

Committee Substitute for
Committee Substitute for Senate Bill No. 1114

An act relating to protection of agriculture and horticulture; amending s. 581.091, F.S.; clarifying provisions with respect to a requirement to immediately inform the Department of Agriculture and Consumer Services upon receipt or possession of any noxious weed, plant, plant product, or regulated article infected or infested with any plant pest, declared to be a threat to the state's agricultural and horticultural interests, and to hold such weed, plant, or article for inspection; providing that it is unlawful to fail to disclose information regarding any infected or infested plant, plant product, regulated article, or noxious weed; amending s. 581.184, F.S.; defining the terms "infected or infested" and "exposed to infection" for purposes of the act; requiring the department to develop a statewide program of decontamination to prevent and limit the spread of citrus canker disease; providing liability waiver for costs or damages associated with soil or water contamination; providing program requirements; providing for decontamination of nonproduction vehicles and equipment; authorizing the department to develop specified compliance agreements and other agreements; requiring county sheriffs, upon request of the department, to provide assistance in obtaining access to private property for the purpose of enforcing citrus canker eradication efforts; specifying responsibilities of the sheriff; authorizing the department to reimburse the sheriff for reasonable costs of implementing the provisions of the act; providing for satisfaction of specified notice requirements; amending s. 193.461, F.S.; providing for classification of lands subject to eradication or quarantine programs; amending s. 298.005, F.S.; redefining the term "owner" for purposes of ch. 298, F.S., relating to drainage and water control; amending s. 298.11, F.S.; providing for assessable land to entitle a landowner to vote in an election of supervisors; amending s. 298.12, F.S.; limiting eligibility to vote in such election to landowners whose assessments are paid for the previous year; amending s. 298.22, F.S.; authorizing water control districts to construct and operate facilities to control and prevent agricultural pests and diseases; amending s. 298.225, F.S.; specifying those amendments that constitute insubstantial amendments to a water control plan; amending s. 212.02, F.S.; defining "agricultural production"; amending s. 253.025, F.S.; clarifying provisions relating to conveyance of state lands to the department for forestry facilities; deleting references to specific fire tower sites and work centers with respect to use of the department's Relocation and Construction Trust Fund; amending s. 482.051, F.S.; revising authority of the department to adopt rules relating to pesticides used for preconstruction treatments; amending s. 482.132, F.S.; providing for pest control operator certification of qualified United States Department of Defense employees; amending s. 487.041, F.S.; authorizing the department to review and evaluate registered pesticides if new information is made available indicating

adverse effects on public health or environment; amending s. 487.081, F.S.; waiving liability for pesticide contamination when pesticides are used in accordance with state and federal law; providing for inspection of records; providing rulemaking authority; providing retroactive application; amending ss. 500.12 and 500.459, F.S.; deleting certain requirements relating to the setting and use of fees for bottled water plants, packaged ice plants, and water vending machines; amending s. 526.311, F.S.; revising enforcement provisions; transferring from the Department of Legal Affairs to the Department of Agriculture and Consumer Services responsibilities as the lead agency to enforce the Motor Fuel Marketing Practices Act; revising disposition of funds collected in civil actions; amending ss. 526.312 and 526.313, F.S., to conform; amending s. 526.3135, F.S.; specifying certain required reporting by the Division of Standards of the Department of Agriculture and Consumer Services; providing an appropriation; amending s. 531.41, F.S.; authorizing the department to provide by rule for voluntary registration of private weighing and measuring device service agencies and personnel; amending s. 570.07, F.S.; authorizing deposit of certain moneys in the department's employees' benefit fund; authorizing the department to purchase supplemental food and drink items and set temporary meal expenditure limits, under emergency conditions; providing restrictions; amending s. 570.242, F.S.; revising the definition of "agriculturally depressed area" under the Agricultural Economic Development Act; amending s. 570.248, F.S.; revising membership of the Agricultural Economic Development Project Review Committee; creating s. 570.249, F.S.; providing for Agricultural Economic Development Program disaster loans; providing criteria for use of loan funds, eligible crops, and loan applications; providing requirements for loan security and loan repayment; creating s. 570.92, F.S.; providing for an equestrian educational sports program at 4-year state universities; amending s. 570.952, F.S.; revising provisions relating to membership appointment and terms of the Florida Agriculture Center and Horse Park Authority; renumbering and amending s. 585.89, F.S.; authorizing state agencies and entities to purchase fresh or frozen beef or pork inspected by another state's federally approved inspection program; renumbering and amending s. 585.92, F.S.; clarifying provisions relating to "All American" and "Genuine Florida" meat or meat products; amending s. 590.015, F.S.; revising the definition of "wild land" in provisions relating to forest protection; amending s. 590.14, F.S.; deleting authority of the Division of Forestry to issue warning citations relating to certain authorized fires; clarifying a penalty; amending s. 590.28, F.S.; providing a penalty for intentional or reckless burning of lands; amending s. 616.242, F.S.; revising timing requirements for inspection and permitting of amusement rides; deleting exemptions from inspection requirements for certain temporary amusement rides at public events; amending s. 828.12, F.S.; revising provisions relating to cruelty to animals; providing authority to the department to negotiate agreements with certain landowners for water use in rural areas; amending s. 828.27, F.S.; authorizing counties and municipalities to

enact ordinances prohibiting or regulating noise from domesticated animals; providing nonapplicability; providing penalties; repealing s. 205.1951, F.S., relating to local occupational licenses for establishments regulated under the state meat inspection program; repealing ss. 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91, 585.93, and 585.96, F.S., relating to the state meat inspection program; amending s. 823.14, F.S.; limiting local government regulation with respect to the Right to Farm Act; providing an effective date.

