

## Committee Substitute for Senate Bill No. 1922

An act relating to agriculture and consumer services; amending s. 121.0515, F.S., relating to special risk membership; revising criteria for firefighters; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or lend equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain litter containment and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; redefining the term "goat" to include certain additional farm equipment for purposes of the annual license tax imposed on trucks; amending s. 403.714, F.S.; deleting a requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum fee for a food permit; limiting the use of such fees; amending ss. 502.012, 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting a requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that an attempted or purported transfer of a frozen dessert plant license is grounds for its suspension or revocation; repealing ss. 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, 504.36, F.S.; eliminating the Florida Organic Farming and Food Law; providing an effective date; repealing ss. 536.20, 536.21, 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Appaloosa racing; amending ss. 550.2625, 550.2633, F.S.; conforming cross-references; amending s. 570.07, F.S.; authorizing the department to conduct investigations of violations of laws relating to consumer protection; amending s. 503.071, F.S.; providing for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and

duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.031, F.S.; revising definitions; amending s. 580.051, F.S.; revising label requirements for feed; amending s. 580.065, F.S.; revising feed laboratory procedures; amending s. 580.091, F.S.; removing intent language regarding feed sampling and analysis; amending s. 580.112, F.S.; expanding prohibited acts; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.145, F.S.; prescribing requirements with respect to veterinarians who may inspect animals for disease; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 589.19, F.S.; naming a state forest; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 828.22, F.S.; creating the "Humane Slaughter Act"; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804, 559.921, F.S.; conforming cross-references; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; creating s. 373.621, F.S.; providing consideration for certain applicants who implement water conservation practices; amending section 601.48, F.S.; eliminating provisions relating to inspection of processed citrus products for grade and subsequent grading and designation thereof; authorizing the Florida Department of Citrus or its successor, to collect dues, contributions, or any other financial payment upon request by and on behalf of any not-for-profit corporation; amending s. 232.246, F.S.; authorizing Agriscience Foundations I to count as a science credit; providing an effective date; abolishing specified authorities and councils advisory to the department; creating s. 570.085, F.S.; creating an agricultural water conservation program within the department; designating the

official citrus archive of Florida; providing for severability; requiring the Department of Agriculture and Consumer Services to administer a residential citrus canker compensation program; providing for sources of funds; providing for homeowners to receive compensation for citrus trees removed on or after a specified date as part of a citrus canker eradication program; providing eligibility criteria for receiving compensation; specifying the amount of compensation provided under the program, subject to availability of funds; requiring that the department notify homeowners of the program and develop a dispute-resolution process; creating the "Rural and Family Lands Protection Act"; defining terms; creating s. 570.70, F.S.; providing legislative intent; creating s. 570.71, F.S.; providing for the purchase of rural-lands-protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for resource conservation agreements and agricultural protection agreements; prescribing allowable land uses; providing for an application process; providing for the sale of an easement; requiring the department to adopt rules; authorizing the use of specified funds; authorizing the removal of property from lists and maps; providing for the deposit of funds; directing the completion of a needs assessment and a report; amending s. 163.3177, F.S.; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent; providing effective dates.

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

Section 1. Subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

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

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government ~~the employer or an agency~~ of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires or direct supervision of firefighting units or aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services, or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(e) The member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, shall not be included; however, probation and parole circuit and deputy circuit administrators shall participate in the Special Risk Class; or

(f) The member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204).
2. Public health nutrition consultant (class code 5224).
3. Psychological specialist (class codes 5230 and 5231).
4. Psychologist (class code 5234).
5. Senior psychologist (class codes 5237 and 5238).
6. Regional mental health consultant (class code 5240).
7. Psychological Services Director—DCF (class code 5242).
8. Pharmacist (class codes 5245 and 5246).
9. Senior pharmacist (class codes 5248 and 5249).
10. Dentist (class code 5266).
11. Senior dentist (class code 5269).
12. Registered nurse (class codes 5290 and 5291).
13. Senior registered nurse (class codes 5292 and 5293).
14. Registered nurse specialist (class codes 5294 and 5295).
15. Clinical associate (class codes 5298 and 5299).
16. Advanced registered nurse practitioner (class codes 5297 and 5300).
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305).
18. Registered nurse supervisor (class codes 5306 and 5307).
19. Senior registered nurse supervisor (class codes 5308 and 5309).
20. Registered nursing consultant (class codes 5312 and 5313).
21. Quality management program supervisor (class code 5314).
22. Executive nursing director (class codes 5320 and 5321).
23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251).

