



RULEMAKING & REGULATION SUBCOMMITTEE

Wednesday, March 16, 2011

9:00 A.M. – 11:00 A.M.

306 House Office Building

COMMITTEE MEETING PACKET

Dean Cannon
Speaker

Chris Dorworth
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Rulemaking & Regulation Subcommittee

Start Date and Time: Wednesday, March 16, 2011 09:00 am

End Date and Time: Wednesday, March 16, 2011 11:00 am

Location: 306 HOB

Duration: 2.00 hrs

Consideration of the following bill(s):

CS/HB 87 Communications Among the Branches of State Government by Civil Justice Subcommittee, Soto

HB 421 Agricultural-related Exemptions to Water Management Requirements by Bemby

HB 663 State Forests by Steube

CS/HB 735 Division of Forestry by Agriculture & Natural Resources Subcommittee, Porter

Consideration of the following proposed committee bill(s):

PCB RRS 11-01 -- Legislative Ratification of Administrative Rules

Workshop on the following:

Rules of Conern

F.A.C. Rule 6A-22.010 Department of Education - Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities

F.A.C. Rule 6A-22.011 Department of Education - List of Forms

NOTICE FINALIZED on 03/14/2011 16:13 by Thompson.Sonja



FLORIDA HOUSE OF REPRESENTATIVES

Dean Cannon, Speaker

Rules & Calendar Committee Rulemaking & Regulation Subcommittee

Chris Dorworth
Chair

317 The Capitol
(850) 488-0608

AGENDA

Wednesday, March 16, 2011

9:00 A.M. – 11:00 A.M.

Room 306 House Office Building

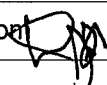
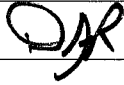
- I. Opening Remarks by Chair Dorworth
- II. Roll Call by Sonja Thompson, CAA
- III. Consideration of the following bill(s):
 - CS/HB 87 Communications Among the Branches of State Government by Civil Justice Subcommittee, Soto
 - HB 421 Agricultural-related Exemptions to Water Management Requirements by Bembry
 - HB 663 State Forests by Steube
 - CS/HB 735 Division of Forestry by Agriculture & Natural Resources Subcommittee, Porter
- IV. Consideration of the following proposed committee bill(s):
 - PCB RRS 11-01 -- Legislative Ratification of Administrative Rules
- V. Workshop on the following Rules of Concern:
 - F.A.C. Rule 6A-22.010 Department of Education - Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities
 - F.A.C. Rule 6A-22.011 Department of Education - List of Forms
- VI. Closing Remarks
- VII. Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 87 Communications Among the Branches of State Government

SPONSOR(S): Civil Justice Subcommittee; Soto

TIED BILLS: None IDEN./SIM. BILLS: SB 996

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	15 Y, 0 N, As CS	Billmeier	Bond
2) Rulemaking & Regulation Subcommittee		Rubottom 	Rubottom 
3) Judiciary Committee			

SUMMARY ANALYSIS

This bill requires the Florida Supreme Court or any district court of appeal that declares a statute, regulation, or government practice unconstitutional, recommends statutory or regulatory changes, or finds that the meaning of a statute is unclear to submit a copy of the opinion to the Speaker, the Governor, and the President of the Senate within 30 days after the opinion is published by the court.

This bill appears to have a minimal negative recurring fiscal impact on state government expenditures payable from the General Revenue Fund. This bill does not appear to have a fiscal impact on local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Opinions issued by the Florida Supreme Court and the five district courts of appeal are available on each of the courts' websites.¹ In addition, opinions are published by various private publishing companies. The courts routinely provide copies of the opinion to the parties that participated in the litigation. Such opinions are not routinely provided to nonparties.

Appellate court opinions sometimes declare a statute invalid. Often an executive branch agency is a party to the litigation and receives a copy of the opinion. However, a statute can be declared invalid in cases where no government entity is a party to the litigation. For example, in *Massey v. David*, 979 So. 2d 931 (Fla. 2008), the Florida Supreme Court declared s. 57.071(2), F.S., unconstitutional because it impermissibly encroached on the rulemaking authority of the court. The *Massey* case was a legal malpractice case between an attorney and a former client; no government entity was involved.

Courts occasionally issue opinions which recommend statutory changes or identify drafting issues in statute. For example, a Florida court noted an issue with Florida's Good Samaritan Act:

Given the current state of Florida's Good Samaritan Act, F.S. 768.13, we have some public policy concerns regarding the potential impact of our ruling in this case. The Good Samaritan statute, which purports to insulate from liability those who assist injured parties in an emergency, in truth, provides very little protection. See *Botte v. Pomeroy*, 438 So. 2d 544, 545 (Fla. 4th DCA 1983). The immunity given under the Act to a person who gratuitously renders aid to an injured person is conditioned upon that person rendering aid "as an ordinary reasonably prudent person." Because this is no different than the common law standard of care that applies without this so-called immunity, the protection under the act is illusory.