WHEREAS, the citrus industry is very important to Florida's economy, generating \$8 billion in revenue and providing nearly 100,000 jobs for Floridians, and

WHEREAS, every citizen in the state benefits from property taxes, sales taxes, and other revenues generated by the citrus industry, and

WHEREAS, Florida is known worldwide for its fresh and processed citrus, and

WHEREAS, an emergency exists in the South Florida area regarding the spread of citrus canker, a bacterial disease that damages fruit, weakens and eventually kills trees, is highly contagious, and the presence of which causes quarantines to be imposed on the shipment of fresh fruit, and

WHEREAS, joint state and federal attempts to eradicate citrus canker have so far been unsuccessful, and

WHEREAS, despite destruction of citrus trees infected with citrus canker and of citrus trees within 125 feet of canker-infected trees, citrus canker has spread at an alarming rate and is now present throughout Miami-Dade County and Broward County, and

WHEREAS, if not eradicated quickly, citrus canker will spread to other parts of the state and may destroy the citrus industry and dooryard citrus throughout Florida, and

WHEREAS, recent scientific studies have shown that citrus trees as far as 1,900 feet from infected citrus trees will develop the disease from wind-blown rain or by other means, and

WHEREAS, the Third District Court of Appeals, in *Sapp Farms, Inc., v. Florida Department of Agriculture and Consumer Services*, DCA Case No. 3D00-487, held that citrus trees within a certain radius of infection (originally thought to be 125 feet but now scientifically determined to be at least 1,900 feet) necessarily harbor the citrus canker bacteria and thus are diseased and have no value, NOW, THEREFORE,

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

Section 1. Section 581.091, Florida Statutes, is amended to read:

581.091 Noxious weeds and infected plants or regulated articles; sale or distribution; receipt; information to department; withholding information.—

(1) It is unlawful for any person to knowingly sell, offer for sale, or distribute any noxious weed, or any plant or plant product or regulated article infested or infected with any plant pest declared, by rule of the department, to be a public nuisance or a threat to the state's agricultural and horticultural interests.

(2) Any person who knows or reasonably should know that such person possesses or has knowingly received ~~knowingly receives~~ any noxious weed or any plant, plant product, or regulated article sold, given away, carried, shipped, or delivered for carriage or shipment ~~within this state~~, in violation of the provisions of this chapter or the rules adopted thereunder shall immediately inform the department and isolate and hold the weed, plant, plant product, or other thing unopened or unused subject to inspection or other disposition as may be provided by the department.

(3) It is unlawful for any person to fail to disclose ~~knowingly conceal~~ or ~~willfully~~ withhold available information regarding any infected or infested plant, plant product, regulated article, or noxious weed.

Section 2. Section 581.184, Florida Statutes, is amended to read:

581.184 Adoption ~~Promulgation~~ of rules; citrus canker eradication; voluntary destruction agreements; buffer zone.—

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

(a) “Infected or infested” means citrus trees harboring the citrus canker bacteria and exhibiting visible symptoms of the disease.

(b) “Exposed to infection” means citrus trees harboring the citrus canker bacteria due to their proximity to infected citrus trees, and which do not yet exhibit visible symptoms of the disease but which will develop symptoms over time, at which point such trees will have infected other citrus trees.

(2)(1) In addition to the powers and duties set forth under this chapter, the department is directed to adopt rules specifying facts and circumstances that, if present, would require the destruction of plants for purposes of eradicating, controlling, or preventing the dissemination of citrus canker disease in the state. In addition, the department is directed to adopt rules regarding the conditions under which citrus plants can be grown, moved, and planted in this state as may be necessary for the eradication, control, or prevention of the dissemination of citrus canker. Such rules shall be in effect for any period during which, in the judgment of the Commissioner of Agriculture, there is the threat of the spread of citrus canker disease in the state. Such rules may provide for the conduct of any activity regulated by such rules subject to an agreement by persons wishing to engage in such activity to voluntarily destroy, at their own expense, citrus plants declared by the department to be imminently dangerous by reason of being infected or infested with citrus canker or exposed to infection and likely to communicate same. The terms of such agreement may also require the destruction

of healthy plants under specified conditions. Any such destruction shall be done after reasonable notice in a manner pursuant to and under conditions set forth in the agreement. Such agreements may include releases and waivers of liability and may require the agreement of other persons.

(3)(2) The department, pursuant to s. 581.031(15) and (17), may create a citrus canker host-free buffer area, delineated by department rule, to retard the spread of citrus canker from known infected areas. In addition, the department shall develop a compensation plan for the trees removed from the buffer area. Compensation for the trees removed from the buffer area is subject to annual legislative appropriation.

(4) The department shall develop by rule, pursuant to ss. 120.54 and 120.536(1), a statewide program of decontamination to prevent and limit the spread of citrus canker disease. Such program shall address the application of decontamination procedures and practices to all citrus plants and plant products, vehicles, equipment, machinery, tools, objects, and persons who could in any way spread or aid in the spreading of citrus canker in this state. In order to prevent contamination of soil and water, such rules shall be developed in consultation with the Department of Environmental Protection. The department may develop compliance and other agreements which it determines can aid in the carrying out of the purposes of this section, and enter into such agreements with any person or entity.

(5) Owners and/or operators of nonproduction vehicles and equipment shall follow the department guidelines for citrus canker decontamination effective June 15, 2000. The department shall publish the guidelines in the Florida Administrative Weekly and on the department internet web site. The guidelines shall be posted no later than May 15, 2000.

