

## Committee Substitute for House Bill No. 1535

An act relating to wildfires; amending s. 590.01, F.S.; providing the Division of Forestry of the Department of Agriculture and Consumer Services with the responsibility to prevent, detect, and suppress wildfires; creating s. 590.015, F.S.; defining terms; amending s. 590.02, F.S.; authorizing the division to appoint additional personnel to fight wildfires; providing for wildfire training and fire management and emergency response assistance; providing for agreements or contracts with the private sector for fire prevention activities; providing for the Florida Center for Wildfire and Forest Resources Management Training; providing for fees for the operation of the center; creating an advisory committee; amending s. 590.081, F.S.; prohibiting burning in severe drought conditions without permission; amending s. 590.082, F.S.; revising provisions relating to declarations of severe drought emergencies; providing a requirement for executive orders by the Governor relating to extraordinary fire hazards; providing a penalty for certain travel through hazardous areas; amending s. 590.091, F.S.; providing for designation of railroad rights-of-way in wildfire areas; amending s. 590.10, F.S.; providing a penalty for the disposal of lighted substances; amending s. 590.11, F.S.; providing restrictions on recreation fires; creating s. 590.125, F.S.; providing conditions for noncertified burning and certified prescribed burning; amending s. 590.13, F.S.; providing for civil liability; amending s. 590.14, F.S.; authorizing the division to issue warning citations; providing for a notice of violation; providing for the recovery of fire suppression costs; amending s. 590.16, F.S.; providing for discretionary rewards; amending s. 590.25, F.S.; providing a penalty for obstructing the extinguishing of wildfires; amending s. 590.27, F.S.; correcting an organizational reference; amending s. 590.28, F.S.; providing penalties for the careless or intentional burning of wild lands; amending s. 590.29, F.S.; providing a penalty for the illegal possession of incendiary devices; amending ss. 590.33, 590.34, and 590.42, F.S.; correcting organizational references; amending s. 259.032, F.S.; providing for the use of Conservation and Recreation Lands funds to manage additional lands; providing for uses of management equipment; amending s. 372.57, F.S.; providing an exemption to the recreational user permit fee; repealing s. 590.025, F.S., relating to control burning, s. 590.026, F.S., relating to prescribed burning, s. 590.03, F.S., relating to fire wardens, s. 590.04, F.S., relating to the organization of districts, s. 590.05, F.S., relating to road crews to extinguish fires, s. 590.06, F.S., relating to rules for road crews, s. 590.07, F.S., relating to a penalty, s. 590.08, F.S., relating to the unlawful burning of lands, s. 590.09, F.S., relating to setting fires on rights-of-way, s. 590.12, F.S., relating to unlawful burning, and s. 590.30 F.S., relating to penalties; providing an appropriation; providing for the rebuilding of certain structures; providing an effective date.

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

Section 1. Section 590.01, Florida Statutes, is amended to read:

590.01 Wildfire protection Protection of forests and wild land.—The division of Forestry of the Department of Agriculture and Consumer Services has the primary responsibility for prevention, detection, and suppression of wildfires wherever they may occur forest and wild land fire protection. The division shall provide leadership and direction in the evaluation, coordination, allocation of resources, and monitoring of wildfire management and protection, ~~which reduces threats to life and property, forest and wild land resources, and other related values at risk.~~ The division shall promote natural resource management and ~~wild land and forest~~ fuel reduction through the use of prescribed fire and other fuel reduction measures. ~~The division may designate and establish protection districts in areas declared to need additional protection.~~

Section 2. Section 590.015, Florida Statutes, is created to read:

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

(1) “Division” means the Division of Forestry of the Department of Agriculture and Consumer Services.

(2) “Fire management services” means presuppression fireline plowing, contract prescribed burning, prescribed and wildfire management training, and other activities associated with prevention, detection, and suppression of wildfires.

(3) “Fuel reduction” means the application of techniques that reduce vegetative fuels, and may include prescribed burning, manual and mechanical clearing, and the use of herbicides.