Thus, a business owner who has no legal duty to provide CPR to an injured invitee in a medical emergency might consider himself better off not undertaking to administer CPR. This is because he risks liability only if he voluntarily undertakes to administer CPR and then performs the procedure negligently. As our court did many years ago in *Botte*, we place the blame for this quandary on the legislature's failure to update the Good Samaritan Act. As written, the Act does not adequately protect individuals from civil liability for negligent acts committed while voluntarily providing emergency care. It thus discourages individuals from performing specialized skills, such as CPR, on injured persons when they have no duty to do so.²

Similarly, the Fourth District Court of Appeal recently issued an opinion noting the difficulty the courts have had interpreting the expert witness provisions of s. 766.102, F.S., and noting that a statute purporting to provide immunity to volunteer team physicians provides little protection:

Section 768.135 appears to provide no more protection (save the "similarly licensed" requirement) than general tort law. The statute purports to provide immunity, but its protection is illusory. If the legislature intended to provide some additional layer of protection to those physicians who volunteer their services, then perhaps the statute needs another look.³

¹ The opinions of the Florida Supreme Court are found here: <http://www.floridasupremecourt.org/decisions/opinions.shtml>. In addition, the webpage contains a link to the opinions of each of the five district courts of appeal.

² *L.A. Fitness International, LLC v. Mayer*, 980 So. 2d 550, 561 n.2 (Fla. 4th DCA 2008).

³ *Weiss v. Pratt*, Case Nos. 4D08-2179 and 4D10-562 (Fla. 4th DCA February 16, 2011), Slip Opinion at 8.

This bill requires the Florida Supreme Court or any district court of appeal⁴ which issues an opinion which declares a statute, regulation, or government practice unconstitutional, recommends statutory or regulatory changes, or finds that the meaning of a statute is unclear must submit a copy of the opinion to the Speaker, the Governor, and the President of the Senate within 30 days after the opinion is published by the court. The bill requires that the clerk of the court transmit the opinion.

The bill takes effect on July 1, 2011.

B. SECTION DIRECTORY:

Section 1 provides that the act may be cited as the "Judicial Opinion Communications Act."

Section 2 creates s. 25.079, F.S., relating to court opinions of the Supreme Court.

Section 3 creates s. 35.079, F.S., relating to court opinions of a district court of appeal.

Section 4 provides that the bill takes effect on July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Florida Supreme Court and the district courts of appeal may incur minimal recurring additional costs in reviewing opinions and providing notice to the appropriate persons. The costs of the notices would be payable from the General Revenue Fund.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

⁴ The bill's reporting requirements do not apply to circuit or county courts.

1. Applicability of Municipality/County Mandates Provision:

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:

The bill provides that Florida Supreme Court and the district courts of appeal must provide copies of certain opinions to the Speaker, the Governor, and the President of the Senate. Article V, section 2(a), of the Florida Constitution, provides that the Florida Supreme Court "shall adopt rules for the practice and procedure" in all courts. The Florida Supreme Court has interpreted this provision to mean that the court has the exclusive power to create rules of practice and procedure and statutes that do so are invalid. If the court were to determine that the provisions of this bill created a procedural rule, the court could hold the statute invalid or adopt it as a rule of court.

Despite any Article V, section 2(a) concerns, Article II, section 3, sets forth an express separation of powers in Florida that prevents any branch from directing the conduct of another. Thus, it is difficult to determine how the provisions of the bill might be enforced, except by voluntary compliance by the courts in the interests of comity. Moreover, the actions required by the bill might be undertaken as a matter of comity without its enactment.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

The Civil Justice Subcommittee considered the bill on March 8, 2011, and adopted an amendment. The amendment removed a requirement that the Speaker, Governor, and President of the Senate acknowledge receipt of the opinions provided by the courts. The subcommittee reported the bill, as amended, favorably as a committee substitute.

1 A bill to be entitled
 2 An act relating to communications among the branches of
 3 state government; providing a short title; creating ss.
 4 25.079 and 35.079, F.S.; requiring the clerks of the State
 5 Supreme Court and district courts of appeal to transmit
 6 certain judicial opinions to the Governor, the President
 7 of the Senate, and the Speaker of the House of
 8 Representatives within a specified time; providing an
 9 effective date.

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

12
 13 Section 1. This act may be cited as the "Communication of
 14 Judicial Opinions Act."

15 Section 2. Section 25.079, Florida Statutes, is created to
 16 read:

17 25.079 Opinions having certain holdings; communication to
 18 Governor and Legislature.—

19 (1) This section is specifically intended to facilitate
 20 communication among the three branches of government relating to
 21 the interpretation or constitutionality of Florida law. This
 22 section is not intended to provide to the legislative or
 23 executive branches any powers not granted by the State
 24 Constitution.

25 (2) An opinion rendered by the Supreme Court which:

26 (a) Declares a Florida statute, regulation, or
 27 governmental practice unconstitutional;

28 (b) Recommends any statutory or regulatory change; or

CS/HB 87

2011

29 (c) Finds that the meaning of a statute is unclear,
 30
 31 shall be transmitted by the clerk of the Supreme Court to the
 32 Governor, the President of the Senate, and the Speaker of the
 33 House of Representatives within 30 days after the opinion is
 34 published by the court.

35 Section 3. Section 35.079, Florida Statutes, is created to
 36 read:

37 35.079 Opinions having certain holdings; communication to
 38 Governor and Legislature.—

39 (1) This section is specifically intended to facilitate
 40 communication among the three branches of government relating to
 41 the interpretation or constitutionality of Florida law. This
 42 section is not intended to provide to the legislative or
 43 executive branches any powers not granted by the State
 44 Constitution.

