may, without adopting a rule, charge a just, reasonable, and  
 877 | nondiscriminatory fee for the placement of the facilities,  
 878 | payable annually, based on the fair market value of space used  
 879 | by comparable communications facilities in the state. The  
 880 | Florida Forest Service ~~division~~ and a wireless provider or  
 881 | telecommunications company may negotiate the reduction or  
 882 | elimination of a fee in consideration of services provided to  
 883 | the Florida Forest Service ~~division~~ by the wireless provider or  
 884 | telecommunications company. All such fees collected by the  
 885 | Florida Forest Service ~~division~~ shall be deposited in the  
 886 | Incidental Trust Fund.

887 |       Section 30. Section 589.012, Florida Statutes, is amended  
 888 | to read:

889 |       589.012 Friends of Florida State Forests Program. —The  
 890 | Friends of Florida State Forests Program is established within  
 891 | the Department of Agriculture and Consumer Services. Its purpose  
 892 | is to provide support and assistance for existing and future  
 893 | programs of the Florida Forest Service ~~Division of Forestry~~.  
 894 | ~~These programs must be consistent with the division's mission~~  
 895 | ~~statement which is incorporated by reference.~~ The purpose of the  
 896 | program is to:

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897 (1) Conduct programs and activities related to  
 898 environmental education, fire prevention, recreation, and forest  
 899 management.

900 (2) Identify and pursue methods to provide resources and  
 901 materials for these programs.

902 (3) Establish a statewide method to integrate these  
 903 resources and materials.

904 Section 31. Section 589.04, Florida Statutes, is amended  
 905 to read:

906 589.04 Florida Forest Service; ~~duties of division.~~

907 (1) The Florida Forest Service ~~Division of Forestry~~ shall  
 908 cooperate with federal, state, and local governmental agencies,  
 909 nonprofit organizations, and other persons to:

910 (a) Promote and encourage forest fire protection, forest  
 911 environmental education, forest land stewardship, good forest  
 912 management, tree planting and care, forest recreation, and the  
 913 proper management of public lands.

914 (b) Apply for, solicit, and receive grants, funds,  
 915 services, equipment, and supplies from those agencies,  
 916 organizations, firms, and individuals.

917 (2) All grant proceeds and funds received for these  
 918 purposes shall be deposited in the Incidental Trust Fund of the  
 919 Florida Forest Service. Expenditures of these funds shall be for  
 920 the purposes established in this section.

921 (3) The Florida Forest Service ~~Division of Forestry~~ shall  
 922 provide direction for the multiple-use management of forest  
 923 lands owned by the state; serve as the lead management agency  
 924 for state-owned land primarily suited for forest resource

925 | management; and provide to other state agencies having land  
 926 | management responsibilities technical guidance and management  
 927 | plan development for managing the forest resources on state -  
 928 | owned lands managed for other objectives. Multiple-use  
 929 | management includes ~~Multiple-purpose use shall include~~, but is  
 930 | not limited to, water-resource protection, forest-ecosystems  
 931 | protection, natural-resource-based low-impact recreation, and  
 932 | sustainable timber management for forest products.

933 |       (4) The Florida Forest Service ~~Division of Forestry~~ shall  
 934 | begin immediately an aggressive program to reforest and  
 935 | afforest, with appropriate tree species, lands over which the  
 936 | Florida Forest Service ~~division~~ has forest resource management  
 937 | responsibility.

938 |       Section 32. Section 589.06, Florida Statutes, is amended  
 939 | to read:

940 |       589.06 Warrants for payment of accounts.—Upon the  
 941 | presentation to the Chief Financial Officer of any accounts duly  
 942 | approved by the Florida Forest Service ~~Division of Forestry~~,  
 943 | accompanied by such itemized vouchers or accounts as shall be  
 944 | required by her or him, the Chief Financial Officer shall audit  
 945 | the same and draw a warrant for the amount for which the account  
 946 | is audited, payable out of funds to the credit of the Florida  
 947 | Forest Service ~~division~~.

948 |       Section 33. Section 589.07, Florida Statutes, is amended  
 949 | to read:

950 |       589.07 Florida Forest Service ~~Division~~ may acquire lands  
 951 | for forest purposes.—The Florida Forest Service ~~Division of~~  
 952 | ~~Forestry~~, on behalf of the state and subject to the restrictions



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953 | mentioned in s. 589.08, may acquire lands, suitable for state  
 954 | forest purposes, by gift, donation, contribution, purchase, or  
 955 | otherwise and may enter into agreements with the Federal  
 956 | Government, or any other agency, for acquiring by gift,  
 957 | purchase, or otherwise, such lands as are, in the judgment of  
 958 | the Florida Forest Service ~~division~~, suitable and desirable for  
 959 | state forests. The acquisition procedures for state lands  
 960 | provided in s. 259.041 do not apply to acquisition of land by  
 961 | the Florida Forest Service ~~Division of Forestry~~.

962 |       Section 34. Section 589.071, Florida Statutes, is amended  
 963 | to read:

964 |       589.071 Traffic control within state forest or ~~division-~~  
 965 | ~~assigned~~ lands assigned to Florida Forest Service.—The Florida  
 966 | Forest Service, ~~Division of Forestry~~ on behalf of the state, may  
 967 | adopt rules to control ingress, egress, and all other movement  
 968 | of motor vehicles, bicycles, horses, and pedestrians, as well as  
 969 | all other types of traffic, within a state forest or any lands  
 970 | leased by or otherwise assigned to the Florida Forest Service  
 971 | ~~division~~ for management purposes, outside of the designated  
 972 | right-of-way of state or county-maintained roads, and may  
 973 | designate special areas off the roadways for the operation of  
 974 | recreational type vehicles that ~~which~~ need not be licensed or  
 975 | operated by licensed drivers. Any person who violates ~~violating~~  
 976 | or otherwise fails ~~failing~~ to comply with ~~any of the provisions~~  
 977 | ~~of~~ this section or any rule ~~rules~~ adopted under this section  
 978 | commits ~~pursuant hereto is guilty of~~ a noncriminal violation as  
 979 | defined in s. 775.08(3), punishable only by a fine not to exceed  
 980 | \$500. ~~Jurisdiction shall be with~~ The appropriate county court

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981 | has jurisdiction.

982 |       Section 35. Section 589.08, Florida Statutes, is amended  
983 | to read:

984 |       589.08 Land acquisition restrictions.—

985 |       (1) The Florida Forest Service may not ~~Division of~~  
986 | ~~Forestry shall~~ enter into an ~~no~~ agreement for the acquisition,  
987 | lease, or purchase of any land or for any other purpose that  
988 | pledges whatsoever which shall pledge the credit of, or  
989 | obligates ~~obligate~~ in any manner ~~whatsoever~~, the state to pay  
990 | any sum of money or other thing of value for such purpose, and  
991 | the Florida Forest Service may ~~said division shall~~ not in any  
992 | manner or for any purpose pledge the credit of or obligate the  
993 | state to pay any sum of money.

994 |       (2) The Florida Forest Service ~~division~~ may receive, hold  
995 | the custody of, and exercise the control of any lands, and set  
996 | aside into a separate, distinct, and inviolable fund, any  
997 | proceeds derived from the sales of the products of such lands,  
998 | the use thereof in any manner, or the sale of such lands, except  
999 | for ~~save~~ the 25 percent of the proceeds to be paid into the  
1000 | State School Fund as provided by law. The Florida Forest Service  
1001 | ~~division~~ may use and apply such funds for the acquisition, use,  
1002 | custody, management, development, or improvement of any lands  
1003 | vested in or subject to the control of the Florida Forest  
1004 | Service ~~division~~. After full payment is ~~has been~~ made for the  
1005 | purchase of a state forest to the Federal Government or other  
1006 | grantor, 15 percent of the gross receipts from a state forest  
1007 | shall be paid to the fiscally constrained county or counties, as  
1008 | described in s. 218.67(1), in which it is located in proportion

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1009 | to the acreage located in each county for use by the county or  
 1010 | counties for school purposes.

1011 | Section 36. Section 589.081, Florida Statutes, is amended  
 1012 | to read:

1013 | 589.081 Withlacoochee State Forest and Goethe State  
 1014 | Forest; payment of portion of gross receipts.—The Florida Forest  
 1015 | Service ~~Division of Forestry~~ shall pay 15 percent of the gross  
 1016 | receipts from Withlacoochee State Forest and the Goethe State  
 1017 | Forest to each fiscally constrained county, as described in s.  
 1018 | 218.67(1), in which a portion of the respective forest is  
 1019 | located in proportion to the forest acreage located in such  
 1020 | county. The funds must be equally divided between the board of  
 1021 | county commissioners and the school board of each fiscally  
 1022 | constrained county.