Section 2. Paragraph (a) of subsection (2) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.—

(a) ~~Agricultural Marketing orders under chapter 527, chapter 573, or chapter 601 are not rules.~~

Section 3. Subsection (3) is added to section 125.27, Florida Statutes, to read:

125.27 Countywide forest fire protection; authority of the Division of Forestry; state funding; county fire control assessments; disposition.—

(3) The Department of Agriculture and Consumer Services may lease, loan, or otherwise make available, without charge, to state, county, and local governmental entities that have fire/rescue responsibilities, new or used fire protection equipment, vehicles, or supplies, which shall include all such items received from public or private entities. The department, and those private or public entities providing at no cost, or de minimus cost, such items for loan or lease through the department, shall not be held liable for civil damages resulting from use or possession of such items. Private or public entities that donate fire/rescue equipment, vehicles, or supplies directly to state, county, or local governmental entities having fire/rescue responsibilities shall not be held liable for civil damages resulting from use or possession of such items.

Section 4. Effective January 1, 2002, paragraph (c) of subsection (6) of section 193.461, Florida Statutes, is amended to read:

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

(6)

(c)1. 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.

2. Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms shall be assessed by the methodology described in subparagraph 1.

Section 5. Subsection (8) of section 201.15, Florida Statutes, as amended by chapters 99-247, 2000-151, 2000-170, and 2000-197, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(8) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury and divided equally to the

credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

Section 6. Subsection (2) of section 316.228, Florida Statutes, is amended to read:

316.228 Lamps or flags on projecting load.—

(2) Any commercial motor vehicle or trailer, ~~except as stated in s. 316.515(7),~~ transporting a load of unprocessed logs, or long pulpwood, poles, or posts which load extends extend more than 4 feet beyond the rear of the body or bed of such vehicle must have securely fixed as close as practical to the end of any such projection one amber strobe-type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. If the mounting of one strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple strobe lights must be used to meet the visibility requirements of this subsection. The strobe lamp must flash at a rate of at least 60 flashes per minute and must be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load at any time of the day or night. The lamp must be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. The projecting load must also be marked with a red flag as described in subsection (1).

Section 7. Paragraph (d) of subsection (3) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the

department or its agent upon the registration or renewal of registration of the following:

(3) TRUCKS.—

(d) A truck defined as a “goat,” or any other vehicle when used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: \$7.50 flat. A “goat” is a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for the hauling of associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

Section 8. Subsection (3) of section 403.714, Florida Statutes, is amended to read:

403.714 Duties of state agencies.—

(3) All state agencies, including, but not limited to, the Department of Transportation, the department, and the Department of Management Services and local governments, are required to procure compost products when they can be substituted for, and cost no more than, regular soil amendment products, provided the compost products meet all applicable state standards, specifications, and regulations. ~~The Department of Agriculture and Consumer Services shall coordinate the development of uniform product specifications for procurement and use of compost by all state agencies. This product preference shall apply to, but not be limited to, the construction of highway projects, road rights-of-way, highway planting projects, reclamation and erosion control programs, and other projects. The Department of Agriculture and Consumer Services shall prepare an annual summary on the use of compost products by any state agency, political subdivision, or agency of a political subdivision which is using state funds, or any person contracting with such agency with respect to work performed under contract. Such summary shall describe the use of compost products in relation to similar products such as top soil, fill dirt, sand, peat, and fertilizer. The Department of Agriculture and Consumer Services shall establish a work group of state agency and local government personnel to design an appropriate reporting mechanism. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

Section 9. Paragraph (e) is added to subsection (4) of section 487.041, Florida Statutes, to read:

487.041 Registration.—

(4) The department, in addition to its other duties under this section, has the power to:

(e) Require data demonstrating the efficacy of pesticide products containing label statements that include directions for use as preventive treatments for termites for new construction. The department shall review the data and determine if the data supports label claims of termite prevention or protection from termite damage. Label claims for protection from damage must be

supported by data that shows the product will prevent damage to a structure and its contents for a minimum of 5 years under Florida conditions. If the data does not support such label claims, then the product cannot be registered or reregistered. The department shall adopt rules specifying performance standards and acceptable test conditions for data submitted in support of an efficacy claim, or may reference such performance standards and test conditions established by the United States Environmental Protection Agency.

Section 10. Subsection (7) of section 500.09, Florida Statutes, is amended to read:

500.09 Rulemaking; analytical work.—

(7) The department may establish and collect reasonable fees for laboratory services performed pursuant to subsection (6) or to recover the cost of each reinspection of a food establishment when the reinspection is conducted for the purpose of verifying compliance with the provisions of this chapter or rules promulgated thereunder. Such fees shall be deposited in the department's General Inspection Trust Fund and shall be used solely for the recovery of costs for the services provided.

Section 11. 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 \$500 and shall be used solely for the recovery of costs for the services provided \$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. 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 12. Subsection (15) of section 502.012, Florida Statutes, is amended to read:

502.012 Definitions.—The following definitions shall apply in the interpretation and enforcement of this law:

(15) "Pasteurized milk ordinance" means the ~~Grade A Pasteurized Milk Ordinance, 1993 Recommendations of United States Public Health Service/ Food and Drug Administration~~ Publication No. 229, including and all associated appendices, as adopted by department rule.

Section 13. Paragraph (b) of subsection (2) and subsection (5) of section 502.014, Florida Statutes, are amended to read:

502.014 Powers and duties.—

(2)

(b) The department shall designate employees who shall be certified by the United States Food and Drug Administration as state milk sanitation rating officers, sampling surveillance officers, and laboratory evaluation officers in accordance with the requirements published in “Methods of Making Sanitation Ratings of Milk Supplies, ~~1989 Revision,~~” “Evaluation of Milk Laboratories, ~~1985 Revision,~~” and “Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers, ~~1991 Revision,~~” respectively, as adopted by department rule. These officers shall conduct routine sanitation compliance survey ratings of milk producers, milk plants, laboratories, receiving stations, transfer stations, and manufacturers of single-service containers for milk and milk products. These ratings shall be made in accordance with the recommendations of the United States Food and Drug Administration published in Standard Methods for the Examination of Dairy Products.

~~(5)(a) A person who obtains a temporary marketing permit from the United States Food and Drug Administration for milk and milk products that do not conform to existing standards and definitions shall immediately forward a copy of the permit to the department. The department may allow the person to operate in the state under the authority of the federal permit if the department determines that it is in the interest of the state to do so.~~

~~(a)(b)~~ The department shall adopt criteria for issuance of a state temporary marketing permit for milk and milk products that do not conform to existing standards and definitions.

~~(b)(c)~~ The department shall establish a fee, not to exceed \$100, for the issuance of a state temporary marketing permit or the use of a federal permit in the state. The fee shall cover all costs of issuing the state permit or processing the federal permit.

Section 14. Paragraph (c) of subsection (2) of section 502.053, Florida Statutes, is amended to read:

502.053 Permits; requirements; exemptions; temporary permits.—

(2) REQUIREMENTS.—

(c) In addition to the testing required in ~~Appendix N~~ of the pasteurized milk ordinance and its appendices, each milk plant operator in the state shall be responsible for routine testing and inspection of raw milk shipped from outside the state prior to processing and shall notify the department when such testing and inspection indicates a violation of the standards contained in the pasteurized milk ordinance.

Section 15. Paragraph (a) of subsection (1) of section 502.091, Florida Statutes, is amended to read:

502.091 Milk and milk products which may be sold.—

(1) Only Grade A pasteurized milk and milk products or certified pasteurized milk shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments.