45 (2) An opinion rendered by a district court of appeal
 46 which:

47 (a) Declares a Florida statute, regulation, or
 48 governmental practice unconstitutional;

49 (b) Recommends any statutory or regulatory change; or

50 (c) Finds that the meaning of a statute is unclear,

51
 52 shall be transmitted by the clerk of the district court to the
 53 Governor, the President of the Senate, and the Speaker of the
 54 House of Representatives within 30 days after the opinion is
 55 published by the court.

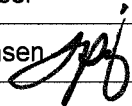
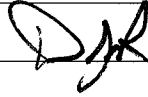
56 Section 4. This act shall take effect July 1, 2011.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 421 Agricultural-related Exemptions to Water Management Requirements

SPONSOR(S): Bembry and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1174

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	12 Y, 1 N	Kaiser	Blalock
2) Rulemaking & Regulation Subcommittee		Jensen 	Rubottom 
3) Agriculture & Natural Resources Appropriations Subcommittee			
4) State Affairs Committee			

SUMMARY ANALYSIS

Florida law has afforded an agricultural exemption to bona fide farm operators since the mid-1980's in regards to obtaining a permit from the water management districts (WMDs) for altering the topography of any tract of land as long as the alteration is not for the sole or predominant purpose of impounding or obstructing surface waters. The bill revises the current agricultural exemption to specify that certain agricultural activities may impede or divert the flow of surface waters or adversely impact wetlands, as long as it is not the sole or predominant purpose of the agricultural activity or alteration. The bill also provides retroactive application of the exemption to July 1, 1984.¹

The bill allows the WMD or a landowner to request a determination from the Department of Agriculture and Consumer Services (department) when a dispute regarding an exemption occurs. The bill further states that the determination by the department is binding. The bill authorizes the department and the WMDs to enter into a new memorandum of understanding (MOU), or amend an existing MOU, to propose procedures by which the department will undertake the review and determination process. The department is given rule-making authority to implement these processes.

The bill provides that mitigation to offset any adverse effects of lands converted to a non-agricultural use is not necessary if the damage occurred in at least 4 of the last 7 years preceding the conversion.

And lastly, the bill amends the definition of agricultural activities to include: cultivating, fallowing, and leveling, and provides that such activities constitute "agricultural activities" provided the activities are not for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands.

The legislation appears to have a negative fiscal impact of approximately \$175,000 to state government in the form of increased expenses by the department. The bill does not appear to have a fiscal impact on local governments.

¹ The effective date of the Warren S. Henderson Wetlands Protection Act.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Section 1

Present Situation

In 1984, the Legislature passed the Warren S. Henderson Wetlands Protection Act² (act), which was the first concerted effort at protecting and managing wetlands in the state. Among other things, the legislation established a permitting system for dredge and fill permits. The act also provided an exemption from the permitting process for “normal and necessary” agriculture and forestry operations. The act placed agricultural operations under the control of the water management districts (WMDs) rather than under the jurisdiction of the then-Department of Natural Resources (DNR).

In 1993, during the reorganization of the DNR to the Department of Environmental Protection (DEP), the Wetlands Protection Act was repealed, with the exception of section 403.927, F.S. Section 403.927, F.S., provides that “agricultural activities”³ are not subject to specific discharge permits, except that DEP may require a stormwater permit or discharge permit at the point of discharge from an agricultural water management system.

Current law⁴ also allows persons engaged in certain agriculture occupations⁵ to alter the topography of any tract of land without obtaining an environmental resource permit from a WMD. The current exemption states that the alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters.

In 2009, a large agricultural company filed suit⁶ against one of the WMDs in regards to the agricultural exemption in s. 373.406(2), F.S. The WMD alleged the defendant had constructed numerous drainage ditches on its property without first obtaining required permits from the district. The defendant claimed the construction fell under the exemption afforded through s. 373.406 (2), F.S., since the ditches were consistent with the practice of agricultural activities and not for the “...sole or predominant purpose of impounding or obstructing surface waters...” The court ruled in favor of the WMD, stating that the provisions in s. 403.927, F.S., virtually eliminate the agricultural exemption in s. 373.406(2), F.S., as it applies to alterations impacting wetlands.

Effect of Proposed Changes

The bill revises the agricultural exemption in current law to specify that certain agricultural activities may impede or divert the flow of surface waters or adversely impact wetlands, as long as it is not the sole or predominant purpose of the said activity or alteration. The bill also provides retroactive application of the exemption to July 1, 1984.⁷

² HB 1187, Sections 403.91-403.929, F.S.

³ “Agricultural activities” includes all necessary farming and forestry operations which are normal and customary for the area, such as site preparation, clearing, fencing, contouring to prevent soil erosion, soil preparation, plowing, planting, harvesting, construction of access roads, and placement of bridges and culverts, provided such operations do not impede or divert the flow of surface waters.

⁴ Section 373.406(2), F.S.

⁵ Silviculture, floriculture and horticulture.