(4) “Wildfire” means any vegetative fire that threatens to destroy life, property, or natural resources.

(5) “Wild land” means any public or private managed or unmanaged forest, urban/interface, range land, recreation lands, or any other land at risk of wildfire.

Section 3. Section 590.02, Florida Statutes, is amended to read:

590.02 Division powers, authority, and duties; law enforcement; liability; building structures; Florida Center for Wildfire and Forest Resources Management Training.—

(1) ~~The division has of Forestry, in connection with the enforcement of this chapter and other forest and forest fire laws, shall have the following powers, authority, and duties:~~

(a) ~~To enforce the provisions of this chapter and other forest fire and forest protection laws of this state;~~

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

(c) To provide ~~forest~~ firefighting crews, who shall be under the control and direction of the division ~~forest rangers~~ and its ~~other~~ designated agents of the division;

(d) To appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, senior forest rangers ~~foresters, assistant district foresters, investigators, forest rangers, firefighter rotorcraft pilots,~~ and other employees who may, at the division's discretion, be certified as forestry firefighters pursuant to s. 633.35(4);

(e) To develop a training curriculum for forestry firefighters which must ~~shall~~ contain the basic volunteer a minimum of 280 hours, including 40 hours of structural fire training course approved ~~conducted~~ by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training;

~~(f) To use the resources of the division on state-owned parks and historic memorials wherever located within the state to prevent and suppress fires, to cut firelines, to establish regional firefighting crews who shall be authorized to suppress fires on state-owned park lands, and, subject to approval of the Executive Office of the Governor, to use funds not otherwise appropriated for the purchase of the necessary equipment for combating fires in state parks;~~

~~(f)(g)~~ To make rules to accomplish the purposes of this chapter; and

~~(g)(h)~~ To provide fire management services and emergency response assistance ~~forest protection services to the public on a request basis~~ and to set and charge reasonable fees for performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the division.

(2) Division employees ~~Forest rangers,~~ and the firefighting crews under their control and direction, may enter upon any lands for the purpose of preventing and suppressing wildfires and investigating smoke complaints or open burning not in compliance with authorization ~~forest fires~~ and to enforce the provisions of this chapter ~~and other forest fire and forest protection laws of this state.~~

(3) ~~Forest rangers,~~ Employees of the division, and of all persons ~~and federal, and state, and local agencies, and all other persons and entities that~~ which are under contract or agreement with the division to assist in firefighting operations as well as those entities ~~persons, federal or state agencies, firms, companies, or corporations~~ called upon by ~~forest rangers or other authorized employees of the division~~ to assist in firefighting under the direction or supervision of employees of the division may, in the performance of their duties, set counterfires, remove fences and other obstacles, backfires,

dig trenches, cut firelines, use water from public and private sources, and carry on all other customary activities in the fighting of wildfires ~~forest fires~~ without incurring liability to any person or entity.

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

(5) The division shall organize its operational units to most effectively prevent, detect, and suppress wildfires, and to that end, may employ the necessary personnel to manage its activities in each unit. The division may construct lookout towers, roads, bridges, firelines, and other facilities and may purchase or fabricate tools, supplies, and equipment for firefighting. The division may reimburse the public and private entities that it engages to assist in the suppression of wildfires for their personnel and equipment, including aircraft.

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

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

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

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

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

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

(e) An advisory committee consisting of the following individuals or their designees must review program curriculum, course content, and scheduling: the Director of the Florida Division of Forestry; the Assistant Director of the Florida Division of Forestry; the Director of the School of Forest Resources

and Conservation of the University of Florida; the Director of the Division of Recreation and Parks of the Department of Environmental Protection; the Director of the Division of the State Fire Marshal; the Director of the Florida Chapter of The Nature Conservancy; the Executive Vice President of the Florida Forestry Association; the President of the Florida Farm Bureau Federation; the Executive Director of the Florida Game and Fresh Water Fish Commission; the Executive Director of a Water Management District as appointed by the Commissioner of Agriculture; the Supervisor of the National Forests in Florida; the President of the Florida Fire Chief's Association; and the Executive Director of the Tall Timbers Research Station.