(6) Notwithstanding any provision of law, the Department of Environmental Protection is not authorized to institute proceedings against any person under the provisions of s. 376.307(5) to recover any costs or damages associated with contamination of soil or water, or the evaluation, assessment, or remediation of contamination of soil or water, including sampling, analysis, and restoration of soil or potable water supplies, where the contamination of soil or water is determined to be the result of a program of decontamination to prevent and limit the spread of citrus canker disease pursuant to rules developed under this section. This subsection does not limit regulatory authority under a federally delegated or approved program.

(7) Upon request of the department, the sheriff of each county in the state shall provide assistance in obtaining access to private property for the purpose of enforcing the provisions of this section. The sheriff shall be responsible for maintaining public order during the eradication process and protecting the safety of department employees, representatives, and agents charged with implementing and enforcing the provisions of this section. The department may reimburse the sheriff for the reasonable costs of implementing the provisions of this subsection.

(8) Posting of an order on the property on which citrus trees are to be cut pursuant to the citrus canker eradication program shall meet the notice requirement of s. 120.569(1).

Section 3. Section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program.—

(1) The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural.

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the value adjustment board. The property appraiser shall notify the landowner in writing of the denial of agricultural classification on or before July 1 of the year for which the application was filed. The notification shall advise the landowner of his or her right to appeal to the value adjustment board and of the filing deadline. The board may also review all lands classified by the property appraiser upon its own motion. The property appraiser shall have available at his or her office a list by ownership of all applications received showing the acreage, the full valuation under s. 193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

(3)(a) No lands shall be classified as agricultural lands unless a return is filed on or before March 1 of each year. The property appraiser, before so classifying such lands, may require the taxpayer or the taxpayer's representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 shall constitute a waiver for 1 year of the privilege herein granted for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 may file an application for the classification and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding the provisions of s. 194.013, the applicant must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the classification, the property appraiser or the value adjustment board may grant the classification. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted.

(b) Subject to the restrictions set out in this section, only lands which are used primarily for bona fide agricultural purposes shall be classified agricultural. "Bona fide agricultural purposes" means good faith commercial agricultural use of the land. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

1. The length of time the land has been so utilized;
2. Whether the use has been continuous;
3. The purchase price paid;
4. Size, as it relates to specific agricultural use;
5. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices;
6. Whether such land is under lease and, if so, the effective length, terms, and conditions of the lease; and
7. Such other factors as may from time to time become applicable.

(c) The maintenance of a dwelling on part of the lands used for agricultural purposes shall not in itself preclude an agricultural classification.

(d) When property receiving an agricultural classification contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).

(4)(a) The property appraiser shall reclassify the following lands as non-agricultural:

1. Land diverted from an agricultural to a nonagricultural use.
2. Land no longer being utilized for agricultural purposes.
3. Land that has been zoned to a nonagricultural use at the request of the owner subsequent to the enactment of this law.

(b) The board of county commissioners may also reclassify lands classified as agricultural to nonagricultural when there is contiguous urban or metropolitan development and the board of county commissioners finds that the continued use of such lands for agricultural purposes will act as a deterrent to the timely and orderly expansion of the community.

(c) Sale of land for a purchase price which is 3 or more times the agricultural assessment placed on the land shall create a presumption that such land is not used primarily for bona fide agricultural purposes. Upon a showing of special circumstances by the landowner demonstrating that the land

is to be continued in bona fide agriculture, this presumption may be rebutted.

(5) For the purpose of this section, "agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; live-stock; poultry; bee; pisciculture, when the land is used principally for the production of tropical fish; aquaculture; sod farming; and all forms of farm products and farm production.

(6)(a) In years in which proper application for agricultural assessment has been made and granted pursuant to this section, the assessment of land shall be based solely on its agricultural use. The property appraiser shall consider the following use factors only:

1. The quantity and size of the property;
2. The condition of the property;
3. The present market value of the property as agricultural land;
4. The income produced by the property;
5. The productivity of land in its present use;
6. The economic merchantability of the agricultural product; and
7. Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.

(b) Notwithstanding any provision relating to annual assessment found in s. 192.042, the property appraiser shall rely on 5-year moving average data when utilizing the income methodology approach in an assessment of property used for agricultural purposes.

(c) For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.

(d) In years in which proper application for agricultural assessment has not been made, the land shall be assessed under the provisions of s. 193.011.

(7) Lands classified for assessment purposes as agricultural lands which are taken out of production by any state or federal eradication or quarantine program shall continue to be classified as agricultural lands for the duration of such program. Lands under these programs which are converted to fallow, or otherwise nonincome-producing uses shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of no more than \$50 per acre, on a single year assessment methodology; however, lands converted to other income-producing agricultural uses permissible under such programs shall be assessed pursuant to this section. Land under a mandated eradication or quarantine program which is diverted from an

agricultural to a nonagricultural use shall be assessed under the provisions of s. 193.011.

Section 4. Subsection (2) of section 298.005, Florida Statutes, is amended to read:

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

(2) “Owner” means the owner of the freehold estate, subject to assessment pursuant to this chapter, as appears by the deed record. The term does not include reversioners, remaindermen, or mortgagees, who are not to be counted and need not be notified by publication or served by process, but are to be represented by the present owners of the freehold estate in any proceeding under this chapter.

Section 5. Subsection (2) of section 298.11, Florida Statutes, is amended to read:

298.11 Landowners’ meetings; election of board of supervisors; duties of Department of Environmental Protection.—

(2) The landowners, when assembled, shall organize by the election of a chair and secretary of the meeting, who shall conduct the election. At the election, each and every acre of assessable land in the district shall represent one share, and each owner shall be entitled to one vote in person or by proxy in writing duly signed, for every acre of assessable land owned by him or her in the district, and the three persons receiving the highest number of votes shall be declared elected as supervisors. The appointment of proxies shall comply with s. 607.0722. Landowners owning less than 1 assessable acre in the aggregate shall be entitled to one vote. Landowners with more than 1 assessable acre are entitled to one additional vote for any fraction of an acre greater than $\frac{1}{2}$ acre, when all of the landowners’ acreage has been aggregated for purposes of voting. The landowners shall at such election determine the length of the terms of office of each supervisor so elected by them, which shall be respectively 1, 2, and 3 years, and they shall serve until their successors shall have been elected and qualified.