⁶ *A. Duda and Sons, Inc. v. St. Johns River Water Management District*, 17 So. 3d 738 (Fla. 5th DCA 2009) (Duda I) and 22 So.3d 622 (Fla. 5th DCA 2009) (Duda II)

⁷ The effective date of the Warren S. Henderson Wetlands Protection Act.

Section 2

Present Situation

In 2006, the Legislature enacted legislation⁸ that required the Department of Agriculture and Consumer Services (department) and the WMDs to enter into a memorandum of understanding (MOU) authorizing the department to assist the WMDs, at their request, in determining whether an existing or proposed activity qualifies for the agricultural exemption in s. 373.406(2), F.S. Currently, the determination issued by the department is non-binding, meaning the WMDs are not required to comply with the department's determination.

The department states that, on average, one or two requests for a determination are received per year. The department conducts a site visit, technical support materials are reviewed and a written non-binding conclusion is sent back to the appropriate WMD.

Effect of Proposed Legislation

The bill allows the WMD or a landowner to request a determination from the department when a dispute regarding the agricultural exemption in s. 373.406(2), F.S., occurs. The bill further states that the department has exclusive authority to make a binding determination.

The bill authorizes the department and the WMDs to enter into a new MOU, or amend an existing MOU, to propose procedures by which the department will undertake the review and determination process. The department is given rule-making authority to implement these processes.

According to the department, the workload of the department may substantially increase since the requests may now originate from the landowner as well as the WMDs.

Section 3

Present Situation

Current law states that when land transfers from an agricultural use to a use other than agriculture, the non-agricultural land is no longer entitled to the agricultural exemption.

Effect of Proposed Legislation

The bill provides that mitigation to offset any adverse effects of lands converted to a non-agricultural use is not necessary if the damage occurred in at least 4 of the last 7 years preceding the conversion.

The bill amends the definition of agricultural activities in s. 403.927, F.S., to include: cultivating, fallowing, and leveling, and provides that such activities constitute "agricultural activities" provided that the activities are not for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands.

Section 4

The bill takes effect on July 1, 2011.

B. SECTION DIRECTORY:

Section 1: Amending s. 373.406, F.S.; revising the exemption to include impacts to surface waters and wetlands; and, providing for retroactive application.

Section 2: Amending s. 373.407, F.S.; providing the Department of Agriculture and Consumer Services (department) with the exclusive authority to determine whether agricultural exemptions apply under certain conditions; authorizing the department to enter into a memorandum of agreement with the water management districts; and, allowing the department to adopt rules necessary for implementation.

⁸ HB 1015

Section 3: Amending s. 403.927, F.S.; providing an exemption from mitigation requirements for converted agricultural lands under certain conditions; and, amending the definition of "agricultural activities."

Section 4: 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:

	<u>FY 10-11)</u> <u>Amount/FTE</u>	<u>(FY11-12)</u> <u>Amount/FTE</u>	<u>(FY12-13)</u> <u>Amount/FTE</u>
Recurring*	\$175,000/2	\$175,000/2	\$175,000/2

*Department of Agriculture and Consumer Services' General Inspection Trust Fund

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Potentially positive for agriculture, as some agricultural operations that have been required to apply for and obtain a surface water permit (e.g., citrus, row crops) in the past may now be exempt from this requirement.

D. FISCAL COMMENTS:

None

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 Department of Agriculture and Consumer Services is given rule-making authority regarding the determination of qualification for an agricultural-related exemption.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The water management districts (WMDs) expressed various concerns with the legislation as written. Some of the concerns are:

- The bill empowers the Department of Agriculture and Consumer Services (department) as the sole regulator of wetlands on agricultural lands. The concern is whether the department has the expertise and/or manpower to carry out this requirement.
- The exemption allows the impediment of water up and downstream, which may result in a potential impact to other entities up or downstream, as well as state waters.
- The provision for negating the mitigation of adverse effects occurring before the conversion of the land appears to provide a “loophole” for flipping land from agricultural to development without obtaining a permit.
- Amending the current language to “....may not be for the sole effect of....” would make the exemption easier to identify.

Various industry representatives expressed positions contradicting some WMD concerns, principally that the bill restores the status quo prior to the 2009 5th DCA opinion.⁹

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁹ Cited in footnote 6.

HB 421

2011

1 A bill to be entitled
 2 An act relating to agricultural-related exemptions to
 3 water management requirements; amending s. 373.406, F.S.;
 4 revising an exemption for agricultural-related activities
 5 to include certain impacts to surface waters and wetlands;
 6 providing for retroactive application of the exemption;
 7 amending s. 373.407, F.S.; providing exclusive authority
 8 to the Department of Agriculture and Consumer Services to
 9 determine whether certain activities qualify for an
 10 agricultural-related exemption under specified conditions;
 11 requiring a specified memorandum of agreement between the
 12 department and each water management district; authorizing
 13 the department to adopt rules; amending s. 403.927, F.S.;
 14 providing an exemption from mitigation requirements for
 15 converted agricultural lands under certain conditions;
 16 revising the definition of the term "agricultural
 17 activities" to include cultivating, fallowing, and
 18 leveling and to provide for certain impacts to surface
 19 waters and wetlands; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:
 22

23 Section 1. Subsection (2) of section 373.406, Florida
 24 Statutes, is amended to read:

25 373.406 Exemptions.—The following exemptions shall apply:
 26 (2) Notwithstanding s. 403.927, nothing herein, or in any
 27 rule, regulation, or order adopted pursuant hereto, shall be
 28 construed to affect the right of any person engaged in the

HB 421

2011

29 occupation of agriculture, silviculture, floriculture, or
 30 horticulture to alter the topography of any tract of land,
 31 including, but not limited to, activities that may impede or
 32 divert the flow of surface waters or adversely impact wetlands,
 33 for purposes consistent with the practice of such occupation.
 34 However, such alteration or activity may not be for the sole or
 35 predominant purpose of impeding impounding or diverting the flow
 36 of obstructing surface waters or adversely impacting wetlands.
 37 This exemption has retroactive application to July 1, 1984.