1023 | Section 37. Section 589.09, Florida Statutes, is amended  
 1024 | to read:

1025 | 589.09 Use of lands acquired.—All lands acquired by the  
 1026 | Florida Forest Service ~~Division of Forestry~~ on behalf of the  
 1027 | state shall be in the custody of and subject to the  
 1028 | jurisdiction, management, and control of the Florida Forest  
 1029 | Service ~~said division~~, and, for such purposes and the use  
 1030 | ~~utilization~~ and development of such land, the Florida Forest  
 1031 | Service ~~said division~~ may use the proceeds of the sale of any  
 1032 | products therefrom, the proceeds of the sale of any such lands,  
 1033 | except for ~~save the~~ 25 percent of such proceeds which shall be  
 1034 | paid into the State School Fund as required by s. 1010.71(1),  
 1035 | and such other funds as may be appropriated for use by the  
 1036 | Florida Forest Service ~~division~~, and in the opinion of the

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1037 | Florida Forest Service ~~such division~~, available for such uses  
 1038 | and purposes.

1039 | Section 38. Section 589.10, Florida Statutes, is amended  
 1040 | to read:

1041 | 589.10 Disposition of lands.—The Florida Forest Service  
 1042 | ~~Division of Forestry~~, with the concurrence of the Board of  
 1043 | Trustees of the Internal Improvement Trust Fund and the  
 1044 | Governor, may sell, exchange, lease, or otherwise dispose of any  
 1045 | lands under its jurisdiction by ~~the provisions of~~ this chapter  
 1046 | when in its judgment it is advantageous to the state ~~to do so~~ in  
 1047 | the interest of the highest orderly development, improvement,  
 1048 | and management of the state forests and state parks. All such  
 1049 | sales, exchanges, leases, or dispositions of such lands require,  
 1050 | ~~shall be~~ at least 30 days' ~~upon a 30-day~~ public notice, to be  
 1051 | given in the manner deemed reasonable by the Florida Forest  
 1052 | Service ~~division~~.

1053 | Section 39. Section 589.101, Florida Statutes, is amended  
 1054 | to read:

1055 | 589.101 Blackwater River State Forest; lease of board's  
 1056 | interest in gas, oil, and other minerals.—Notwithstanding ~~the~~  
 1057 | ~~provisions of~~ ss. 253.51-253.61, the Florida Forest Service may  
 1058 | ~~Division of Forestry is hereby expressly granted the authority~~  
 1059 | ~~to~~ lease its 25-percent interest in oil, gas, and other minerals  
 1060 | within the boundaries of the Blackwater River State Forest;  
 1061 | ~~provided, however,~~ such leases may only that grants shall be  
 1062 | made ~~only~~ to the lessee or lessees holding the 75-percent  
 1063 | interest in such ~~said~~ minerals retained by the United States in  
 1064 | its conveyance to this state. The concurrence of the Board of

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1065 Trustees of the Internal Improvement Trust Fund required by s.  
 1066 589.10 ~~is shall~~ not be necessary under ~~the provisions of~~ this  
 1067 section.

1068 Section 40. Section 589.11, Florida Statutes, is amended  
 1069 to read:

1070 589.11 Duties of Florida Forest Service under federal  
 1071 ~~division as to~~ Clarke-McNary Act Law.-

1072 (1) The Florida Forest Service may, ~~Division of Forestry~~  
 1073 ~~is designated and authorized as an~~ the agent of the state, ~~to~~  
 1074 cooperate with the United States Secretary of Agriculture under  
 1075 s. 5 of the federal ~~the provisions of "ss. 4 and 5, Chapter 348,~~  
 1076 ~~43 Statutes 654, Acts of Congress, June 7, 1924, known as the~~  
 1077 Clarke-McNary Act, 16 U.S.C. s. 568, Law," to assist owners of  
 1078 farms in establishing, improving, and renewing woodlots,  
 1079 shelterbelts, windbreaks, and other valuable forest growth; in  
 1080 growing and renewing useful timber crops; and in cooperating ~~to~~  
 1081 ~~cooperate~~ with the wood-using industries or other agencies,  
 1082 governmental or otherwise, interested in proper land use, forest  
 1083 management, and conservative forest utilization.

1084 (2) As a means of providing seedling trees for the  
 1085 purposes of this section, the Florida Forest Service may  
 1086 ~~division is authorized to~~ operate a seedling tree nursery  
 1087 program and ~~to~~ set reasonable prices for the sale to the public  
 1088 of seedling trees. Receipts from the sale of seedling trees  
 1089 shall be deposited into the Incidental Trust Fund of the Florida  
 1090 Forest Service ~~division~~.

1091 Section 41. Section 589.12, Florida Statutes, is amended  
 1092 to read:

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1093 (Substantial rewording of section. See  
 1094 s. 589.12, F.S., for present text.)  
 1095 589.12 Rulemaking.—The Florida Forest Service may adopt  
 1096 rules and take other reasonable and necessary actions to  
 1097 administer ss. 589.07-589.11.

1098 Section 42. Section 589.13, Florida Statutes, is amended  
 1099 to read:

1100 589.13 Lien of Florida Forest Service ~~division~~ and other  
 1101 parties, for forestry work, etc.—Liens prior in dignity to all  
 1102 others accruing thereafter shall exist in favor of the following  
 1103 persons, boards, firms, or corporations upon the following  
 1104 described real estate, under the following circumstances  
 1105 ~~hereinafter mentioned:~~

1106 (1) The Florida Forest Service ~~Division of Forestry~~, the  
 1107 United States Government, or other governmental authority, upon  
 1108 all lands covered in any cooperative or other agreement entered  
 1109 into between the landowner and the Florida Forest Service  
 1110 ~~division~~ (which term shall embrace and include agreements with  
 1111 the Florida Forest Service ~~Division of Forestry~~) ~~.~~

1112 (2) The United States Government or other governmental  
 1113 authority, for the prevention and control of woods fires and  
 1114 other forestry work to the extent of the amounts expended by the  
 1115 Florida Forest Service ~~such division, service,~~ or other  
 1116 governmental authority for and on behalf of the landowner and  
 1117 not paid by the landowner under the terms of such ~~said~~  
 1118 agreement.

1119 Section 43. Section 589.14, Florida Statutes, is amended  
 1120 to read:

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1121           589.14 Enforcement of lien; notice.—The Florida Forest  
 1122 Service Division of Forestry, United States Government, or other  
 1123 governmental authority is ~~shall be~~ entitled to the subject ~~said~~  
 1124 real estate in equity for the value of such expenditures made by  
 1125 it in pursuance of any such agreement, and may, at any time  
 1126 after the expenditure thereof and after default in payment  
 1127 thereof by the landowner in accordance with the terms of such  
 1128 agreement, file in the office of the clerk of the circuit court  
 1129 of the county in which the property is located, and have  
 1130 recorded in the record of liens kept by such clerk, a notice of  
 1131 the expenditures made in pursuance of such agreement and of  
 1132 default of the landowner in the payment of same in accordance  
 1133 with the terms thereof (the form of notice being provided in s.  
 1134 589.15), and from the date of the filing of such notice, the  
 1135 rights of purchasers or creditors of such landowner shall be  
 1136 subject and subordinate to the claim set out in the notice.

1137           Section 44. Section 589.18, Florida Statutes, is amended  
 1138 to read:

1139           589.18 Florida Forest Service; ~~Division to make certain~~  
 1140 investigations.—The Florida Forest Service ~~Division of Forestry~~  
 1141 shall conduct investigations and make surveys to determine the  
 1142 areas of land in the state that ~~which~~ are available and suitable  
 1143 for reforestation projects and state forests, and may make  
 1144 recommendations ~~recommend~~ to the Board of Trustees of the  
 1145 Internal Improvement Trust Fund, any state agency, or any agency  
 1146 created by state law that ~~which~~ is authorized to accept lands in  
 1147 the name of the state, concerning their acquisition. The Florida  
 1148 Forest Service ~~is division~~ shall be considered as a state agency

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1149 | for purposes of ~~under~~ this section law.

1150 |       Section 45. Section 589.19, Florida Statutes, is amended  
1151 | to read:

1152 |       589.19 Creation of certain state forests; naming of  
1153 | certain state forests.—

1154 |       (1) When the Board of Trustees of the Internal Improvement  
1155 | Trust Fund, any state agency, or any agency created by state law  
1156 | that is ~~authorized~~ to accept reforestation lands in the name of  
1157 | the state, ~~approves~~ the recommendations of the Florida Forest  
1158 | Service Division of Forestry in reference to the acquisition of  
1159 | land and acquires ~~acquire~~ such land, such ~~the said~~ board, ~~state~~  
1160 | ~~agency,~~ or agency ~~created by state law,~~ may formally designate  
1161 | and dedicate any area as a reforestation project, or state  
1162 | forest, and where so designated and dedicated, such area shall  
1163 | be under the administration of the Florida Forest Service,  
1164 | ~~division~~ which may ~~shall be authorized to~~ manage and administer  
1165 | such ~~said~~ area according to the purpose for which it was  
1166 | designated and dedicated.