Section 4. Section 590.081, Florida Statutes, is amended to read:

590.081 Severe Emergency drought conditions; burning prohibited.—

~~(1) It is unlawful for any person to set fire to, or cause fire to be set to, any forest, grass, woods, wild lands, or marshes, or to build a campfire or bonfire or to burn trash or other debris within 600 yards of any forest, grasslands, woods, wild lands, or marsh area in any county, counties or area within a county where, because of emergency drought conditions, there is extraordinary danger from fire, unless a written permit is obtained from the Division of Forestry or its designated agent, or unless it can be established that the setting of a backfire was necessary for the purpose of saving life or property. The burden of proving such shall rest on such person claiming same as a defense.~~

~~(1)(2) The Commissioner of Agriculture, upon the advice of the director of the division of Forestry, will advise the Governor when forests in any county, counties, or area within a county of this state, because of emergency drought conditions, are in extraordinary danger from fire. The Governor may by proclamation declare a severe drought emergency to exist and describe the general boundaries of the area affected.~~

~~(2)(3) Any declaration proclamation promulgated by the Commissioner of Agriculture Governor under authority of this section shall be effective immediately upon being filed filing same with the Department of State and shall remain in full force and effect until, when conditions warrant a revocation. In order to end the declaration, the commissioner must file a revocation of the declaration with the Department of State, an order of revocation of proclamation is made by the Governor and filed with the Department of State.~~

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

~~(4) Any person violating any of the provisions of this section commits shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 5. Section 590.082, Florida Statutes, is amended to read:

590.082 Extraordinary fire hazard; certain acts made unlawful; proclamations by the Governor.—

~~(1) When the Commissioner of Agriculture has declared a severe drought emergency to exist and described the general boundaries of the area affected as prescribed in s. 590.081 and the drought emergency continues until the wild lands become so dry or parched as to create an extraordinary fire hazard, the commissioner will advise the Governor that because of prolonged severe drought conditions an extraordinary fire hazard that could endanger life or property exists on wild lands. When the Governor has by proclamation declared a drought emergency to exist and described the general boundaries of the area affected as prescribed in s. 590.081 and the drought emergency continues until the forest, grass, woods, wild lands, fields, or marshes become so dry or parched as to create an extraordinary fire hazard endangering life and property, it shall be unlawful for any person, except the owner or his or her agents or other persons regularly engaged in harvesting, processing, or moving forest or farm products, to enter or travel in any public or private forest lands, grasslands, woods, fields, or marshes within the area described by proclamation, except on public roads or highways or on well-defined private roads. Further, it shall be unlawful for any person to carry on any nonessential activities during such periods in the area affected.~~

~~(2) The Commissioner of Agriculture, upon the advice of the director of the Division of Forestry, will, with the consent of the chair of the board of county commissioners of the affected county or counties, advise the Governor when forests, grass, woods, wild lands, fields, or marshes in any county, counties, or area within a county of this state, because of prolonged emergency drought conditions, become so dry or parched as to create an extraordinary fire hazard endangering life or property.~~

(2) The Governor may by proclamation declare an extraordinary fire hazard to exist and describe the general boundaries of the area affected.

(3) Any proclamation promulgated by the Governor under authority of this section shall be effective immediately upon filing same with the Department of State and shall remain in effect until, when conditions warrant, an order of revocation of proclamation is made by the Governor and filed with the Department of State.

(3) It is unlawful for any person, except the owner or his or her agents, or persons with express permission of the landowner, or other persons regularly engaged in harvesting, processing, or moving forest or farm products, to enter or travel in any public or private wild land within the area described by proclamation, except on public roads or highways or on well-defined private roads.

(4) Any person violating any of the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 shall be punished as for a misdemeanor as provided by s. 590.14.