38 Section 2. Section 373.407, Florida Statutes, is amended
 39 to read:

40 373.407 Determination of qualification ~~Memorandum of~~
 41 ~~agreement~~ for an agricultural-related exemption. In the event of
 42 a dispute as to the applicability of an exemption, No later than
 43 ~~July 1, 2007, the Department of Agriculture and Consumer~~
 44 ~~Services and each water management district shall enter into a~~
 45 ~~memorandum of agreement under which the Department of~~
 46 ~~Agriculture and Consumer Services shall assist in a~~
 47 ~~determination by a water management district~~ or landowner may ~~as~~
 48 ~~to whether an existing or proposed activity qualifies for the~~
 49 ~~exemption in s. 373.406(2). The memorandum of agreement shall~~
 50 ~~provide a process by which, upon the request of a water~~
 51 ~~management district, the Department of Agriculture and Consumer~~
 52 ~~Services~~ to make a binding determination ~~shall conduct a~~
 53 ~~nonbinding review~~ as to whether an existing or proposed activity
 54 qualifies for an agricultural-related exemption under ~~in~~ s.
 55 373.406(2). The Department of Agriculture and Consumer Services
 56 and each water management district shall enter into a memorandum

HB 421

2011

57 of agreement or amend an existing memorandum of agreement which
 58 sets forth shall provide processes and procedures by which the
 59 Department of Agriculture and Consumer Services shall undertake
 60 its this review, make a determination effectively and
 61 efficiently, and provide notice of its determination to the
 62 applicable water management district or landowner. The
 63 Department of Agriculture and Consumer Services has exclusive
 64 authority to make the determination under this section and may
 65 adopt rules to implement this section and s. 373.406(2) issue a
 66 recommendation.

67 Section 3. Subsection (3) and paragraph (a) of subsection
 68 (4) of section 403.927, Florida Statutes, are amended to read:

69 403.927 Use of water in farming and forestry activities.—

70 (3) If land served by a water management system is
 71 converted to a use other than an agricultural use, the water
 72 management system, or the portion of the system which serves
 73 that land, will be subject to the provisions of this chapter.
 74 However, mitigation under chapter 373 or this chapter to offset
 75 any adverse effects caused by agricultural activities that
 76 occurred before the conversion of the land is not required if
 77 the activities occurred on the land in at least 4 of the last 7
 78 years preceding the conversion.

79 (4) As used in this section, the term:

80 (a) "Agricultural activities" includes all necessary
 81 farming and forestry operations which are normal and customary
 82 for the area, such as site preparation, clearing, fencing,
 83 contouring to prevent soil erosion, soil preparation, plowing,
 84 planting, cultivating, harvesting, fallowing, leveling,

HB 421

2011

85 construction of access roads, and placement of bridges and
 86 culverts, provided such operations are not for the sole or
 87 predominant purpose of impeding ~~do not impede~~ or diverting
 88 ~~divert~~ the flow of surface waters or adversely impacting
 89 wetlands.

90 Section 4. This act shall take effect July 1, 2011.

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		Miller <i>G.H.W.</i>	Rubottom <i>D.R.</i>
3) Agriculture & Natural Resources Appropriations Subcommittee			
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.¹ 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.² 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.³

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

Non-profit organizations such as Wounded Warrior Outdoors, Inc.⁸ and Wounded Warriors In Action⁹ 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.

¹ Section 589.21, F.S.

² Section 589.04(4), F.S.

³ Section 589.04(1)(B), F.S.

⁴ *State Forests in Florida*, DIVISION OF FORESTRY, http://www.fl-dof.com/state_forests/#history (last visited Feb. 25, 2011).

⁵ *State Forest Recreation*, DIVISION OF FORESTRY, http://www.fl-dof.com/forest_recreation/index.html (last visited Feb. 25, 2011).

⁶ *Id.*

⁷ *Id.*

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

⁹ 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.¹⁰ 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 manages¹¹ and more narrow authority pertaining to forest management.¹² 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:

¹⁰ Division of Forestry web site at http://www.fl-dof.com/forest_recreation/fees.html.

¹¹ S. 589.011(4).

¹² S. 589.12.

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 manages¹³ and more narrow authority pertaining to forest management.¹⁴ 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

¹³ S. 589.011(4).

¹⁴ S. 589.12.

HB 663

2011

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

HB 663

2011

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.

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		Jensen 	Rubottom 
3) Agriculture & Natural Resources Appropriations Subcommittee			
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 1969¹ (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 minimal² with the signage transition occurring over a three-year period. The bill does not appear to have a fiscal impact on local governments.