(a) In an emergency, however, the department may authorize the sale of reconstituted pasteurized milk products, or pasteurized milk and milk products that which have not been graded, or the grade of that which is unknown, in which case such milk and milk products shall be appropriately labeled, as determined by the department. ~~“ungraded.”~~

Section 16. Subsection (1) of section 503.041, Florida Statutes, is amended to read:

503.041 License fee; report required; penalty.—

(1) Each frozen dessert plant that manufactures frozen desserts or other products defined in this chapter, or offers these products for sale in this state must hold a valid license. Any attempted or purported transfer of such license is grounds for suspension or revocation of the license.

Section 17. Sections 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, 504.36, Florida Statutes, are repealed. This section shall take effect December 31, 2002.

Section 18. Sections 536.20, 536.21, and 536.22, Florida Statutes, are repealed.

Section 19. Section 570.381, Florida Statutes, is repealed.

Section 20. Subsection (7) of section 550.2625, Florida Statutes, is amended to read:

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

(7)

(b) The division shall deposit these collections to the credit of the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the “Florida Appaloosa Racing Promotion Fund.” The Department of Agriculture and Consumer Services shall administer the funds and adopt suitable and reasonable rules for the administration thereof. The moneys in the Florida Appaloosa Racing Promotion Fund shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing Appaloosas in this state; and such moneys may not be used to defray any expense of the Department of Agriculture and Consumer Services in the administration of this chapter, ~~except that the moneys generated by Appaloosa registration fees received pursuant to s. 570.381 may be used as provided in paragraph (5)(b) of that section.~~

Section 21. Subsection (2) of section 550.2633, Florida Statutes, is amended to read:

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

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

(a) Funds from any harness horse races shall be paid to the Florida Standardbred Breeders and Owners Association and shall be used for the payment of breeders' awards, stallion awards, stallion stakes, additional purses, and prizes for, and for the general promotion of owning and breeding of, Florida-bred standardbred horses, as provided for in s. 550.2625.

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

~~(c) Funds for Appaloosa races conducted under a quarter horse racing permit shall be deposited into the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Appaloosa Racing Promotion Fund" and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 570.381.~~

~~(c)(d)~~ Funds for Arabian horse races conducted under a quarter horse racing permit shall be deposited into the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Arabian Horse Racing Promotion Fund" and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 570.382.

Section 22. Subsections (36), (37), and (38) are added to section 570.07, Florida Statutes, 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:

(36) If the department, by its own inquiry or as a result of complaints, has reason to believe that a violation of the laws of the state relating to consumer protection has occurred or is occurring, to conduct an investigation, subpoena witnesses and evidence, and administer oaths and affirmations. If, as a result of the investigation, the department has reason to believe a violation of chapter 501 has occurred, the department with the coordination of the Department of Legal Affairs and any state attorney, if the violation has occurred or is occurring within her or his judicial circuit,

shall have the authority to bring an action in accordance with the provisions of chapter 501.

(37) If the department, by its own inquiry or as a result of complaints, has reason to believe that a violation of the laws of the state relating to consumer protection has occurred or is occurring, that the interests of the consumers of this state have been damaged or are being damaged, or that the public health, safety, or welfare is endangered or is likely to be endangered by any consumer product or service, to commence legal proceedings in circuit court to enjoin the act or practice or the sale of the product or service and may seek appropriate relief on behalf of consumers. Upon application by the department, a hearing shall be held within 3 days after the commencement of the proceedings.

(38) To repair or build structures, from existing appropriations authority, notwithstanding chapters 216 and 255, not to exceed a cost of \$250,000 per structure. These structures must meet all applicable building codes.

Section 23. Subsection (6) is added to section 503.071, Florida Statutes, to read:

503.071 Penalty, injunction, and administrative fines.—

(6) Frozen dessert manufacturers are subject to the provisions of s. 500.172, relating to embargoing, detaining, or destroying food or food processing equipment, as well as the provisions of this section.

Section 24. Subsection (4) of section 570.244, Florida Statutes, is amended to read:

570.244 Department of Agriculture and Consumer Services; powers and duties.—For the accomplishment of the purposes specified in this act, the department shall have all powers and duties necessary, including, but not limited to, the power and duty to:

(4) Facilitate economic growth through the development of ~~new~~ agribusinesses such as value-added processing plants and associated enterprises using raw products which are produced in the state.