Section 6. Section 590.091, Florida Statutes, is amended to read:

590.091 Designation of railroad rights-of-way as wildfire ~~fire~~ hazard areas.—

(1) ~~The division may of Forestry, after notification to the local government to be affected by its actions, is authorized to annually designate, on or before October 1, those railroad rights-of-way in this state which are known wildfire fire hazard areas.~~

(2) ~~In addition to the requirements of 49 C.F.R. chapter II, part 213, subpart B, It shall be the duty of all railroad companies operating in this state to maintain their rights-of-way designated as provided in subsection (1), as known wildfire high fire hazard areas, in an approved condition as shall be prescribed by rule of the division and to provide adequate firebreaks where needed, so as to prevent fire from igniting or spreading from rights-of-way to adjacent property.~~

Section 7. Section 590.10, Florida Statutes, is amended to read:

590.10 Disposing of lighted substances ~~cigars~~, etc.—

(1) ~~It is unlawful for any person to throw, or drop, or dispose of from an automobile or vehicle, or otherwise, a lighted match, cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may or does cause a wildfire forest, grass, or woods fire.~~

(2) Anyone who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Section 590.11, Florida Statutes, is amended to read:

590.11 Recreational fires ~~Campfires~~.—It is unlawful for any individual or group of individuals to build a warming fire, bonfire, fire or campfire and leave it same unattended or unextinguished.

Section 9. Section 590.125, Florida Statutes, is created to read:

590.125 Open burning authorized by the division.—

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

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

(b) “Certified prescribed burn manager” means an individual who successfully completes the certification program of the division and possesses a valid certification number.

(c) “Prescription” means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a prescribed burn.

(d) “Extinguished” means that no spreading flame for wild land burning or certified prescribed burning, and no visible flame, smoke, or emissions for vegetative land-clearing debris burning, exist.

(2) NONCERTIFIED BURNING.—

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

1. There is specific consent of the landowner or his or her designee;
2. Authorization has been obtained from the division or its designated agent before starting the burn;
3. There are adequate fire breaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire;
4. The fire remains within the boundary of the authorized area;
5. Someone is present at the burn site until the fire is extinguished;
6. The division does not cancel the authorization; and
7. The division determines that air quality and fire danger are favorable for safe burning.

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

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

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

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

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

3. Forestland and rangeland constitute significant economic, biological, and aesthetic resources of statewide importance. Prescribed burning on forestland prepares sites for reforestation, removes undesirable competing vegetation, expedites nutrient cycling, and controls or eliminates certain forest pathogens. On rangeland, prescribed burning improves the quality and quantity of herbaceous vegetation necessary for livestock production.

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



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

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

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

(b) Certified prescribed burning must be conducted in accordance with this subsection and:

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

2. Requires that a written prescription be prepared before receiving authorization to burn from the division.

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

4. Requires that an authorization to burn be obtained from the division before igniting the burn.

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

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

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

(c) A property owner or his or her agent is neither liable for damage or injury caused by the fire or resulting smoke nor considered to be in violation of subsection (2) for burns conducted in accordance with this subsection unless gross negligence is proven.

(d) Any certified burner who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The division shall adopt rules for the use of prescribed burning and for certifying and decertifying certified prescribed burn managers based on their past experience, training, and record of compliance with this section.

(4) WILDFIRE HAZARD REDUCTION BURNING BY THE DIVISION.—The division may prescribe burn any area of wild land within the state which is reasonably determined to be in danger of wildfire in accordance with the following procedures:

(a) Describe the areas that will be prescribe burned to the affected local governmental entity.

(b) Publish a prescribed burn notice, including a description of the area to be burned, in a conspicuous manner in at least one newspaper of general circulation in the area of the burn not less than 10 days before the burn.

(c) Prepare, and the county tax collector shall include with the annual tax statement, a notice to be sent to all landowners in each township designated by the division as a wildfire hazard area. The notice must describe particularly the area to be burned and the tentative date or dates of the burning and must list the reasons for and the expected benefits from prescribed burning.