¹ 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."

² \$6,600 (non-recurring)

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 1969³ (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.

³ 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 minimal⁴ with the signage transition occurring over a three-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.

⁴ \$6,600 (non-recurring)

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.

CS/HB 735

2011

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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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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.~~

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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~~

CS/HB 735

2011

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

CS/HB 735

2011

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.

CS/HB 735

2011

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.

CS/HB 735

2011

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.

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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:

CS/HB 735

2011

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, ~~+~~
 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

CS/HB 735

2011

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,

CS/HB 735

2011

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:

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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.—

CS/HB 735

2011

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~~

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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:

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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 ~~ne~~ 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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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:

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:

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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 ~~or~~
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.

CS/HB 735

2011

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

CS/HB 735

2011

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.

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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,

CS/HB 735

2011

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~~

CS/HB 735

2011

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

CS/HB 735

2011

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;

CS/HB 735

2011

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

CS/HB 735

2011

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~~.

CS/HB 735

2011

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.

CS/HB 735

2011

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~~.

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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:

CS/HB 735

2011

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

CS/HB 735

2011

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. ~~7, 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,~~

CS/HB 735

2011

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

CS/HB 735

2011

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 ~~te~~ 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

CS/HB 735

2011

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 ~~cities, 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.

CS/HB 735

2011

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

CS/HB 735

2011

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

CS/HB 735

2011

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 ~~whosoever~~ 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.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RRS 11-01 Legislative Ratification of Administrative Rules

SPONSOR(S): Rulemaking & Regulation Subcommittee

TIED BILLS: IDEN./SIM. BILLS: CS/SB 396

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rulemaking & Regulation Subcommittee		Miller <i>E.H.M.</i>	Rubottom <i>DR</i>

SUMMARY ANALYSIS

The Florida Building Code sets uniform, comprehensive statewide standards for all aspects of construction in Florida. The Florida Building Commission, administratively housed in the Department of Community Affairs, is responsible for adopting, amending, and updating the Code. The statute requires the Commission to fully update the Code every three years according to the review cycle followed by national authorities of the specific codes (such as plumbing and electrical) which are used as bases for the Florida Code. By law the triennial process must comply with the rulemaking procedures of the Administrative Procedures Act ("APA").

The substantive statutes guiding the Commission in adopting the Code provide detailed requirements for the scope of material included in the triennial updates. Further protection for the public is provided by the APA and by a statutory requirement that the update be adopted at least 6 months prior to its effective date. Express legislative intent requires the Code be sufficiently comprehensive to effectively protect the public health, safety, and welfare at a reasonable cost to consumers. A large number of substantive bills and amendments are considered each legislative session relating to particulars of the Code, keeping the Legislature active in policy oversight.

In November, 2010, the Legislature enacted amendments to the APA requiring legislative ratification of agency rules that exceed particular thresholds of regulatory cost or economic impact. The Commission has initiated rulemaking to adopt its most recent triennial update of the Code. DCA estimates the Code update will be adopted sometime in May or in June, 2011, after the current legislative session. Due to its comprehensive nature, DCA projects the total regulatory costs and economic impact of the updated Code will exceed the statutory threshold requiring legislative ratification. If only adopted rules are considered for ratification, the earliest the updated Code may be ratified would be during the 2012 regular session.

PCB RRS 11-01 creates a narrow exemption to legislative ratification for updates to the Florida Building Code. The exemption will allow the process to be completed without ratification, without hindering legislative oversight of the process.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

1. Present Situation

The Florida Building Code

The Florida Building Code ("Code") is the unified building code applicable statewide as authorized by statute.¹ The overall purpose for the Code is to create within a single set of documents uniform standards applicable to all aspects of construction in Florida to provide effective and reasonable protection for public health, safety, and welfare "...at the most reasonable cost to the consumer."² The Florida Building Commission ("Commission")³ is responsible for adopting, updating, and general administration of the Code. With certain exceptions, enforcement of the Code is through duly-authorized state and local agencies.⁴

The law provides detailed sections on legislative intent⁵, Code adoption and contents,⁶ specific processes for different types of amendments,⁷ the triennial comprehensive update conducted by the Commission,⁸ and the Commission's powers.⁹ The express intent of the law is for the Commission to use the statutory rulemaking requirements and process¹⁰ for adopting, amending, or updating the Code.¹¹

553.72 Intent. —

...

(3) It is the intent of the Legislature that the Florida Building Code be adopted, modified, updated, interpreted, and maintained by the Florida Building Commission in accordance with ss. 120.536(1) and 120.54 and enforced by authorized state and local government enforcement agencies.

This intent is made a specific requirement in the substantive sections on adoption,¹² amendments,¹³ and updates.¹⁴ In addition, a large number of substantive bills and amendments are considered by the Legislature each year, keeping the Legislature actively engaged in the process of continual revision.

The Commission is required to update the Code every 3 years, following the statutory rulemaking process in the APA. The statute also provides a minimum time of 6 months between adoption of the updated Code and its effective date.¹⁵ The Department of Community Affairs ("DCA") publishes the notices required for rulemaking¹⁶ as part of its duties to provide the Commission with administrative and staff support.¹⁷

¹ Ch. 553, Part IV, Florida Building Code.