1167 |       (2) The first state forest acquired by the Board of  
1168 | Trustees of the Internal Improvement Trust Fund in Baker County  
1169 | is designated as ~~to be named~~ the John M. Bethea State Forest.  
1170 | This designation honors ~~is to honor~~ Mr. John M. Bethea, ~~who was~~  
1171 | Florida's fourth State Forester and a native of Baker County,  
1172 | ~~and~~ whose distinguished career in state government spanned 46  
1173 | years ~~and who is a native of Baker County.~~

1174 |       (3) The state forest managed by the Florida Forest Service  
1175 | ~~Division of Forestry~~ in Seminole County is designated as ~~to be~~  
1176 | ~~named~~ the Charles H. Bronson State Forest. This designation



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1177 | honors ~~to honor~~ Charles H. Bronson, the tenth Commissioner of  
 1178 | Agriculture, for his distinguished contribution to this state's  
 1179 | agriculture and natural resources.

1180 |       Section 46. Section 589.20, Florida Statutes, is amended  
 1181 | to read:

1182 |       589.20 Cooperation by Florida Forest Service ~~division~~.—The  
 1183 | Florida Forest Service ~~Division of Forestry~~ may cooperate with  
 1184 | other state agencies that, ~~who~~ are custodians of lands that  
 1185 | ~~which~~ are suitable for forestry purposes, in the designation and  
 1186 | dedication of such lands for forestry purposes when, in the  
 1187 | opinion of the state agencies concerned, such lands are suitable  
 1188 | for these purposes and can be so administered. Upon the  
 1189 | designation and dedication of such ~~said~~ lands for these purposes  
 1190 | by the agencies concerned, such ~~said~~ lands shall be administered  
 1191 | by the Florida Forest Service ~~division~~.

1192 |       Section 47. Section 589.21, Florida Statutes, is amended  
 1193 | to read:

1194 |       589.21 Management to be for public interest.—All state  
 1195 | forests and reforestation projects mentioned in this chapter  
 1196 | shall be managed and administered by the Florida Forest Service  
 1197 | ~~Division of Forestry~~ in the interests of the public. If the  
 1198 | public interests are not already safeguarded and clearly defined  
 1199 | by law or by regulations adopted by the state agencies  
 1200 | authorized by law to administer such lands, or in the papers  
 1201 | formally transferring such ~~said~~ projects to the Florida Forest  
 1202 | Service ~~division~~ for administration, ~~then, and in that event,~~  
 1203 | the Florida Forest Service ~~division~~ may define the purposes  
 1204 | purpose of such projects ~~said project~~. Such definition of

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1205 purposes shall be construed to have the authority of law.

1206 Section 48. Section 589.26, Florida Statutes, is amended  
1207 to read:

1208 589.26 Dedication of state park lands for public use.—The  
1209 Florida Forest Service may periodically ~~Division of Forestry is~~  
1210 ~~authorized and empowered, from time to time, to~~ dedicate and  
1211 reserve for the use of the public all or any part of the lands  
1212 ~~heretofore or hereafter~~ acquired by the Florida Forest Service  
1213 ~~said Division of Forestry~~ for park purposes, regardless of when  
1214 such lands are acquired; provided, however, such that said  
1215 dedication and reservation are ~~shall be~~ subject to such rules  
1216 and regulations, as to reasonable use by the public, as may be  
1217 adopted by the Division of Recreation and Parks of the  
1218 Department of Environmental Protection.

1219 Section 49. Section 589.27, Florida Statutes, is amended  
1220 to read:

1221 589.27 Power of eminent domain; procedure.—Whenever the  
1222 Florida Forest Service finds ~~Division of Forestry shall find~~ it  
1223 necessary to acquire private property for state forests, for ex  
1224 rights-of-way for state forest roads, or for exercising any of  
1225 the powers and duties assigned ~~authorized and prescribed~~ by law  
1226 to ~~be exercised and performed by~~ the Florida Forest Service  
1227 ~~Division of Forestry~~, the Florida Forest Service may ~~Division of~~  
1228 ~~Forestry is hereby empowered and authorized to~~ exercise the  
1229 right of eminent domain and ~~to proceed to condemn~~ such said  
1230 property in the same manner as provided by law for the  
1231 condemnation of private property by counties.

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1232 Section 50. Section 589.275, Florida Statutes, is amended  
 1233 to read:

1234 589.275 Planting of indigenous trees on state lands.—The  
 1235 ~~It is the intent of the~~ Legislature intends to partially restore  
 1236 the character of the state's original domain ~~of Florida~~ by  
 1237 planting native trees on state lands, and to this end all state  
 1238 lands shall have a portion of such lands designated for  
 1239 indigenous trees, to be established and maintained by the using  
 1240 agency with the assistance of the Florida Forest Service  
 1241 ~~Division of Forestry of the Department of Agriculture and~~  
 1242 ~~Consumer Services~~. If the Florida Forest Service ~~division~~, or  
 1243 primary managing agency, determines that any state lands are  
 1244 unsuitable for this purpose, such lands are ~~shall be~~ exempt from  
 1245 this requirement.

1246 Section 51. Section 589.277, Florida Statutes, is amended  
 1247 to read:

1248 589.277 Tree planting programs.—

1249 (1) ~~The Division of Forestry of the~~ Florida Forest Service  
 1250 ~~Department of Agriculture and Consumer Services~~ shall administer  
 1251 federal, state, and privately sponsored tree planting programs  
 1252 designed to assist private rural landowners and urban  
 1253 communities.

1254 (2) Contributions from governmental and private sources  
 1255 for tree planting programs may be accepted into the Federal  
 1256 Grants Trust Fund.

1257 (3) The Florida Forest Service shall ~~Division of Forestry~~  
 1258 ~~is authorized and directed to~~ develop and implement guidelines  
 1259 and procedures under which the financial resources of the fund

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1260 allocated for tree planting programs may be used ~~utilized~~ for  
 1261 urban and rural reforestation.

1262 (4) Grants to municipalities, counties, nonprofit  
 1263 organizations, and qualifying private landowners may be made  
 1264 from allocated moneys in the fund for the purpose of purchasing,  
 1265 planting, and maintaining native tree species.

1266 (5) The Florida Forest Service ~~Division of Forestry~~ shall  
 1267 assist the Department of Education in developing programs that  
 1268 teach the importance of trees in the urban, rural, and global  
 1269 environment.

1270 Section 52. Section 589.28, Florida Statutes, is amended  
 1271 to read:

1272 589.28 County commissions or municipalities authorized to  
 1273 cooperate with Florida Forest Service ~~Division of Forestry~~.--  
 1274 County commissions or municipalities may ~~are authorized to~~  
 1275 cooperate with the Florida Forest Service ~~Division of Forestry~~  
 1276 ~~of the Department of Agriculture and Consumer Services~~ in  
 1277 providing assistance in forestry and forest-related knowledge  
 1278 and skills to stimulate the production of timber wealth through  
 1279 the proper use of forest land and ~~to~~ protect and improve the  
 1280 beauty of urban and suburban areas by helping to create in them  
 1281 an attractive and healthy environment through the proper use of  
 1282 trees and related plant associations. County commissions or  
 1283 municipalities may ~~are hereby authorized to~~ appropriate funds  
 1284 and enter into cooperative agreements with the Florida Forest  
 1285 Service ~~Division of Forestry~~ under the terms and conditions set  
 1286 forth in ss. 589.28-589.34.

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1287 Section 53. Section 589.29, Florida Statutes, is amended  
 1288 to read:

1289 589.29 Quality of assistance.—Any advice and assistance  
 1290 provided under ss. 589.28-589.34 is ~~shall be~~ the responsibility  
 1291 of the State Forester and the Florida Forest Service Division of  
 1292 ~~Forestry~~ and shall be conducted under the supervision of a  
 1293 professional forester in an efficient and competent manner by  
 1294 personnel who have the required education, training, and  
 1295 experience to accomplish the objectives of these sections.

1296 Section 54. Section 589.30, Florida Statutes, is amended  
 1297 to read:

1298 589.30 Duty of district forester. ~~It shall be the duty of~~  
 1299 The district forester shall ~~to~~ direct all work in accordance  
 1300 with ~~the~~ law and with rules adopted by ~~regulations of the~~  
 1301 Florida Forest Service Division of Forestry; gather and  
 1302 disseminate information in the management of commercial timber,  
 1303 including establishment, protection, and use ~~utilization~~; and  
 1304 assist in the development and use of forest lands for outdoor  
 1305 recreation, watershed protection, and wildlife habitat. The  
 1306 district forester or his or her representative shall provide  
 1307 encouragement and technical assistance to individuals and urban  
 1308 and county officials in the planning, establishment, and  
 1309 management of trees and plant associations to enhance the beauty  
 1310 of the urban and suburban environment and meet outdoor  
 1311 recreational needs.