Section 25. Effective upon this act becoming a law, paragraph (d) of subsection (2) and subsections (4) and (5) of section 570.249, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

570.249 Agricultural Economic Development Program disaster loans and grants and aid.—

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

(d) Specialty crops, such as seafood and aquaculture, including, but not limited to, the products of shellfish cultivation and harvesting, ornamental fish farming, and commercial fishing; aquacultural, floricultural, or ornamental nursery crops; Christmas trees; turf for sod; industrial crops; and seed crops used to produce eligible crops.

(4) **LOAN APPLICATION.**—In order to qualify for a loan under this section, an applicant must submit an application to the ~~department committee~~ within 90 ~~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 and, 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 home-~~ stead 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 secured 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.

(7) GRANTS AND AID.—The department shall establish a grant program to provide aid to agribusinesses to assist in market development.

Section 26. Subsection (1) of section 570.38, Florida Statutes, is amended to read:

570.38 Animal Industry Technical Council.—

(1) **COMPOSITION.**—The Animal Industry Technical Council is hereby created in the department and shall be composed of 14 ~~11~~ members as follows:

(a) The beef cattle, swine, dairy, horse, independent agricultural markets, meat processing and packing establishments, veterinary medicine, and poultry representatives who serve on the State Agricultural Advisory Council and three additional representatives from the beef cattle industry, as well as three at-large members representing other animal industries in the state, who shall be appointed by the commissioner for 4-year terms or until their successors are duly qualified and appointed.

(b) Each additional beef cattle representative shall be appointed subject to the qualifications and by the procedure as prescribed in s. 570.23 for membership to the council by the beef cattle representative. If a vacancy occurs in these three positions, it shall be filled for the remainder of the term in the same manner as an initial appointment.

Section 27. Section 580.031, Florida Statutes, is amended to read:

580.031 Definitions of words and terms.—As used in this chapter, the term:

(1) “Brand name” means any word, name, symbol, or device, or combination thereof, identifying the commercial feed of a distributor and distinguishing it from the commercial feed of others.

(2) “Commercial feed” means all materials or combinations of materials that are distributed or intended to be distributed for use as feed or for mixing in a feed for animals other than humans, except:

(a) Unmixed whole seeds, including physically altered entire unmixed seeds, when such seeds are not chemically changed or are not adulterated within the meaning of s. 580.071.

(b) Unground hay, straw, stover, silage, cobs, husks, and hulls, and individual chemical compounds or substances, when such commodities, compounds, or substances are unmixed with other substances and are not adulterated within the meaning of s. 580.071.

(c) Feed mixed by the consumer for the consumer’s own use made entirely or in part from products raised on the consumer’s farm, except as is provided by rules of the department.

~~(d) Any material or combination of materials that is distributed for use as feed for domestic pets such as but not limited to: dogs, cats, gerbils, hamsters, birds, fish, reptiles, and amphibians.~~

(3) “Consumer” or “customer” means the person who purchases or receives commercial feed or feedstuff for feeding to animals.

(4) “Cooperative” means any corporation organized under the provisions of chapter 618 or chapter 619 for the mutual benefit of its members who are producers of milk, and which sells, distributes, or provides feed for dairy cows or feed ingredients for such feed only to its members.

(5) “Customer-formula feed” means a commercial feed consisting of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final customer, is distributed only to that customer, and is not redistributed.

(6) “Department” means the Department of Agriculture and Consumer Services.

(7) “Distribute” means to offer for sale, sell, barter, or exchange commercial feed or feedstuff or to supply, furnish, or otherwise provide commercial feed or feedstuff for use by any consumer or customer in the state.

(8) “Distributor” means any person who distributes commercial feed or feedstuff. It does not include persons who sell brand name feed at retail on behalf of a registrant who manufactures such feed.

(9) “Drug” means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than humans and articles other than feed intended to affect the structure or any function of the animal body.