² S. 553.72(1).

³ S. 553.74.

⁴ S. 553.80.

⁵ S. 553.72.

⁶ S. 553.73(1)-(3).

⁷ S. 553.73(3) & (9)-technical amendments, (4) & (5)-amendments by local authorities, (8)-substantive amendments.

⁸ S. 553.73(7).

⁹ S. 553.74 - 553.77

¹⁰ S. 120.536(1) and 120.54. Chapter 120 is Florida's Administrative Procedures Act or "APA".

¹¹ S. 553.72(3).

¹² S. 553.73(1)(a).

¹³ S. 553.73(3), (8), & (9).

¹⁴ S. 553.73(7)(a).

¹⁵ S. 553.73(7)(e). Under s. 120.54(3)(e)6, the normal time for an adopted rule to become effective is 20 days after being filed for adoption unless the time is properly extended for 60 days. Under s. 120.541(3), legislative ratification is a separate condition before certain rules go into effect.

¹⁶ Notice of proposed rule 9N-1.001, to adopt the 2010 updates to the Code, published by DCA on January 7, 2011, at <https://www.flrules.org/gateway/ruleNo.asp?id=9N-1.001>.

¹⁷ S. 553.75(3).

The statute imposes detailed requirements the Commission must follow to adopt, amend, review, and update the Code in addition to following APA procedural requirements.¹⁸ The resulting Code contains or incorporates the laws and rules pertaining to all major aspects of public and private building construction in Florida, from broad areas including design, physical construction, modification, repair, and even demolition,¹⁹ to specific matters from structural and mechanical systems to elevators and coastal construction standards.²⁰ The Code must reference without change the Florida Fire Prevention and Life Safety Codes adopted by Department of Financial Services rule.²¹ When updating the Code the Commission is required to create the Code's foundation by incorporating the most current versions of a number of standard codes, such as the International Plumbing Code and the National Electrical Code.²² The entire process of updating the Code is subject to extensive statutory direction,²³ continual legislative revision, and the procedural protections of the APA rulemaking process.²⁴

Legislative Ratification

DCA estimates compliance by businesses and consumers simply with the local construction permitting requirements resulting from the existence and enforcement of the Code readily exceed an aggregate of \$1 million over 5 years.²⁵ Where the Code is adopted in compliance with the Legislature's primary intent and protects public health, safety, and welfare at the least cost to the consumer,²⁶ the resulting direct or indirect regulatory costs are likely to exceed the statutory threshold which mandates ratification.²⁷ Legislative ratification is required when the economic impact of a proposed rule exceeds specific statutory criteria:

(3) If the adverse impact or regulatory costs of the rule exceed any of the criteria established in paragraph (2)(a), the rule shall be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature.²⁸

The terms of the statute are specific: legislative ratification is intended only as a condition before certain rules²⁹ take effect. Under current law a rule must be filed for adoption before it may take effect³⁰ thus ensuring the full availability of all procedural protections afforded to protect those who will be impacted by the new rule.³¹ Since statutes must be read together and interpreted to give full effect to the terms of each,³² a rule must be filed for adoption before being submitted for legislative ratification.

The Commission currently is completing the third triennial update to the Code and has begun the rulemaking process.³³ DCA anticipates the rule incorporating the final version of the updated Code will be ready to file for adoption after May 6 but before June 30, 2011.³⁴ Absent the requirement of legislative ratification the Code thus would become effective no later than December 31, 2011.³⁵ However, since the

¹⁸ S. 553.73.

¹⁹ S. 553.73(1)(a).

²⁰ S. 553.73(2).

²¹ S. 553.73(1)(c).

²² S. 553.73(7)(a).

²³ Ch. 553, Part IV.

²⁴ S. 120.54, 120.56.

²⁵ 3/11/2011 conversation with Jim Richmond, Asst. Gen. Counsel, DCA, counsel for Florida Building Commission.

²⁶ S. 553.72.

²⁷ S. 120.541(2)(a).

²⁸ S. 120.541(3).

²⁹ A "rule" is defined as an agency statement of general applicability which implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of and agency; the term also applies to certain agency forms. S. 120.52(16). A rule is enforceable only if promulgated pursuant to the rulemaking process in Chapter 120. *Coventry First, LLC v. OIR*, 38 So. 3d 200, 203 (Fla. 1st DCA 2010).

³⁰ S. 120.54(30)(e)6.

³¹ S. 120.54(3)(e)3, 4.

³² *Almerico v. RLI Insurance Company*, 716 So. 2d 774, 779 n. 7 (Fla. 1998); *Forsythe v. Longboat Key Beach Erosion Control District*, 604 So. 2d 452, 455 (Fla. 1992).

³³ Notice of Proposed Rule 9N-1.001, supra.

³⁴ See n. 25, above.

³⁵ S. 553.73(7)(a).

regulatory costs resulting from the operation of the Code will exceed the level of economic impact requiring legislative ratification, and the Code will not be adopted through rulemaking prior to the end of the regular session of the Legislature, under present law the earliest the Code could be considered for ratification would be during the 2012 regular session.

2. Effect of Proposed Changes

PCB RRS 11-01 exempts only the triennial update process for the Code from the requirements of legislative ratification in s. 120.541(3). This prevents delay in implementing the updated Code and reduces uncertainty for the construction industry, local governments, and consumers.