Section 6. Subsection (1) of section 298.12, Florida Statutes, is amended to read:

298.12 Annual election of supervisors; term of office; vacancy.—

(1) Every year in the same month after the time for the election of the first board of supervisors, it shall call a meeting of the landowners in the district in the same manner as is provided for in s. 298.11, and the owners of land in such district shall meet at the stated time and place and elect one supervisor. Owners whose assessments have not been paid for the previous year are not entitled to vote. therefor, or In case of their failure to elect, the Governor shall appoint such supervisor, who shall hold the supervisor’s office for 3 years or until his or her successor is elected and qualified; and in case of a vacancy in any office of supervisor elected by the landowners, the remaining supervisors or, if they fail to act within 30 days, the Governor may fill such vacancy until the next annual meeting, when a successor shall be elected for the unexpired term.

Section 7. Subsection (11) is added to section 298.22, Florida Statutes, to read:

298.22 Powers of supervisors.—The board of supervisors of the district has full power and authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan. Subject to the applicable provisions of chapter 373 or chapter 403, the board of supervisors:

(11) May construct and operate facilities for the purpose of controlling and preventing the spread or introduction of agricultural pests and diseases.

Section 8. Subsection (8) of section 298.225, Florida Statutes, is amended to read:

298.225 Water control plan; plan development and amendment.—

(8) If the preparation of a water control plan or amendment under this section does not result in revision of the district's current plan or require the alteration or increase of any levy of assessments or taxes beyond the maximum amount previously authorized by general law, special law, or judicial proceeding, a change in the use of said assessments or taxes, or substantial change to district facilities, the provisions of s. 298.301(2)-(9) do not apply to the plan adoption process. This section and s. 298.301 do not apply to minor, insubstantial amendments to district plans ~~authorized by special law. Minor, insubstantial amendments include amendments to the water control plan which replace, relocate, reconstruct, or improve and upgrade district facilities and operations consistent with the adopted water control plan, but which do not require increasing assessments beyond the maximum amount authorized by law.~~

Section 9. Subsection (34) is added to section 212.02, Florida Statutes, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(34) "Agricultural production" means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

Section 10. Paragraphs (a) and (d) of subsection (13) of section 253.025, Florida Statutes, are amended to read:

253.025 Acquisition of state lands for purposes other than preservation, conservation, and recreation.—

~~(13)(a) Notwithstanding the provisions of this chapter and chapters 259 and 375, The Board of Trustees of the Internal Improvement Trust Fund~~

may deed property to the Department of Agriculture and Consumer Services, so that the department shall be able shall have the authority, with the consent of the majority of the Governor and Cabinet, to sell, convey, transfer, exchange, trade, or purchase land on which a forestry facility resides for money or other more suitable property on which to relocate the facility. Any sale or purchase of property by the Department of Agriculture and Consumer Services shall follow the requirements of subsections (5)-(9). Any sale shall be at fair market value, and any trade shall ensure that the state is getting at least an equal value for the property. Except as provided in subsections (5)-(9), the Department of Agriculture and Consumer Services is excluded from following the provisions of this chapter and chapters 259 and 375. This exclusion shall not apply to lands acquired for conservation purposes in accordance with s. 253.034(6)(a) or (b).

(d) There is hereby created in the Department of Agriculture and Consumer Services the Relocation and Construction Trust Fund. The trust fund is to be used for the sole purpose of effectuating the orderly relocation of the forestry fire towers and work centers as follows: ~~Crestview Work Center, Marianna Work Center, Panama City Headquarters, Tallahassee Headquarters, Southside Towersite, Gainesville Headquarters, Ocala Work Center, Orlando Headquarters, Lakeland Headquarters, Dunedin Work Center, Hamner Towersite, Bradenton Headquarters, Venetia Towersite, Fort Myers Headquarters, Naples Work Center, Philpot Towersite, Sand Hill Towersite, Mayo Work Center, Benton Towersite, Plymouth Towersite, Longwood Work Center, Oviedo Towersite, Valrico Work Center, and Belle Glade Work Center.~~

Section 11. Subsection (5) of section 482.051, Florida Statutes, is amended to read:

482.051 Rules.—The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

(5) That any pesticide used for preconstruction soil treatments for the prevention of subterranean termites be applied in the amount, concentration, and treatment area in accordance with the label; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; and that the licensee maintain for 3 years the record of each preconstruction soil treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.

Section 12. Paragraph (g) is added to subsection (2) of section 482.132, Florida Statutes, to read:

482.132 Qualifications for examination and certification.—

(2) Each applicant for examination for a pest control operator's certificate must possess the minimum qualifications specified in one of the following paragraphs:

(g) Three years' full-time employment as a service employee of the United States Department of Defense, who has been certified to perform pest control in the category or categories in which the applicant seeks certification, 1 year of which employment must have been completed in this state during the year immediately preceding application for examination. Additionally, the application for certification must be submitted to the Department of Agriculture and Consumer Services within 12 months after the date of termination of employment from the Department of Defense.