1312 Section 55. Section 589.31, Florida Statutes, is amended  
 1313 to read:

1314 589.31 Cooperative agreement.—Before any assistance is

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1315 provided under ss. 589.28-589.34 ~~this law~~, the county or  
 1316 municipality and the Florida Forest Service Division of  
 1317 Forestry, through their duly constituted representatives, shall  
 1318 enter into a mutually satisfactory cooperative agreement  
 1319 covering the specific duties, and set up a budget for any fiscal  
 1320 period beginning July 1 and ending June 30, ~~and~~ The county's or  
 1321 municipality's share of the budget provided shall be remitted  
 1322 ~~turned over~~ to the Florida Forest Service Division of Forestry,  
 1323 one-half on or before July 1, and the remainder on or before  
 1324 January 1, and deposited ~~placed~~ in the Incidental Trust Fund of  
 1325 the Florida Forest Service Division of Forestry.

1326 Section 56. Section 589.32, Florida Statutes, is amended  
 1327 to read:

1328 589.32 Cost of providing county or municipal forestry  
 1329 assistance.—The cost of county or municipal forestry assistance  
 1330 provided under ~~the provisions of~~ ss. 589.28-589.34 shall be  
 1331 jointly determined and paid by the Florida Forest Service  
 1332 Division of Forestry and the county commission or municipality.  
 1333 Such cost must ~~and shall~~ be at least ~~not less than~~ 40 percent of  
 1334 the cost of the equivalent of 1 person-year of assistance.  
 1335 However, the county or municipality share may ~~shall~~ not exceed  
 1336 ~~the sum of~~ \$3,000 per annum for each person-year of assistance  
 1337 provided.

1338 Section 57. Section 589.33, Florida Statutes, is amended  
 1339 to read:

1340 589.33 Expenditure of budgeted funds.—The Florida Forest  
 1341 Service shall expend any money budgeted for a fiscal period  
 1342 ~~shall be expended by the Division of Forestry~~ during the period

1343 for which it was budgeted, and amounts not expended or  
 1344 specifically obligated by contract or other legal procedure  
 1345 during that period shall be available for the next fiscal period  
 1346 or shall be returned to the Florida Forest Service ~~Division of~~  
 1347 ~~Forestry~~ and the county or municipality in the same proportions  
 1348 as appropriated. However, if when 40 percent of the cost of 1  
 1349 person-year of assistance equals or exceeds \$3,000, ~~then in that~~  
 1350 ~~event~~ all of the budget balance reverts ~~will revert~~ to the  
 1351 Florida Forest Service ~~Division of Forestry~~.

1352 Section 58. Section 589.34, Florida Statutes, is amended  
 1353 to read:

1354 589.34 Revocation of agreement.—Any agreement or revision  
 1355 thereof entered into by the Florida Forest Service ~~Division of~~  
 1356 ~~Forestry~~ and a county or municipality under ss. 589.28-589.34  
 1357 ~~the provisions of this law~~ shall continue from year to year,  
 1358 unless written notice is given to the other party 30 days before  
 1359 ~~prior to~~ July 1 of any year of the intention to discontinue the  
 1360 work and cancel the agreement.

1361 Section 59. Section 590.01, Florida Statutes, is amended  
 1362 to read:

1363 590.01 Wildfire protection.—The Florida Forest Service  
 1364 ~~division~~ has the primary responsibility for preventing,  
 1365 detecting, and suppressing ~~prevention, detection, and~~  
 1366 ~~suppression of~~ wildfires wherever they may occur. The Florida  
 1367 Forest Service ~~division~~ shall provide leadership and direction  
 1368 in evaluating, coordinating, allocating ~~the evaluation,~~  
 1369 ~~coordination, allocation of~~ resources for, and monitoring of  
 1370 wildfire management and protection. The Florida Forest Service

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1371 ~~division~~ shall promote natural resource management and fuel  
 1372 reduction through the use of prescribed fire and other fuel  
 1373 reduction measures.

1374 Section 60. Subsections (2) through (5) of section  
 1375 590.015, Florida Statutes, are renumbered as subsections (1)  
 1376 through (4), respectively, and present subsection (1) of that  
 1377 section is amended to read:

1378 590.015 Definitions.—As used in this chapter, the term:  
 1379 ~~(1) "Division" means the Division of Forestry of the~~  
 1380 ~~Department of Agriculture and Consumer Services.~~

1381 Section 61. Section 590.02, Florida Statutes, is amended  
 1382 to read:

1383 590.02 Florida Forest Service; ~~Division~~ powers, authority,  
 1384 and duties; liability; building structures; Florida Center for  
 1385 Wildfire and Forest Resources Management Training.—

1386 (1) The Florida Forest Service ~~division~~ has the following  
 1387 powers, authority, and duties:

1388 (a) To enforce the provisions of this chapter.†

1389 (b) To prevent, detect, suppress, and extinguish wildfires  
 1390 wherever they may occur on public or private land in this state  
 1391 and to do all things necessary in the exercise of such powers,  
 1392 authority, and duties.†

1393 (c) To provide firefighting crews, who shall be under the  
 1394 control and direction of the Florida Forest Service ~~division~~ and  
 1395 its designated agents.†

1396 (d) To appoint center managers, forest area supervisors,  
 1397 forestry program administrators, a forest protection bureau  
 1398 chief, a forest protection assistant bureau chief, a field



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1399 | operations bureau chief, deputy chiefs of field operations,  
 1400 | district managers, senior forest rangers, investigators, forest  
 1401 | rangers, firefighter rotorcraft pilots, and other employees who  
 1402 | may, at the ~~division's~~ discretion of the Florida Forest Service,  
 1403 | be certified as forestry firefighters under ~~pursuant to~~ s.  
 1404 | 633.35(4). Notwithstanding any other provisions of law  
 1405 | ~~notwithstanding~~, center managers, district managers, the forest  
 1406 | protection assistant bureau chief, and deputy chiefs of field  
 1407 | operations ~~shall~~ have Selected Exempt Service status in the  
 1408 | state personnel designation.†

1409 |       (e) To develop a training curriculum for forestry  
 1410 | firefighters that contains ~~which must contain~~ the basic  
 1411 | volunteer structural fire training course approved by the  
 1412 | Florida State Fire College of the Division of State Fire Marshal  
 1413 | and a minimum of 250 hours of wildfire training.†

1414 |       (f) To adopt ~~make~~ rules to administer ~~accomplish the~~  
 1415 | ~~purposes of~~ this chapter.†

1416 |       (g) To provide fire management services and emergency  
 1417 | response assistance and to set and charge reasonable fees for  
 1418 | performance of those services. Moneys collected from such fees  
 1419 | shall be deposited into the Incidental Trust Fund of the Florida  
 1420 | Forest Service. ~~division; and~~

1421 |       (h) To require all state, regional, and local government  
 1422 | agencies operating aircraft in the vicinity of an ongoing  
 1423 | wildfire to operate in compliance with the applicable state  
 1424 | Wildfire Aviation Plan.

1425 |       (2) ~~Division~~ Employees of the Florida Forest Service, and  
 1426 | the firefighting crews under their control and direction, may

1427 | enter upon any lands for the purpose of preventing and  
 1428 | suppressing wildfires and investigating smoke complaints or open  
 1429 | burning not in compliance with authorization and to enforce the  
 1430 | ~~provisions of~~ this chapter.

1431 |       (3) Employees of the Florida Forest Service ~~division~~ and  
 1432 | of federal, state, and local agencies, and all other persons and  
 1433 | entities that are under contract or agreement with the Florida  
 1434 | Forest Service ~~division~~ to assist in firefighting operations as  
 1435 | well as those entities, called upon by the Florida Forest  
 1436 | Service ~~division~~ to assist in firefighting may, in the  
 1437 | performance of their duties, set counterfires, remove fences and  
 1438 | other obstacles, dig trenches, cut firelines, use water from  
 1439 | public and private sources, and carry on all other customary  
 1440 | activities in the fighting of wildfires without incurring  
 1441 | liability to any person or entity.

1442 |       (4) The department may build structures, notwithstanding  
 1443 | chapters 216 and 255, not to exceed a cost of \$50,000 per  
 1444 | structure from existing resources on forest lands, federal  
 1445 | excess property, and unneeded existing structures. These  
 1446 | structures must meet all applicable building codes.