(d) Consider any landowner objections to the prescribed burning of his or her property. The landowner may apply to the director of the division for a review of alternative methods of fuel reduction on the property. If the director or his or her designee does not resolve the landowner objection, the director shall convene a panel made up of the local forestry unit manager, the fire chief of the jurisdiction, and the affected county or city manager, or any of their designees. If the panel's recommendation is not acceptable to the landowner, the landowner may request further consideration by the Commissioner of Agriculture or his or her designee and shall thereafter be entitled to an administrative hearing pursuant to the provisions of chapter 120.

(5) DUTIES OF AGENCIES.—The Department of Education shall incorporate, where feasible and appropriate, the issues of prescribed burning into its educational materials.

Section 10. Section 590.13, Florida Statutes, is amended to read:

590.13 Civil liability.—Any person violating any of the provisions of this chapter shall be liable for all damages caused by such violation, which damages shall be recoverable in any court of competent jurisdiction. The civil liability attaches ~~shall obtain~~ whether or not there is ~~be~~ criminal prosecution and conviction ~~or not~~.

Section 11. Section 590.14, Florida Statutes, is amended to read:

590.14 Warning citation; notice of violation; penalties.—

(1) If unpredicted atmospheric conditions occur which cause an authorized fire to escape from the boundaries of the authorized area, if the fire does not leave the land owned or controlled by the authorization holder, and if no damage has occurred, the division may issue a warning citation of violation of s. 590.125. Whoever willfully or intentionally violates any of the provisions of this chapter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) If a division employee determines that a person has violated chapter 589 or chapter 590, he or she may issue a notice of violation indicating the statute violated. This notice will be filed with the division and a copy for-

warded to the appropriate law enforcement entity for further action if necessary.

(2) ~~Whoever carelessly violates any of the provisions of this chapter commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

(3)(a) ~~In addition to any all other penalties provided by law, any person who causes a wildfire an unauthorized forest, grass, woods, wild lands, marsh, leaf, or vegetative land-clearing debris fire, or permits any authorized fire to escape the boundaries of the authorization or to burn past the time of the authorization, is liable for the payment of all reasonable costs and expenses incurred in suppressing the fire or \$150, whichever is greater. All costs and expenses incurred by the division shall be payable to the division of Forestry. When such costs and expenses are not paid within 30 days a reasonable time after demand, it shall be the duty of the division may to take proper legal proceedings for the collection of the costs and expenses. Those costs incurred by an agency acting at the division's direction are recoverable by that agency.~~

(b) ~~The liability for the costs of suppression shall obtain whether or not there is a criminal prosecution, and the liability shall extend to the person, firm, or corporation causing, directing, or permitting the activity as well as to the actual violator.~~

(4) ~~The department may also impose an administrative fine, not to exceed \$1,000 per violation of any section of chapter 589 or chapter 590. The fine shall be based upon the degree of damage and prior violation record of the person. The fines shall be deposited in the Incidental Trust Fund of the division.~~

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

Section 12. Section 590.16, Florida Statutes, is amended to read:

590.16 Rewards.—The division, in its discretion, may offer and pay rewards for information leading to the arrest and conviction of any person who violates ~~violating any provision of the provisions~~ of this chapter.

Section 13. Section 590.25, Florida Statutes, is amended to read:

590.25 Penalty for preventing or obstructing extinguishment of wildfires ~~woods fires~~.—Whoever shall interfere with, obstruct or commit any act aimed to obstruct the extinguishment of wildfires ~~forest fires~~ by the employees of the division of Forestry or any other person engaged in the extinguishment of a wildfire ~~woods fire~~, or who damages ~~injures~~ or destroys any equipment being used for such purpose, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Section 590.27, Florida Statutes, is amended to read:

590.27 Penalty for mutilating or destroying state forestry or fire control signs and posters.—Whoever intentionally breaks down, mutilates, removes, or destroys any fire control or forestry sign or poster commits of the division of Forestry erected in the administration of its lawful duties and authorities shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Section 590.28, Florida Statutes, is amended to read:

590.28 ~~Willful, malicious, or Intentional~~ or careless burning of lands.—

(1) ~~Whoever willfully, maliciously, or intentionally burns, sets fire to, or causes to be burned or causes any fire to be set to, any wild land or vegetative land clearing debris forest, grass, or woodlands not owned by, or in the lawful possession of, the person setting such fire or burning such lands or causing such fire to be set or lands to be burned without complying with s. 590.125, commits shall, upon conviction thereof, be deemed guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 and punished as provided in s. 590.30.~~

(2) ~~Whoever carelessly burns, sets fire to, or causes to be burned any wild lands not owned by, or in the lawful possession of, the person setting the fire or burning the lands or causing the fire to be set or lands to be burned, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The terms “willful,” “malicious,” and “intentional” as used in this section mean not merely gross negligence or disregard for the rights of others and not merely general criminal intent, but a specific intent to damage or destroy public property or the property of another, such intent being engendered by malice or spite or by the hope of material gain or employment to be derived either directly or indirectly.~~

Section 16. Section 590.29, Florida Statutes, is amended to read:

590.29 ~~Illegal possession of incendiary device.—~~

(1) ~~It is unlawful for a person other than a certified fire or law enforcement instructor to have~~ Whoever, being outside the corporate limits of any municipality, has in his or her possession any incendiary device as defined by subsection (3) with the intent to use such device for the purpose of burning or setting fire to any wild land forest, grass, or woodland, if such person is not the owner of, nor, as under a lease, in lawful possession of, the wild land forest, grass, or woodland, shall, upon conviction thereof, be deemed guilty of a felony and punished as provided in s. 590.30.

(2) ~~The possession of any incendiary device as defined by subsection (3) is prima facie evidence of the intent of the person possessing such device to use such device for the purpose of burning or setting fire to wild land forest, grass, or woodland if such person is not the owner of the wild land, nor, as under a lease, in lawful possession of, the forest, grass, or woodland.~~

(3) ~~The term “incendiary device” as used in this section is included but not limited to any “slow match” which is any device contrived to accomplish the delayed ignition of a match or matches or other inflammable material~~

by the use of a cigarette, rope, or candle to which such match or matches are attached, or a magnifying glass so focused as to intensify heat on inflammable material and thus cause a fire to start at a subsequent time, and any chemicals or chemically treated paper or material, or other combustible material so arranged or designed as to make possible its use as a delayed firing device.

(4) Anyone who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 17. Section 590.33, Florida Statutes, is amended to read:

590.33 State compact administrator; compact advisory committee.—In pursuance of art. III of the compact, the director of the division of ~~Forestry~~ shall act as compact administrator for Florida of the Southeastern Interstate Forest Fire Protection Compact during his or her term of office as director, and his or her successor as compact administrator shall be his or her successor as director of the division of ~~Forestry~~. As compact administrator he or she shall be an ex officio member of the advisory committee of the Southeastern Interstate Forest Fire Protection Compact, and chair ex officio of the Florida members of the advisory committee. There shall be four members of the Southeastern Interstate Forest Fire Protection Compact Advisory Committee from Florida. Two of the members from Florida shall be members of the Legislature of Florida, one from the Senate and one from the House of Representatives, designated by the Florida Commission on Interstate Cooperation, and the terms of any such members shall terminate at the time they cease to hold legislative office, and their successors as members shall be named in like manner. The Governor shall appoint the other two members from Florida, one of whom shall be associated with forestry or forest products industries. The terms of such members shall be 3 years and such members shall hold office until their respective successors shall be appointed and qualified. Vacancies occurring in the office of such members from any reason or cause shall be filled by appointment by the Governor for the unexpired term. The director of the division of ~~Forestry~~ as compact administrator for Florida may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting as his or her representative or substitute at any meeting of or hearing by or other proceeding of the compact administrators or of the advisory committee. The terms of each of the initial four memberships, whether appointed at said time or not, shall begin upon the date upon which the compact shall become effective in accordance with art. II of said compact. Any member of the advisory committee may be removed from office by the Governor upon charges and after a hearing.