Section 13. Subsection (3) of section 487.041, Florida Statutes, is amended to read:

487.041 Registration.—

(3) The department shall adopt rules governing the procedures for pesticide registration and for the review of data submitted by an applicant for registration of a pesticide. The department shall determine whether a pesticide should be registered, registered with conditions, or tested under field conditions in this state. The department shall determine that all requests for pesticide registrations meet the requirements of current state and federal law. The department, whenever it deems it necessary in the administration of this part, may require the manufacturer or registrant to submit the complete formula, quantities shipped into or manufactured in the state for distribution and sale, evidence of the efficacy and the safety of any pesticide, and other relevant data. The department may review and evaluate a registered pesticide if new information is made available which indicates that use of the pesticide has caused an unreasonable adverse effect on public health or the environment. Such review shall be conducted upon the request of the Secretary of the Department of Health in the event of an unreasonable adverse effect on public health or the Secretary of the Department of Environmental Protection in the event of an unreasonable adverse effect on the environment. Such review may result in modifications, revocation, cancellation or suspension of a pesticide registration. The department, for reasons of adulteration, misbranding, or other good cause, may refuse or revoke the registration of any pesticide, after notice to the applicant or registrant giving the reason for the decision. The applicant may then request a hearing, pursuant to chapter 120, on the intention of the department to refuse or revoke registration, and, upon his or her failure to do so, the refusal or revocation shall become final without further procedure. In no event shall registration of a pesticide be construed as a defense for the commission of any offense prohibited under this part.

Section 14. Subsection (6) is added to section 487.081, Florida Statutes, to read:

487.081 Exemptions.—

(6) The Department of Environmental Protection is not authorized to institute proceedings against any property owner or leaseholder of property

under the provisions of s. 376.307(5) to recover any costs or damages associated with pesticide contamination of soil or water, or the evaluation, assessment, or remediation of pesticide contamination of soil or water, including sampling, analysis, and restoration of soil or potable water supplies, subject to the following conditions:

(a) The pesticide contamination of soil or water is determined to be the result of the use of pesticides by the property owner or leaseholder, in accordance with state and federal law, applicable registered labels, and rules on property classified as agricultural land pursuant to s. 193.461;

(b) The property owner or leaseholder maintains records of such pesticide applications and such records are provided to the department upon request;

(c) In the event of pesticide contamination of soil or water, the department, upon request, shall make such records available to the Department of Environmental Protection;

(d) This subsection does not limit regulatory authority under a federally delegated or approved program; and

(e) This subsection is remedial in nature and shall apply retroactively.

The department, in consultation with the Secretary of the Department of Environmental Protection, may adopt rules prescribing the format, content, and retention time for records to be maintained under this subsection.

Section 15. Paragraph (b) of subsection (1) of section 500.12, Florida Statutes, is amended to read:

500.12 Food permits; building permits.—

(1)

(b) An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule, which may not exceed \$350, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed \$1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed \$250. The fee for operating a bottled water plant or a packaged ice plant shall be set by rule of the department ~~in an amount sufficient to meet, but not exceed, the total direct and indirect costs incurred by the department in carrying out its permitting, inspection, sampling, enforcement, and administrative responsibilities for those operations.~~ Food permits must be renewed annually on or before January 1. If an application for renewal of a food permit is not received by the department within 30 days after its due date, a late fee, in an amount not exceeding \$100, must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected shall be deposited in the General Inspection Trust Fund.

Section 16. Subsection (4) of section 500.459, Florida Statutes, is amended to read:

500.459 Water vending machines.—

(4) FEES.—A person seeking an operating permit must pay the department a fee not exceeding \$200, which fee shall be set by rule of the department ~~in an amount sufficient to meet, but not exceed, the total direct and indirect costs incurred by the department in carrying out its permitting, inspection, sampling, enforcement, and administrative responsibilities under this section.~~ Such fees shall be deposited in the General Inspection Trust Fund and shall be used for the sole purpose of this section.

Section 17. Subsections (2) and (3) of section 526.311, Florida Statutes, are amended to read:

526.311 Enforcement; civil penalties; injunctive relief.—

(2) The Department of Agriculture and Consumer Services shall investigate any complaints regarding violations of this act and may request in writing the production of documents and records as part of its investigation of a complaint. ~~Trade secrets, as defined in s. 812.081, and proprietary confidential business information contained in the documents or records received by the department pursuant to a written request or a Department of Legal Affairs subpoena are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~ If the person upon whom such request was made fails to produce the documents or records within 30 days after the date of the request, the department, through the department's office of general counsel, may of Agriculture and Consumer Services may request that the Department of Legal Affairs issue and serve a subpoena ~~subpoenas~~ to compel the production of such documents and records. If any person shall refuse to comply with a subpoena issued under this section, the department of Legal Affairs may petition a court of competent jurisdiction to enforce the subpoena and assess such sanctions as the court may direct. Refiners shall afford the department of Agriculture and Consumer Services reasonable access to the refiners' posted terminal price. After completion of an investigation, the Department of Agriculture and Consumer Services shall give the results of its investigation to the Department of Legal Affairs. ~~The Department of Legal Affairs may then subpoena additional relevant records or testimony if it determines that the Department of Agriculture and Consumer Services' investigation shows a violation has likely occurred.~~ Any records, documents, papers, maps, books, tapes, photographs, files, sound recordings, or other business material, regardless of form or characteristics, obtained by the a department of Legal Affairs subpoena are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution while the investigation is pending. At the conclusion of an investigation, any matter determined by the department of Legal Affairs or by a judicial or administrative body, federal or state, to be a trade secret or proprietary confidential business information held by the department pursuant to such investigation shall be considered confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such materials may be used in any administrative or judicial proceeding so long as the confidential or proprietary nature of the material is maintained.