1447 |       (5) The Florida Forest Service ~~division~~ shall organize its  
 1448 | operational units to most effectively prevent, detect, and  
 1449 | suppress wildfires, and, to that end, may employ the necessary  
 1450 | personnel to manage its activities in each unit. The Florida  
 1451 | Forest Service ~~division~~ may construct lookout towers, roads,  
 1452 | bridges, firelines, and other facilities and may purchase or  
 1453 | fabricate tools, supplies, and equipment for firefighting. The  
 1454 | Florida Forest Service ~~division~~ may reimburse the public and

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1455 private entities that it engages to assist in the suppression of  
 1456 wildfires for their personnel and equipment, including aircraft.

1457 (6) The Florida Forest Service ~~division~~ shall undertake  
 1458 privatization alternatives for fire prevention activities  
 1459 including constructing fire lines and conducting prescribed  
 1460 burns and, where appropriate, entering into agreements or  
 1461 contracts with the private sector to perform such activities.

1462 (7) The Florida Forest Service ~~division~~ may organize,  
 1463 staff, equip, and operate the Florida Center for Wildfire and  
 1464 Forest Resources Management Training. The center shall serve as  
 1465 a site where fire and forest resource managers can obtain  
 1466 current knowledge, techniques, skills, and theory as they relate  
 1467 to their respective disciplines.

1468 (a) The center may establish cooperative efforts involving  
 1469 federal, state, and local entities; hire appropriate personnel;  
 1470 and engage others by contract or agreement with or without  
 1471 compensation to assist in carrying out the training and  
 1472 operations of the center.

1473 (b) The center shall provide wildfire suppression training  
 1474 opportunities for rural fire departments, volunteer fire  
 1475 departments, and other local fire response units.

1476 (c) The center shall ~~will~~ focus on curriculum related to,  
 1477 but not limited to, fuel reduction, an incident management  
 1478 system, prescribed burning certification, multiple-use land  
 1479 management, water quality, forest health, environmental  
 1480 education, and wildfire suppression training for structural  
 1481 firefighters.

1482 (d) The center may assess appropriate fees for food,

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1483 lodging, travel, course materials, and supplies in order to meet  
 1484 its operational costs and may grant free meals, room, and  
 1485 scholarships to persons and other entities in exchange for  
 1486 instructional assistance.

1487 (e) An advisory committee consisting of the following  
 1488 individuals or their designees must review program curriculum,  
 1489 course content, and scheduling:

1490 1. The State Forester or his or her designee. ~~Director of~~  
 1491 ~~the Florida Division of Forestry; the assistant director of the~~  
 1492 ~~Florida Division of Forestry;~~

1493 2. The director of the School of Forest Resources and  
 1494 Conservation of the University of Florida .~~†~~

1495 3. The director of the Division of Recreation and Parks of  
 1496 the Department of Environmental Protection .~~†~~

1497 4. The director of the Division of the State Fire  
 1498 Marshal .~~†~~

1499 5. The director of the Florida Chapter of The Nature  
 1500 Conservancy .~~†~~

1501 6. The executive vice president of the Florida Forestry  
 1502 Association .~~†~~

1503 7. The president of the Florida Farm Bureau Federation .~~†~~

1504 8. The executive director of the Fish and Wildlife  
 1505 Conservation Commission .~~†~~

1506 9. The executive director of a water management district  
 1507 ~~as~~ appointed by the Commissioner of Agriculture .~~†~~

1508 10. The supervisor of the National Forests in Florida .~~†~~

1509 11. The president of the Florida Fire Chief's  
 1510 Association .~~†~~ and

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1511           12. The executive director of the Tall Timbers Research  
 1512 Station.

1513           (8) The Cross City Work Center is designated as ~~shall be~~  
 1514 ~~named~~ the L. Earl Peterson Forestry Station. This designation  
 1515 honors ~~is to honor Mr.~~ L. Earl Peterson, Florida's sixth State  
 1516 Forester and a native of Dixie County, whose distinguished  
 1517 career in state government ~~has~~ spanned 44 years, ~~and who is a~~  
 1518 ~~native of Dixie County.~~

1519           Section 62. Subsection (3) of section 590.081, Florida  
 1520 Statutes, is amended to read:

1521           590.081 Severe drought conditions; burning prohibited. -

1522           (3) It is unlawful for any person to set fire to, or cause  
 1523 fire to be set to, any wild lands or to build a campfire or  
 1524 bonfire or to burn trash or other debris within the designated  
 1525 area of a severe drought emergency unless a written permit is  
 1526 obtained from the Florida Forest Service ~~division~~ or its  
 1527 designated agent.

1528           Section 63. Section 590.091, Florida Statutes, is amended  
 1529 to read:

1530           590.091 Designation of railroad rights-of-way as wildfire  
 1531 hazard areas.-

1532           (1) The Florida Forest Service ~~division~~ may annually  
 1533 designate, on or before October 1, those railroad rights-of-way  
 1534 in this state that ~~which~~ are known wildfire hazard areas.

1535           (2) It shall be the duty of all railroad companies  
 1536 operating in this state to maintain their rights-of-way  
 1537 designated as provided in subsection (1), as known wildfire  
 1538 hazard areas, in an approved condition as shall be prescribed by

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1539 rule of the Florida Forest Service ~~division~~ and to provide  
 1540 adequate firebreaks where needed, so as to prevent fire from  
 1541 igniting or spreading from rights-of-way to adjacent property.

1542 Section 64. Paragraph (b) of subsection (1), paragraph (a)  
 1543 of subsection (2), paragraphs (a), (b), and (e) of subsection  
 1544 (3), and subsection (4) of section 590.125, Florida Statutes,  
 1545 are amended to read:

1546 590.125 Open burning authorized by the Florida Forest  
 1547 Service ~~division~~.—

1548 (1) DEFINITIONS.—As used in this section, the term:

1549 (b) "Certified prescribed burn manager" means an  
 1550 individual who successfully completes the certification program  
 1551 of the Florida Forest Service ~~division~~ and possesses a valid  
 1552 certification number.

1553 (2) NONCERTIFIED BURNING.—

1554 (a) Persons may be authorized to burn wild land or  
 1555 vegetative land-clearing debris in accordance with this  
 1556 subsection if:

1557 1. There is specific consent of the landowner or his or  
 1558 her designee;

1559 2. Authorization has been obtained from the Florida Forest  
 1560 Service ~~division~~ or its designated agent before starting the  
 1561 burn;

1562 3. There are adequate firebreaks at the burn site and  
 1563 sufficient personnel and firefighting equipment for the control  
 1564 of the fire;

1565 4. The fire remains within the boundary of the authorized  
 1566 area;

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1567 5. Someone is present at the burn site until the fire is  
1568 extinguished;

1569 6. The Florida Forest Service ~~division~~ does not cancel the  
1570 authorization; and

1571 7. The Florida Forest Service ~~division~~ determines that air  
1572 quality and fire danger are favorable for safe burning.

1573 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
1574 PURPOSE.—

1575 (a) The application of prescribed burning is a land  
1576 management tool that benefits the safety of the public, the  
1577 environment, and the economy of the state. The Legislature finds  
1578 that:

1579 1. Prescribed burning reduces vegetative fuels within wild  
1580 land areas. Reduction of the fuel load reduces the risk and  
1581 severity of wildfire, thereby reducing the threat of loss of  
1582 life and property, particularly in urban areas.

1583 2. Most of Florida's natural communities require periodic  
1584 fire for maintenance of their ecological integrity. Prescribed  
1585 burning is essential to the perpetuation, restoration, and  
1586 management of many plant and animal communities. Significant  
1587 loss of the state's biological diversity will occur if fire is  
1588 excluded from fire-dependent systems.

1589 3. Forestland and rangeland constitute significant  
1590 economic, biological, and aesthetic resources of statewide  
1591 importance. Prescribed burning on forestland prepares sites for  
1592 reforestation, removes undesirable competing vegetation,  
1593 expedites nutrient cycling, and controls or eliminates certain  
1594 forest pathogens. On rangeland, prescribed burning improves the

1595 quality and quantity of herbaceous vegetation necessary for  
 1596 livestock production.

1597 4. The state purchased hundreds of thousands of acres of  
 1598 land for parks, preserves, wildlife management areas, forests,  
 1599 and other public purposes. The use of prescribed burning for  
 1600 management of public lands is essential to maintain the specific  
 1601 resource values for which these lands were acquired.

1602 5. A public education program is necessary to make  
 1603 citizens and visitors aware of the public safety, resource, and  
 1604 economic benefits of prescribed burning.

1605 6. Proper training in the use of prescribed burning is  
 1606 necessary to ensure maximum benefits and protection for the  
 1607 public.

1608 7. As Florida's population continues to grow, pressures  
 1609 from liability issues and nuisance complaints inhibit the use of  
 1610 prescribed burning. Therefore, the Florida Forest Service  
 1611 ~~division~~ is urged to maximize the opportunities for prescribed  
 1612 burning conducted during its daytime and nighttime authorization  
 1613 process.