Section 18. Section 590.34, Florida Statutes, is amended to read:

590.34 State compact administrator and compact advisory committee members; powers; aid from other state agencies.—There is hereby granted to the director of the division of ~~Forestry~~, as compact administrator and chair ex officio of the Florida members of the advisory committee, and to the members from Florida of the advisory committee all the powers provided for in the compact and all the powers necessary or incidental to the carrying out

of the compact in every particular. All officers of Florida are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the compact in every particular; it being hereby declared to be the policy of the state to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments, and persons of and in the state government or administration of the state are hereby authorized and directed at convenient times and upon request of the compact administrator or of the advisory committee to furnish information data relating to the purposes of the compact possessed by them or any of them to the compact administrator of the advisory committee. They are further authorized to aid the compact administrator or the advisory committee by loan of personnel, equipment, or other means in carrying out the purposes of the compact.

Section 19. Subsection (2) of section 590.42, Florida Statutes, is amended to read:

590.42 Federally funded fire protection assistance programs.—

(2) With respect to the formulation of projects relating to fire protection of livestock, wildlife, crops, pastures, orchards, rangeland, woodland, farmsteads, or other improvements, and other values in rural areas, for which such federal matching funds are available, any participating county or fire department may contribute to the nonfederal matching share and may also contribute such other nonfederal cooperation as may be deemed necessary by the division of ~~Forestry~~.

Section 20. Paragraph (b) of subsection (11) of section 259.032, Florida Statutes, 1998 Supplement, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(11)

(b) An amount up to 1.5 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements, and for associated contractual services, for lands acquired pursuant to this section and s. 259.101 to which title is vested in the board of trustees and other conservation and recreation lands managed by a state agency. Each agency with management responsibilities shall annually request from the Legislature funds sufficient to fulfill such responsibilities. Capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. Any equipment purchased with funds provided pursuant to this paragraph may be used for the purposes described in this paragraph on any conservation and recreation lands managed by a state agency.

Section 21. Paragraph (b) of subsection (4) of section 372.57, Florida Statutes, 1998 Supplement, is amended to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals

within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany all applications for a lifetime license for residents 12 years of age and younger. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.

(4) In addition to any license required by this chapter, the following permits and fees for certain hunting, fishing, and recreational uses, and the activities authorized thereby, are:

(b)1. Management area permits to hunt, fish, or otherwise use for outdoor recreational purposes, land owned, leased, or managed by the commission or the State of Florida for the use and benefit of the commission, up to \$25 annually. Permits, and fees thereof, for short-term use of land which is owned, leased, or managed by the commission may be established by rule of the commission for any activity on such lands. Such permits and fees may be in lieu of or in addition to the annual management area permit. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission shall have obtained the written consent of the owner or primary custodian of such lands.

2. A recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlockonee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for this permit shall be based upon economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. On property currently in the private landowner

payment program, the prior year's landowner payment shall be used to augment the ~~recreational user permit landowner lease~~ fee so as to decrease the permit fee for the users of that property. One minor dependent child, 16 years old or under, per permittee may hunt under the supervision of the permittee and is exempt from the permit fee. The spouse and dependent children of a permittee are exempt from the permit fee when engaged in outdoor recreational activities other than hunting in the company of the permittee. Notwithstanding any other provision of this chapter, there are no other exclusions, exceptions, or exemptions from this permit fee. The ~~recreational user permit landowner lease~~ fee, less an administrative permit fee of up to \$25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

Section 22. Sections 590.025, 590.026, 590.03, 590.04, 590.05, 590.06, 590.07, 590.08, 590.09, 590.12, 590.30, Florida Statutes, are repealed.

Section 23. There is hereby appropriated \$140,000 from the General Revenue Fund in fiscal year 1999-2000 to the Department of Agriculture and Consumer Services to implement provisions of this bill.

Section 24. Notwithstanding any other law, regulation, or local ordinance to the contrary, the owners of any nonconforming buildings, houses, businesses, or other appurtenances to real property which were damaged or destroyed during the wildfires that occurred during June and July of 1998, may elect to repair or rebuild such nonconforming structures in like-kind, unless prohibited by Federal law or regulation.

Section 25. This act shall take effect upon becoming a law.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.