(3) The civil penalty imposed under this section may be assessed and recovered in a civil action brought by the department of Legal Affairs in any court of competent jurisdiction. If the department of Legal Affairs prevails in a civil action, the court may award it reasonable attorneys' fees as it deems appropriate. All funds recovered by the department of Legal Affairs shall be deposited into ~~shared equally between the Department of Legal Affairs Trust Fund and the General Inspection Trust Fund.~~

Section 18. Subsection (2) of section 526.312, Florida Statutes, is amended to read:

526.312 Enforcement; private actions; injunctive relief.—

(2) On the application for a temporary restraining order or a preliminary injunction, the court, in its discretion having due regard for the public interest, may require or dispense with the requirement of a bond, with or without surety, as conditions and circumstances may require. If a bond is required, the amount shall not be greater than \$50,000. Upon proper application by the plaintiff, the court shall grant preliminary injunctive relief if the plaintiff shows:

(a) That he or she is a proper person to seek the relief requested.

(b) There exist sufficiently serious questions going to the merits to make such questions a fair ground for litigation; and the court determines, on balance, the hardships imposed on the defendant and the public interest by the issuance of such preliminary injunctive relief will be less than the hardship which would be imposed on the plaintiff if such preliminary injunctive relief were not granted.

The standards specified in paragraphs (a) and (b) shall also apply to actions for injunctive relief brought by the department of Legal Affairs under s. 526.311.

Section 19. Section 526.313, Florida Statutes, is amended to read:

526.313 Limitations period for actions.—Any action brought by the department of Legal Affairs shall be brought within 2 years after the alleged violation occurred or should reasonably have been discovered. Any action brought by any other person shall be brought within 1 year after the alleged violation occurred or should reasonably have been discovered, except that a private action brought under s. 526.305 for unlawful price discrimination shall be brought within 2 years from the date the alleged violation occurred or should reasonably have been discovered.

Section 20. Section 526.3135, Florida Statutes, is amended to read:

526.3135 Reports by the Division of Standards Department of Agriculture and Consumer Services.—The Division of Standards Department of Agriculture and Consumer Services is directed to compile a report pursuant to s. 570.544 of all complaints received by the Department of Agriculture and Consumer Services pursuant to this act. Such report shall contain at least the information required by s. 570.544(6)(b)2.-4. and shall be presented to

the Speaker of the House of Representatives and the President of the Senate no later than January 1 of each year.

Section 21. There is hereby appropriated \$100,000 from the General Revenue Fund and two full-time equivalent positions to the Department of Agriculture and Consumer Services to implement the provisions of chapter 526, part I, Florida Statutes.

Section 22. Subsection (16) is added to section 531.41, Florida Statutes, to read:

531.41 Powers and duties of the department.—The department shall:

(16) Provide by rule for the voluntary registration with the department of private weighing and measuring device service agencies or personnel. Such rule shall grant private agencies and personnel that meet all registration requirements and maintain current registered status with the department the authority to place devices that meet all state requirements into commercial service until such time as the devices can be inspected and tested as provided for in subsection (10), provided such devices are reported to the department as prescribed by the rule.

The provisions of this chapter and rules adopted thereunder notwithstanding, scales routinely used by providers of weight control services shall not be considered commercial weights and measures when used to determine human weight or to compute charges or payments for services rendered by such providers on the basis of said weight, measure, or count.

Section 23. Subsection (34) of section 570.07, Florida Statutes, is amended, and subsection (35) is added to said section, to read:

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

(34) To adopt policies creating, and providing for the operation of, an employees' benefit fund. Notwithstanding the provisions of chapter 273, the department may deposit moneys received from the disposition of state-owned tangible personal property, specifically livestock maintained and located at the Doyle E. Conner Agricultural Complex, in the employees' benefit fund.

(35) Under emergency conditions, to authorize the purchase of supplemental nutritional food and drink items and set temporary meal expenditure limits for employees engaged in physical activity for prolonged periods of time in excess of the rate established by s. 112.061(6), but not to exceed \$50 per day.

Section 24. Paragraph (f) is added to subsection (1) of section 570.242, Florida Statutes, to read:

570.242 Definitions.—For purposes of this act, the following terms shall have the following meanings:

(1) “Agriculturally depressed area” means a rural area which has declining profitability from agricultural enterprises and one or more of the following characteristics:

(f) Crop losses or economic depression resulting from a natural disaster or socioeconomic conditions or events which negatively impact a crop.

Section 25. Paragraph (c) of subsection (1) of section 570.248, Florida Statutes, is amended to read:

570.248 Agricultural Economic Development Project Review Committee; powers and duties.—

(1) There is created an Agricultural Economic Development Project Review Committee consisting of five members appointed by the commissioner. The members shall be appointed based upon the recommendations submitted by each entity represented on the committee and shall include:

(c) One representative from Enterprise Florida, Inc ~~the Florida Rural Development Committee.~~

Section 26. Section 570.249, Florida Statutes, is created to read:

570.249 Agricultural Economic Development Program disaster loans.—

(1) USE OF LOAN FUNDS.—Loan funds to agricultural producers who have experienced crop losses from a natural disaster or a socioeconomic condition or event may be used to restore or replace essential physical property, such as animals, fences, equipment, structural production facilities, and orchard trees; pay all or part of production costs associated with the disaster year; pay essential family living expenses; and restructure farm debts. Funds may be issued as direct loans, or as loan guarantees for up to 90 percent of the total loan, in amounts not less than \$30,000 nor more than \$250,000. Applicants must provide at least 10 percent equity.

(2) ELIGIBLE CROPS.—Crops eligible for the emergency loan program include:

(a) Crops grown for human consumption.

(b) Crops planted and grown for livestock consumption, including, but not limited to, grain, seed, and forage crops.

(c) Crops grown for fiber, except for trees.