1614 (b) Certified prescribed burning pertains only to  
 1615 broadcast burning. It must be conducted in accordance with this  
 1616 subsection and:

1617 1. May be accomplished only when a certified prescribed  
 1618 burn manager is present on site with a copy of the prescription  
 1619 from ignition of the burn to its completion.

1620 2. Requires that a written prescription be prepared before  
 1621 receiving authorization to burn from the Florida Forest Service  
 1622 ~~division~~.



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1623 3. Requires that the specific consent of the landowner or  
 1624 his or her designee be obtained before requesting an  
 1625 authorization.

1626 4. Requires that an authorization to burn be obtained from  
 1627 the Florida Forest Service ~~division~~ before igniting the burn.

1628 5. Requires that there be adequate firebreaks at the burn  
 1629 site and sufficient personnel and firefighting equipment for the  
 1630 control of the fire.

1631 6. Is considered to be in the public interest and does not  
 1632 constitute a public or private nuisance when conducted under  
 1633 applicable state air pollution statutes and rules.

1634 7. Is considered to be a property right of the property  
 1635 owner if vegetative fuels are burned as required in this  
 1636 subsection.

1637 (e) The Florida Forest Service ~~division~~ shall adopt rules  
 1638 for the use of prescribed burning and for certifying and  
 1639 decertifying certified prescribed burn managers based on their  
 1640 past experience, training, and record of compliance with this  
 1641 section.

1642 (4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE FLORIDA  
 1643 FOREST SERVICE ~~DIVISION~~.--The Florida Forest Service ~~division~~ may  
 1644 conduct fuel reduction initiatives, including, but not limited  
 1645 to, burning and mechanical and chemical treatment, on any area  
 1646 of wild land within the state which is reasonably determined to  
 1647 be in danger of wildfire in accordance with the following  
 1648 procedures:

1649 (a) Describe the areas that will receive fuels treatment  
 1650 to the affected local governmental entity.

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1651 (b) Publish a treatment notice, including a description of  
 1652 the area to be treated, in a conspicuous manner in at least one  
 1653 newspaper of general circulation in the area of the treatment  
 1654 not less than 10 days before the treatment.

1655 (c) Prepare, and the county tax collector shall include  
 1656 with the annual tax statement, a notice to be sent to all  
 1657 landowners in each township designated by the Florida Forest  
 1658 Service ~~division~~ as a wildfire hazard area. The notice must  
 1659 describe particularly the area to be treated and the tentative  
 1660 date or dates of the treatment and must list the reasons for and  
 1661 the expected benefits from the wildfire hazard reduction.

1662 (d) Consider any landowner objections to the fuels  
 1663 treatment of his or her property. The landowner may apply to the  
 1664 State Forester ~~director of the division~~ for a review of  
 1665 alternative methods of fuel reduction on the property. If the  
 1666 State Forester ~~director~~ or his or her designee does not resolve  
 1667 the landowner objection, the State Forester ~~director~~ shall  
 1668 convene a panel made up of the local forestry unit manager, the  
 1669 fire chief of the jurisdiction, and the affected county or city  
 1670 manager, or any of their designees. If the panel's  
 1671 recommendation is not acceptable to the landowner, the landowner  
 1672 may request further consideration by the Commissioner of  
 1673 Agriculture or his or her designee and shall thereafter be  
 1674 entitled to an administrative hearing pursuant to ~~the provisions~~  
 1675 ~~of~~ chapter 120.

1676 Section 65. Section 590.14, Florida Statutes, is amended  
 1677 to read:

1678 590.14 Notice of violation; penalties.—

1679 (1) If a Florida Forest Service ~~division~~ employee  
 1680 determines that a person has violated chapter 589 or this  
 1681 chapter, he or she may issue a notice of violation indicating  
 1682 the statute violated. This notice shall ~~will~~ be filed with the  
 1683 Florida Forest Service ~~division~~ and a copy forwarded to the  
 1684 appropriate law enforcement entity for further action if  
 1685 necessary.

1686 (2) In addition to any penalties provided by law, any  
 1687 person who causes a wildfire or permits any authorized fire to  
 1688 escape the boundaries of the authorization or to burn past the  
 1689 time of the authorization is liable for the payment of all  
 1690 reasonable costs and expenses incurred in suppressing the fire  
 1691 or \$150, whichever is greater. All costs and expenses incurred  
 1692 by the Florida Forest Service ~~division~~ shall be payable to the  
 1693 Florida Forest Service ~~division~~. When such costs and expenses  
 1694 are not paid within 30 days after demand, the Florida Forest  
 1695 Service ~~division~~ may take proper legal proceedings for the  
 1696 collection of the costs and expenses. Those costs incurred by an  
 1697 agency acting at the ~~division's~~ direction of the Florida Forest  
 1698 Service are recoverable by that agency.

1699 (3) The department may also impose an administrative fine,  
 1700 not to exceed \$1,000 per violation of any section of chapter 589  
 1701 or this chapter. The fine shall be based upon the degree of  
 1702 damage, the prior violation record of the person, and whether  
 1703 the person knowingly provided false information to obtain an  
 1704 authorization. The fines shall be deposited in the Incidental  
 1705 Trust Fund of the Florida Forest Service ~~division~~.

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1706 (4) The penalties provided in this section shall extend to  
 1707 both the actual violator and the person or persons, firm, or  
 1708 corporation causing, directing, or permitting the violation.

1709 Section 66. Section 590.16, Florida Statutes, is amended  
 1710 to read:

1711 590.16 Rewards.—The Florida Forest Service ~~division~~, in  
 1712 its discretion, may offer and pay rewards for information  
 1713 leading to the arrest and conviction of any person who violates  
 1714 ~~any provision of~~ this chapter.

1715 Section 67. Section 590.25, Florida Statutes, is amended  
 1716 to read:

1717 590.25 Penalty for preventing or obstructing  
 1718 extinguishment of wildfires.—Any person who interferes ~~Whoever~~  
 1719 ~~shall interfere~~ with, obstructs, ~~obstruct~~ or commits ~~commit~~ any  
 1720 act aimed to obstruct the extinguishment of wildfires by the  
 1721 employees of the Florida Forest Service ~~division~~ or any other  
 1722 person engaged in the extinguishment of a wildfire, or who  
 1723 damages or destroys any equipment being used for such purpose,  
 1724 commits ~~shall be guilty of~~ a felony of the third degree,  
 1725 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1726 Section 68. Section 590.33, Florida Statutes, is amended  
 1727 to read:

1728 590.33 State compact administrator; compact advisory  
 1729 committee.—In pursuance of art. III of the compact, the State  
 1730 Forester ~~director of the division~~ shall act as compact  
 1731 administrator for Florida of the Southeastern Interstate Forest  
 1732 Fire Protection Compact during his or her term of office as  
 1733 State Forester ~~director~~, and his or her successor as compact

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1734 administrator shall be his or her successor as State Forester  
 1735 ~~director of the division~~. As compact administrator, he or she  
 1736 shall be an ex officio member of the advisory committee of the  
 1737 Southeastern Interstate Forest Fire Protection Compact, and  
 1738 chair ex officio of the Florida members of the advisory  
 1739 committee. There shall be four members of the Southeastern  
 1740 Interstate Forest Fire Protection Compact Advisory Committee  
 1741 from Florida. Two of the members from Florida shall be members  
 1742 of the Legislature of Florida, one from the Senate and one from  
 1743 the House of Representatives, and the terms of any such members  
 1744 shall terminate at the time they cease to hold legislative  
 1745 office, and their successors as members shall be named in like  
 1746 manner. The Governor shall appoint the other two members from  
 1747 Florida, one of whom shall be associated with forestry or forest  
 1748 products industries. The terms of such members shall be 3 years  
 1749 and such members shall hold office until their respective  
 1750 successors are ~~shall be~~ appointed and qualified. Vacancies  
 1751 occurring in the office of such members for ~~from~~ any reason or  
 1752 cause shall be filled by appointment by the Governor for the  
 1753 unexpired term. The State Forester, ~~director of the division~~ as  
 1754 compact administrator for Florida, may delegate, from time to  
 1755 time, to any deputy or other subordinate in his or her  
 1756 department or office, the power to be present and participate,  
 1757 including voting, as his or her representative or substitute at  
 1758 any meeting of or hearing by or other proceeding of the compact  
 1759 administrators or of the advisory committee. The terms of each  
 1760 of the initial four memberships, whether appointed at said time  
 1761 or not, shall begin upon the date upon which the compact becomes

1762 ~~shall become~~ effective in accordance with art. II of said  
1763 compact. Any member of the advisory committee may be removed  
1764 from office by the Governor upon charges and after a hearing.