B. SECTION DIRECTORY:

Section 1 amends s. 120.541(3) to exempt the triennial update of the Florida Building Code from the requirement of legislative ratification.

Section 2 provides the act is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate but anticipated to be none.

2. Expenditures:

Indeterminate but anticipated to be none.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate but anticipated to be none.

2. Expenditures:

Indeterminate but anticipated to be none.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate but anticipated to be none. Legislative ratification might generate an opportunity for public pressure to block or delay the effective date of a Code update containing significant economic impacts. But the ordinary process of legislative revision and public participation in rulemaking appear to be as effective for the protection of the private sector from unnecessary economic impacts.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. PCB RRS 11-01 does not 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:

B. RULE-MAKING AUTHORITY:

PCB RRS 11-01 exempts the adoption of the Florida Building Code triennial update from the requirement of legislative ratification. No further authority is needed.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

PCB RRS 11-01

ORIGINAL

2011

1 A bill to be entitled
 2 An act relating to the legislative ratification of
 3 administrative rules; amending s. 120.541, F.S.; exempting
 4 updates to the Florida Building Code from the requirement
 5 of legislative ratification; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Subsection (3) of section 120.541, Florida
 10 Statutes, is amended to read:

11 120.541 Statement of estimated regulatory costs.—

12 (3) If the adverse impact or regulatory costs of the rule
 13 exceed any of the criteria established in paragraph (2)(a), the
 14 rule shall be submitted to the President of the Senate and
 15 Speaker of the House of Representatives no later than 30 days
 16 prior to the next regular legislative session, and the rule may
 17 not take effect until it is ratified by the Legislature. This
 18 subsection does not apply to the adoption of updates to the
 19 Florida Building Code made pursuant to s. 553.73(7).

20 Section 2. This act shall take effect upon becoming a law.



FLORIDA HOUSE OF REPRESENTATIVES

Rules & Calendar Committee Rulemaking & Regulation Subcommittee

Dean Cannon
Speaker

Chris Dorworth
Chair

MEMORANDUM

To: Subcommittee Members
From: Eric H. Miller, Committee Attorney
Date: March 15, 2011
Re: DOE Rules 6A-22.010 & 6A-22.011

Summary

Section 440.491 relates to the rehabilitation and reemployment of individuals receiving workers compensation benefits. Under the statute the Department of Education monitors the rehabilitation of employees receiving benefits for extended periods of time as well as progress toward rehabilitation and a return to work.¹ The Department has adopted electronic reporting rules that have raised concerns among small businesses providing rehabilitative services.

Rulemaking Authority

For Rules 6A-22.010 and 6A-22.011, the Department relied upon s. 440.491(5), (6), & (7) for general rulemaking authority and s. 440.491 as the substantive law being implemented by rulemaking. The statute provides rulemaking authority for the following areas:

- Carrier reports of the date employees are reemployed and their wages, and reports of voluntary services provided by the carrier.²
- Department determination of factors relevant to approving formal training and education programs, and training and education standards for employee eligibility, course requirements, and certain related costs.³

¹ S. 440.419(2).

² S. 440.491(5)(c)

³ S. 440.491(6)(a)

- Rules to implement s. 440.491, including requirements for carriers to notify injured employees of training and education benefits provided by law.⁴
- The minimum qualifications, credentials, and requirements each rehabilitation service provider must have to be listed in the Department's directory of qualified providers.⁵
- Rules governing professional practices and standards.⁶

Rules of Concern:

In reliance on such authority, the Department adopted the following rules:

- Rule 6A-22.010⁷, details the responsibilities of employers, carriers (entities authorized to write workers' compensation insurance), and qualified rehabilitation service providers to report plans, service information, and bills for services. The rule requires rehabilitation service providers⁸ and employers or carriers⁹ to report billings for reemployment services on Department form DWC-21. Electronic submission of this form was required to begin in November, 2010.¹⁰
- Rule 6A-22.011¹¹ incorporates the updated forms, including form DWC-21. Carriers are required to file the DWC-21 electronically.¹²

A qualified rehabilitative service provider who fails to submit the written reports and additional information required by the rule faces the loss of contract rights.¹³

Industry representatives for rehabilitative providers objected during the rulemaking process stating that the electronic filing requirement would be too burdensome for their members, the majority of which are small businesses. According to their information, this particular electronic filing requires proprietary software which costs approximately \$3,000 per license. While the Department required carriers to file electronically, the provider industry assert the carriers require the providers to whom they assign cases to provide their information in the same electronic format. The industry thus asserts the rule applicable to carriers still results in an indirect requirement for providers to purchase expensive software.

⁴ S. 440.491(6)(b)

⁵ S. 440.491(7)(a)

⁶ S. 440.491(7)(e)

⁷ Florida Administrative Code Rule 6A-22.010, Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities.

⁸ 6A-22.010(6)

⁹ 6A-22.010(9)

¹⁰ Rule 6A-22.010(13) required electronic submission to begin 18 months after the rule became effective on May 7, 2009.

¹¹ Florida Administrative Code Rule 6A-22.011, List of Forms.

¹² 6A-22.011(1)(a)

¹³ 6A-22.010(5)