(d) Specialty crops, such as aquacultural, floricultural, or ornamental nursery crops; Christmas trees; turf for sod; industrial crops; and seed crops used to produce eligible crops.

(3) FARMING INFORMATION.—A borrower must keep complete and acceptable farm records and present them as proof of production levels. A borrower must operate in accordance with a farm plan that he or she develops and that is approved by the commissioner. A borrower may be required to participate in a financial management training program and obtain crop insurance.

(4) LOAN APPLICATION.—In order to qualify for a loan under this section, an applicant must submit an application to the committee within 30 days after the date the natural disaster or socioeconomic condition or event occurs or the crop damage becomes apparent. An applicant must be a citizen of the United States, a bona fide resident of the state and, together with the applicant's spouse and their dependents, have a total net worth of less than \$100,000. The value of any residential homestead owned by the applicant must not be included in determining the applicant's net worth. An applicant must also demonstrate the need for economic assistance, be worthy of credit according to standards established by the commissioner, prove that he or she cannot obtain commercial credit, and demonstrate that he or she has the ability to repay the loan.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be fully collateralized. A first lien is required on all property or product acquired, produced, or refinanced with loan funds. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant.

(6) LOAN REPAYMENT.—Repayment of loans for crops, livestock, and non-real-estate losses shall normally be made within 7 years or, in special circumstances, within 20 years. Loans for physical losses to real estate and buildings shall not exceed 30 years. Borrowers are expected to return to conventional credit sources when they are financially able. Loans are a temporary source of credit and borrowers must be reviewed periodically to determine whether they can return to conventional credit.

Section 27. Section 570.92, Florida Statutes, is created to read:

570.92 Equestrian educational sports program.—The department shall establish an equestrian educational sports program with one or more accredited 4-year state universities, designed to give student riders the opportunity to learn, compete, and succeed at the collegiate level while at the same time promoting the state's multibillion dollar equine industry.

Section 28. Subsection (2) of section 570.952, Florida Statutes, is amended to read:

570.952 Florida Agriculture Center and Horse Park Authority.—

(2) The authority shall be composed of 21 ~~23~~ members appointed by the commissioner.

(a) Members shall include:

1. Three citizens-at-large ~~One citizen-at-large~~, who shall represent the views of the general public toward agriculture and equine activities in the state.

2. One representative from the Department of Agriculture and Consumer Services.

3. One representative from Enterprise Florida, Inc.

4. One representative from the Department of Environmental Protection, Office of Greenways and Trails Management.

5. One member of the Ocala/Marion County Chamber of Commerce.

6. Two representatives of the tourism or hospitality industry.

7. Three representatives of the commercial agriculture industry.

8. Three representatives from recognized horse breed associations.

9. One representative of the veterinary industry.

10. Three representatives from the competitive equine industry.

~~6.—One public/private partnership expert.~~

~~7.—One member of a private environmental organization.~~

~~8.—One fruit and vegetable grower.~~

~~9.—One citrus grower.~~

~~10.—One commercial feed producer.~~

~~11.—One livestock/cattle breeder.~~

~~12.—One quarter horse breeder.~~

~~13.—One thoroughbred horse breeder.~~

~~14.—One standardbred horse breeder.~~

~~15.—One Arabian horse breeder.~~

~~16.—One color breeds horse breeder.~~

~~17.—One licensed veterinarian.~~

~~18.—One Paso Fino horse breeder.~~

~~19.—One ornamental or nursery stock grower.~~

~~20.—One representative from the horse show industry.~~

~~21.—One representative from the horse sport industry.~~

~~11.22.~~ One representative from the horse pleasure and trail riding trail-riders industry.

~~12.23.~~ One representative recommended by from the Board of County Commissioners of Marion County.

~~(b) With the exception of department employees and the citizen-at-large, each member shall be selected from two or three nominees submitted by recognized statewide organizations representing each interest or trade enumerated in this section. In the absence of nominations, the commissioner~~

~~shall appoint persons who otherwise meet the qualifications for nomination and appointment to the authority.~~

~~(b)(c)~~ Initially, ~~the commissioner shall appoint 11 members~~ 12 members shall be appointed for 4-year terms and ~~10~~ 11 members shall be appointed for 2-year terms. Thereafter, each member shall be appointed for a term of 4 years from the date of appointment, except that a vacancy shall be filled by appointment for the remainder of the term.

~~(c)(d)~~ Any member of the authority who fails to attend three consecutive authority meetings without good cause shall be deemed to have resigned from the authority. The commissioner shall appoint a person representing the same interest or trade as the resigning member. Current members shall continue to serve until successors are appointed.

Section 29. Section 585.89, Florida Statutes, is renumbered as section 287.0822, Florida Statutes, and subsection (1) of said section is amended to read:

287.0822 ~~585.89~~ Beef and pork; prohibition on purchase; bid specifications; penalty.—

(1) Fresh or frozen beef or pork that has not been inspected by the United States Department of Agriculture or by another state's inspection program which has been approved by the United States Department of Agriculture ~~the department~~ shall not be purchased, or caused to be purchased, by any agency of the state or of any municipality, political subdivision, school district, or special district for consumption in this state or for distribution for consumption in this state. Bid invitations issued by any agency of the state or of any municipality, political subdivision, school district, or special district for the purchase of fresh or frozen beef or pork must specify that only beef or pork inspected and passed by either the United States Department of Agriculture or by another state's inspection program which has been approved by the United States Department of Agriculture ~~the department~~ will be accepted. The supplier or vendor shall certify on the invoice that the fresh or frozen beef or pork or imported beef or pork supplied is either domestic or complies with this subsection.