1765 Section 69. Section 590.34, Florida Statutes, is amended  
1766 to read:

1767 590.34 State compact administrator and compact advisory  
1768 committee members; powers; aid from other state agencies.—There  
1769 is hereby granted to the State Forester ~~director of the~~  
1770 ~~division~~, as compact administrator and chair ex officio of the  
1771 Florida members of the advisory committee, and to the members  
1772 from Florida of the advisory committee all the powers provided  
1773 for in the compact and all the powers necessary or incidental to  
1774 the carrying out of the compact in every particular. All  
1775 officers of Florida are hereby authorized and directed to do all  
1776 things falling within their respective provinces and  
1777 jurisdiction necessary or incidental to the carrying out of the  
1778 compact in every particular; it being hereby declared to be the  
1779 policy of the state to perform and carry out the said compact  
1780 and to accomplish the purposes thereof. All officers, bureaus,  
1781 departments, and persons of and in the state government or  
1782 administration of the state are hereby authorized and directed  
1783 at convenient times and upon request of the compact  
1784 administrator or of the advisory committee to furnish  
1785 information data relating to the purposes of the compact  
1786 possessed by them or any of them to the compact administrator of  
1787 the advisory committee. They are further authorized to aid the  
1788 compact administrator or the advisory committee by loan of

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1789 personnel, equipment, or other means in carrying out the  
 1790 purposes of the compact.

1791 Section 70. Section 590.35, Florida Statutes, is amended  
 1792 to read:

1793 590.35 Construction of ss. 590.31-590.34.—Any powers  
 1794 herein granted to the Florida Forest Service ~~division~~ shall be  
 1795 regarded as in aid of and supplemental to and in no case a  
 1796 limitation upon any of the powers vested in the Florida Forest  
 1797 Service ~~division~~ by other laws of Florida or by the laws of the  
 1798 States of Alabama, Georgia, Kentucky, Mississippi, North  
 1799 Carolina, South Carolina, Tennessee, Virginia, and West Virginia  
 1800 or by the Congress or the terms of the compact.

1801 Section 71. Section 590.42, Florida Statutes, is amended  
 1802 to read:

1803 590.42 Federally funded fire protection assistance  
 1804 programs.—

1805 (1) The Florida Forest Service ~~Division of Forestry of the~~  
 1806 ~~Department of Agriculture and Consumer Services~~ may enter into  
 1807 agreements with the United States Secretary of Agriculture ~~of~~  
 1808 ~~the United States~~ in order to participate in the federal  
 1809 Volunteer Rural Community Fire Assistance ~~Protection~~ Program  
 1810 authorized by 16 U.S.C. s. 2106 ~~Pub. L. No. 92-419~~, whereby the  
 1811 Federal Government provides financial assistance to the states  
 1812 on a matching basis of up to 50 percent of expenditures for such  
 1813 purposes.

1814 (2) With respect to the formulation of projects relating  
 1815 to fire protection of livestock, wildlife, crops, pastures,  
 1816 orchards, rangeland, woodland, farmsteads, or other

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1817 improvements, and other values in rural areas, for which such  
 1818 federal matching funds are available, any participating county  
 1819 or fire department may contribute to the nonfederal matching  
 1820 share and may also contribute such other nonfederal cooperation  
 1821 as may be deemed necessary by the Florida Forest Service  
 1822 ~~division~~.

1823 (3) Any financial assistance received by, or contributions  
 1824 to the nonfederal matching share provided by, a participating  
 1825 county under ~~The provisions of~~ this section are supplementary to  
 1826 any county fire control funds or assessments under ~~the~~  
 1827 ~~provisions of~~ s. 125.27.

1828 Section 72. The title of chapter 591, Florida Statutes, is  
 1829 redesignated as "COMMUNITY FORESTS."

1830 Section 73. Section 591.15, Florida Statutes, is amended  
 1831 to read:

1832 (Substantial rewording of section. See  
 1833 s. 591.15, F.S., for present text.)

1834 591.15 Short title.—This chapter may be cited as the  
 1835 "Florida Community Forest Law."

1836 Section 74. Subsection (1) of section 591.16, Florida  
 1837 Statutes, is amended to read:

1838 591.16 Community forests; purposes.—The general purposes  
 1839 of this law are:

1840 (1) To encourage counties, municipalities ~~cities, towns,~~  
 1841 and school districts to utilize idle lands for productive forest  
 1842 purposes.

1843 Section 75. Section 591.17, Florida Statutes, is amended  
 1844 to read:



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1845           591.17 ~~Community forests;~~ Definitions.—As used in this  
 1846 chapter, the term terms hereinafter used, unless the text  
 1847 clearly indicates a different meaning, shall be as follows:

1848           (1)(2) ~~The term "Community forest" means shall mean~~ any  
 1849 forest area established under this chapter law by a county,  
 1850 municipality city, town, or school district.

1851           (2)(8) ~~The term "Contiguous sale" means shall mean~~ sale of  
 1852 like forest products from adjoining areas that normally would be  
 1853 in the same sale area as determined by the forester on the  
 1854 forestry committee.

1855           (3)(4) "County" or "municipality" includes ~~The term~~  
 1856 "counties, cities, towns" shall mean any recognized political  
 1857 subdivision of ~~the~~ state government.

1858           (4)(7) ~~The term "Forest products" means shall mean~~ any  
 1859 product produced from trees.

1860           (5)(3) ~~The term "Forestry committee" means shall mean~~ the  
 1861 appointed committee for directing the activities of community  
 1862 forests.

1863           (6)(1) ~~The term "Governing board" means a board of shall~~  
 1864 ~~mean~~ county commissioners, city commission ~~commissioners,~~ town  
 1865 council councils, school board boards, or any other governing  
 1866 body of a county, municipality ~~counties, cities, towns,~~ or  
 1867 school district districts.

1868           (6) ~~The term "division" shall mean the Division of~~  
 1869 ~~Forestry of the Department of Agriculture and Consumer Services.~~

1870           (7)(5) ~~The term "School district" means an shall mean~~  
 1871 individual school district districts of a county or a vocational  
 1872 agricultural department departments located in such a district

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1873 | ~~these districts.~~

1874 |         Section 76. Section 591.18, Florida Statutes, is amended.  
1875 | to read:

1876 |         591.18 ~~Community forests;~~ Purchase or establishment.—All  
1877 | counties, municipalities ~~cities, towns,~~ or school districts,  
1878 | through their governing boards, may ~~are hereby empowered to~~  
1879 | establish, from lands owned by such county, municipality ~~city,~~  
1880 | ~~town,~~ or school district in fee simple, or ~~to~~ acquire by  
1881 | purchase or gift, lands at present covered with forest or tree  
1882 | growth, or suitable for the growth of trees, and ~~to~~ administer  
1883 | the same under the direction of the Florida Forest Service  
1884 | ~~Division of Forestry,~~ in accordance with the practice and  
1885 | principles of scientific forestry, for the benefit of such ~~the~~  
1886 | ~~said~~ counties, municipalities ~~cities, towns,~~ or school  
1887 | districts. Such tracts may be of any size suitable for the  
1888 | purpose but must be located within the county embracing the  
1889 | county, municipality ~~city, town,~~ or school district. ~~provided~~  
1890 | ~~that it shall be requisite for~~ The governing board availing  
1891 | itself of ~~the provisions of this chapter shall~~ law ~~to~~ submit to  
1892 | the Florida Forest Service ~~Division of Forestry,~~ and secure its  
1893 | approval of the area and location of any lands proposed to be  
1894 | acquired or used for the purposes of county, municipality ~~city,~~  
1895 | ~~town,~~ or school district forests.

1896 |         Section 77. Section 591.19, Florida Statutes, is amended  
1897 | to read:

1898 |         591.19 ~~Community forests;~~ Tax delinquent lands.—The  
1899 | Department of Revenue, the Board of Trustees of the Internal  
1900 | Improvement Trust Fund, and counties, municipalities ~~cities,~~

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1901 ~~towns~~, school districts, or any other public agency holding fee  
 1902 simple or tax certificate lands ~~are hereby empowered to, and~~  
 1903 may, upon application to them, transfer title of fee simple  
 1904 lands not in other public use to any county, municipality city,  
 1905 ~~town~~, or school district for forest purposes as described under  
 1906 this chapter if law, ~~provided~~ such lands are approved by the  
 1907 Florida Forest Service Division of Forestry for this purpose.

1908 Section 78. Section 591.20, Florida Statutes, is amended  
 1909 to read:

1910 591.20 ~~Community forests;~~ Forestry committee; duties;  
 1911 appropriations.-

1912 (1) The governing board of any county, municipality city,  
 1913 ~~town~~, or school district desiring to establish community forests  
 1914 ~~after enactment of this law~~ shall appoint a forestry committee,  
 1915 consisting of three members, as follows: one member of governing  
 1916 board, one member from the Florida Forest Service Division of  
 1917 ~~Forestry~~ to be designated by the Florida Forest Service  
 1918 ~~division~~, and one taxpayer of the county, municipality city,  
 1919 ~~town~~, or school district who is not a member of the governing  
 1920 board. The first two members of such committee shall hold office  
 1921 until replaced in their respective official positions. The third  
 1922 member shall hold office for 3 years. Any vacancy shall be  
 1923 filled at the first regular session of the governing board after  
 1924 the vacancy occurs. The president of the committee shall be  
 1925 selected by the three members for a 1-year term at their first  
 1926 regular meeting. The representative of the Florida Forest  
 1927 Service may ~~Division of Forestry shall~~ not serve as an officer  
 1928 of the committee or ~~nor~~ be responsible for making reports. All

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1929 members shall serve without compensation, but are entitled to  
 1930 reimbursement ~~shall be reimbursed~~ for travel expenses as  
 1931 provided in s. 112.061.

1932 Section 79. Section 591.21, Florida Statutes, is  
 1933 transferred, renumbered as subsections (2) and (3) of section  
 1934 591.20, Florida Statutes, and amended to read:

1935 ~~591.21 Community forests; duties of forestry committee.~~

1936 (2) ~~(1)~~ ~~It shall be the duty of~~ The forestry committee  
 1937 shall ~~to~~ advise the governing board in acquiring, developing,   
 1938 and managing the forest, and in making contracts, agreements,  
 1939 and permits for and with the forest, and, if desirable, in  
 1940 hiring a qualified forester and laborers and in making rules and  
 1941 regulations for operating the forest.

1942 (3) ~~(2)~~ For any sale in excess of \$100, the governing body  
 1943 must ~~shall~~ ask for and receive open competitive bids and  
 1944 purchase from the lowest and best bidder. For sale of forest  
 1945 products in excess of \$500 for the total contract, the sale  
 1946 shall be advertised in one issue each of 2 consecutive weeks in  
 1947 a county newspaper of general circulation, and the highest and  
 1948 best bid shall be accepted. Contiguous sales may ~~shall~~ not be  
 1949 made.

1950 Section 80. Section 591.22, Florida Statutes, is  
 1951 transferred, renumbered as subsection (4) of section 591.20,  
 1952 Florida Statutes, and amended to read:

1953 ~~591.22 Community forests; appropriations.~~

1954 (4) Counties, municipalities ~~cities, towns,~~ or school  
 1955 districts in which forestry committees are ~~have been~~ appointed  
 1956 may appropriate money from available funds to be used by such

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1957 | ~~committees said committee~~ to carry out the purposes of this  
 1958 | chapter law. ~~Each~~ The forestry committee shall annually adopt  
 1959 | ~~each year make~~ a budget of recommendation for acquisition and  
 1960 | operation and management of the forest for approval by the  
 1961 | governing board.

1962 | Section 81. Section 591.23, Florida Statutes, is amended  
 1963 | to read:

1964 | 591.23 ~~Community forests;~~ Revenues; ~~use.~~ Revenue from the  
 1965 | forests shall be credited to the general fund of counties,  
 1966 | municipalities ~~eities, towns,~~ or school districts; ~~provided,~~  
 1967 | however, revenues from lands under land use agreements with  
 1968 | youth organizations such as chapters of the Future Farmers of  
 1969 | America ~~must, shall~~ be disposed of subject to the terms of such  
 1970 | agreements. When the revenue from any forest other than these  
 1971 | under such land use agreements, ~~exceeds~~ the necessary expenses  
 1972 | of the forest, including desirable acquisition, the excess shall  
 1973 | ~~will~~ be used by the governing board for regular purposes and in  
 1974 | reduction of taxation.

1975 | Section 82. Section 591.24, Florida Statutes, is amended  
 1976 | to read:

1977 | 591.24 ~~Community forests;~~ Fiscal reports.—A fiscal year  
 1978 | report of expenditures, income, sales, development, and  
 1979 | management shall be made by the forestry committee to the  
 1980 | governing board of the county, municipality ~~city, town,~~ or  
 1981 | school district, and a copy shall be sent to the Florida Forest  
 1982 | Service ~~Division of Forestry~~. All reports shall be audited by  
 1983 | the regular auditor of the county, municipality ~~city, town,~~ or  
 1984 | school district.

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1985 Section 83. Section 591.25, Florida Statutes, is amended  
 1986 to read:

1987 591.25 ~~Community forests;~~ Fire protection, etc.—All lands  
 1988 entered or acquired under ~~the provisions of this chapter law~~  
 1989 shall be protected at all times from wildfire and shall be kept  
 1990 and maintained as a permanent public forest except as  
 1991 hereinafter provided. The timber growing on such forest lands  
 1992 ~~thereon~~ shall be cut in accordance with forestry methods  
 1993 approved by the Florida Forest Service ~~Division of Forestry~~ and  
 1994 in such a manner as to perpetuate succeeding stands of trees.  
 1995 All such forest lands shall be open to the use of the public for  
 1996 recreational purposes so far as such recreational purposes do  
 1997 not interfere with, or prevent the use of, such lands to the  
 1998 best advantage as a public forest as determined by the forestry  
 1999 committee.

2000 Section 84. Section 591.26, Florida Statutes, is amended  
 2001 to read:

2002 591.26 ~~Community forests;~~ Sale upon referendum approval.—~~A~~  
 2003 ~~If it becomes desirable to sell any~~ community forest or portion  
 2004 thereof may be sold if such sale is as determined jointly  
 2005 proposed by the governing board and forestry committee and  
 2006 approved by a majority, ~~it shall be put to a vote of those~~  
 2007 electors voting ~~the people~~ at any regular election ~~and a~~  
 2008 ~~majority of those voting must approve the action.~~ If such sale  
 2009 is approved by the electors, any funds received from the ~~such~~  
 2010 sale shall be deposited in the general fund of the county,  
 2011 municipality ~~city, town,~~ or school district making the sale and  
 2012 used in consolidating existing community forests or in

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2013 establishing another community forest.

2014 Section 85. Paragraph (b) of subsection (1) and paragraph  
 2015 (b) of subsection (2) of section 633.115, Florida Statutes, are  
 2016 amended to read:

2017 633.115 Fire and Emergency Incident Information Reporting  
 2018 Program; duties; fire reports.—

2019 (1)

2020 (b) The Division of State Fire Marshal shall consult with  
 2021 the Florida Forest Service ~~Division of Forestry of the~~  
 2022 ~~Department of Agriculture and Consumer Services~~ and the Bureau  
 2023 of Emergency Medical Services of the Department of Health to  
 2024 coordinate data, ensure accuracy of the data, and limit  
 2025 duplication of efforts in data collection, analysis, and  
 2026 reporting.

2027 (2) The Fire and Emergency Incident Information System  
 2028 Technical Advisory Panel is created within the Division of State  
 2029 Fire Marshal. The panel shall advise, review, and recommend to  
 2030 the State Fire Marshal with respect to the requirements of this  
 2031 section. The membership of the panel shall consist of the  
 2032 following 15 members:

2033 (b) One member from the Florida Forest Service ~~Division of~~  
 2034 ~~Forestry of the Department of Agriculture and Consumer Services~~,  
 2035 appointed by the State Forester ~~division director~~.

2036 Section 86. Paragraph (e) of subsection (6) of section  
 2037 633.821, Florida Statutes, is amended to read:

2038 633.821 Workplace safety.—

2039 (6)

2040 (e) This subsection does not apply to wildland or

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2041 | prescribed live fire training exercises sanctioned by the  
 2042 | Florida Forest Service ~~Division of Forestry of the Department of~~  
 2043 | ~~Agriculture and Consumer Services~~ or the National Wildfire  
 2044 | Coordinating Group.

2045 |       Section 87. Subsection (1) of section 790.15, Florida  
 2046 | Statutes, is amended to read:

2047 |       790.15 Discharging firearm in public.—

2048 |       (1) Except as provided in subsection (2) or subsection  
 2049 | (3), any person who knowingly discharges a firearm in any public  
 2050 | place or on the right-of-way of any paved public road, highway,  
 2051 | or street or who ~~whoever~~ knowingly discharges any firearm over  
 2052 | the right-of-way of any paved public road, highway, or street or  
 2053 | over any occupied premises commits ~~is guilty of~~ a misdemeanor of  
 2054 | the first degree, punishable as provided in s. 775.082 or s.  
 2055 | 775.083. This section does not apply to a person lawfully  
 2056 | defending life or property or performing official duties  
 2057 | requiring the discharge of a firearm or to a person discharging  
 2058 | a firearm on public roads or properties expressly approved for  
 2059 | hunting by the Fish and Wildlife Conservation Commission or the  
 2060 | Florida Forest Service ~~Division of Forestry~~.

2061 |       Section 88. This act shall take effect July 1, 2011.