Section 30. Section 585.92, Florida Statutes, is renumbered as section 287.0821, Florida Statutes, and amended to read:

287.0821 ~~585.92~~ All American and Genuine Florida meat or meat products.—As allowed by the United States Department of Agriculture, each slaughterhouse or meatpacking or processing plant in the state or other person vending any meat or meat product, the meat of which is entirely produced in the United States, may label such meat or meat product "All American", and any such vendor selling any such meat or meat product, the meat of which is entirely produced in the state, may label such meat or meat product "Genuine Florida."

Section 31. Subsection (5) of section 590.015, Florida Statutes, is amended to read:

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

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

Section 32. 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.~~

~~(1)~~(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 forwarded to the appropriate law enforcement entity for further action if necessary.

~~(2)~~(3) In addition to any other penalties provided by law, any person who causes a wildfire 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. When such costs and expenses are not paid within 30 days after demand, the division may 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.

~~(3)~~(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.

~~(4)~~(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 33. Section 590.28, Florida Statutes, is amended to read:

590.28 Intentional or reckless careless burning of lands.—

(1) Whoever 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 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 a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever ~~recklessly 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.

Section 34. Paragraph (b) of subsection (5) and paragraph (a) of subsection (7) of section 616.242, Florida Statutes, are amended to read:

616.242 Safety standards for amusement rides.—

(5) ANNUAL PERMIT.—

(b) To apply for an annual permit an owner must submit to the department a written application on a form prescribed by rule of the department, which must include the following:

1. The legal name, address, and primary place of business of the owner.
2. A description, manufacturer's name, serial number, model number and, if previously assigned, the United States Amusement Identification Number of the amusement ride.
3. A valid certificate of insurance or bond for each amusement ride.
4. An affidavit of compliance that the amusement ride was inspected in person by the affiant and that the amusement ride is in general conformance with the requirements of this section and all applicable rules adopted by the department. The affidavit must be executed by a professional engineer or a qualified inspector no earlier than 60 days before, but not later than, the date of the filing of the application with the department. The owner shall request inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department. The department shall inspect and permit the amusement ride within 60 days after filing the application with the department ~~of the date the affidavit was executed~~.
5. If required by subsection (6), an affidavit of nondestructive testing dated and executed no earlier than 60 days prior to, but not later than, the date of the filing of the application with the department. The owner shall request inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department. The department shall inspect and permit the amusement ride within 60 days after filing the application with the department ~~of the date the affidavit was executed~~.
6. A request for inspection.
7. Upon request, the owner shall, at no cost to the department, provide the department a copy of the manufacturer's current recommended operating instructions in the possession of the owner, the owner's operating fact sheet, and any written bulletins in the possession of the owner concerning the safety, operation, or maintenance of the amusement ride.

(7) DEPARTMENT INSPECTIONS.—

(a) In order to obtain an annual permit, an amusement ride must be inspected by the department in accordance with subsection (11) and receive an inspection certificate. In addition, each permanent amusement ride must be inspected semi-annually by the department in accordance with subsection (11) and receive an inspection certificate, and each temporary amusement ride must be inspected by the department in accordance with subsection (11), and must receive an inspection certificate each time the ride is set up or moved to a new location in this state unless the temporary amusement ride is:

1. Used at a private event; or
2. ~~Used at a public event when there are no more than three amusement rides at the event, and the capacity of each amusement ride at the event does not exceed eight persons;~~
- 2.3. A simulator, the capacity of which does not exceed 16 persons; ~~or~~
4. ~~A kiddie train used at a public event if there are no more than three amusement rides at the event.~~

Section 35. Subsection (4) of section 828.12, Florida Statutes, is amended to read:

828.12 Cruelty to animals.—

(4) A person who intentionally trips, fells, ropes, or lassos the legs of a horse by any means for the purpose of ~~wagering for~~ entertainment or sport purposes shall be guilty of a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, “trip” means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and “horse” means any animal of any registered breed of the genus *Equus*, or any recognized hybrid thereof. The provisions of this subsection shall not apply when tripping is used:

- (a) To control a horse that is posing an immediate threat to other livestock or human beings;
- (b) For the purpose of identifying ownership of the horse when its ownership is unknown; or
- (c) For the purpose of administering veterinary care to the horse.

Section 36. Subsection (7) of section 828.27, Florida Statutes, is amended to read:

828.27 Local animal control or cruelty ordinances; penalty.—

(7) Nothing contained in this section shall prevent any county or municipality from enacting any ordinance relating to animal control or cruelty which is identical to the provisions of this chapter or any other state law, except as to penalty. However, no county or municipal ordinance relating to animal control or cruelty shall conflict with the provisions of this chapter or

any other state law. Notwithstanding the provisions of this subsection, the governing body of any county or municipality is authorized to enact ordinances prohibiting or regulating noise from any domesticated animal, violation of which shall be punishable upon conviction by a fine not to exceed \$500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment, for each violation of such ordinance. This subsection shall not apply to animals on land zoned for agricultural purposes.

Section 37. The Department of Agriculture and Consumer Services is authorized to negotiate agreements with landowners for water supply in rural areas, provided that:

(1) The water to be supplied is currently available to property owned or controlled by the department; and

(2) The intended use and quantity are not inconsistent with any permit required under part II of chapter 373, Florida Statutes, for the source of supply in effect at the time of the agreement.

Section 38. Sections 205.1951, 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91, 585.93, and 585.96, Florida Statutes, are repealed.

Section 39. Subsection (6) is added to section 823.14, Florida Statutes, to read:

823.14 Florida Right to Farm Act.—

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best-management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a local government, and the adopted best-management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any local government to address an emergency as provided for in chapter 252.

Section 40. This act shall take effect upon becoming a law.

Approved by the Governor June 16, 2000.

Filed in Office Secretary of State June 16, 2000.