(10) “Feedstuff” means edible materials, other than commercial feed, which are distributed for animal consumption and which contribute energy or nutrients, or both, to an animal diet. The term includes ingredients as

defined in this section. ~~The term does not include any material or combination of materials that is distributed for use as feed for domestic pets such as but not limited to: dogs, cats, gerbils, hamsters, birds, fish, reptiles, and amphibians.~~

(11) “Good management practices” means procedures for manufacture, distribution, transportation, sampling, inspection, and analysis of feed which are designed to prevent contamination of the feed by toxins, drugs, bacteria, or other harmful substances.

(12) “Hazard-analysis critical-control-point program” means the identification of points in the manufacture, distribution, transportation, sampling, inspection, and analysis of feed at which there is a risk of contamination that could be harmful to humans and other animals and the identification of methods of preventing contamination at these points.

(13) “Ingredient” means each of the constituent materials used to make a commercial feed.

(14) “Integrated poultry operation” means a business enterprise that owns all stages of poultry production and manufactures and distributes commercial feed or feedstuff for consumption by animals owned by the business enterprise. An integrated poultry operation does not sell feed commercially.

(15) “Label” means a display of written, printed, or graphic matter upon or affixed to the container in which a product is distributed, or on the invoice accompanying the product.

(16) “Labeling” means all labels and other written, printed, or graphic matter upon an article or any of its containers or wrappers, or accompanying commercial feed or feedstuff.

(17) “Manufacture” means the grinding, mixing, or blending, or further processing, of a commercial feed for distribution.

(18) “Medicated feed” means a commercial feed or customer-formula feed that contains a drug.

(19) “Member of a cooperative” means, in the case of a stock association, the owner of at least one share of voting stock, and, in the case of a nonstock association, a person who has been issued a membership certificate upon the payment of a membership fee of at least \$1,000, or who has an outstanding obligation of not less than \$1,000 owed to the member by the cooperative in accordance with the bylaws of the cooperative, and who is entitled to voting powers within the cooperative.

(20) “Percent” or “percentage” means percentage by weight.

(21) “Product name” means the name of the commercial feed which identifies it as to kind, class, or specific use.

(22) “Quality-assurance/quality-control plan” means a system of activities designed to provide assurance that the commercial feed or feedstuff

meets defined standards of quality and to provide control of the quality of the commercial feed or feedstuff.

(23) "Registrant" means any person issued a master registration by the department.

(24) "Ton" means a net weight of 2,000 pounds avoirdupois.

Except as provided by law or rule, all terms used in connection with commercial feed or feedstuff have the meanings ascribed to them by the Association of American Feed Control Officials.

Section 28. Section 580.051, Florida Statutes, is amended to read:

580.051 Labels; requirements; penalty.—

(1) Any commercial feed distributed in this state, except a customer-formula feed and feed distributed through an integrated poultry operation or by a cooperative to its members, shall be accompanied by a legible label bearing all information required by the federal Food and Drug Administration and the following information:

(a) An accurate statement of the net weight.

(b) The name and principal address of the registrant.

(c) The brand name and product name, if any, under which the commercial feed is distributed. The word "medicated" shall be incorporated as part of the brand or product name if the commercial feed contains a drug.

1. The department may require feeding directions and precautionary statements to be placed on the label for the safe and effective use of medicated and other feed as deemed necessary.

2. Labels on medicated feed shall include all of the following:

a. Any feeding directions prescribed by the department to ensure safe usage.

b. The stated purpose of the medication contained in the feed as stated in the claim statement.

c. The established name of each active drug ingredient.

d. The level of each drug used in the final mixture expressed in metric units as well as the required avoirdupois.

(d) The date of manufacture or expiration date of commercial feed sold at retail as the department may by rule require.

(e) The guaranteed analysis stated in terms that advise the consumer of the composition of the feed or feedstuff or support claims made in the labeling. In all cases, the elements or compounds listed in the analysis must be determinable by laboratory methods approved by the department.

1. The guaranteed analysis, listing the minimum percentage of crude protein, minimum percentage of crude fat, and maximum percentage of crude fiber and, when more than 10 percent mineral ingredients are present, the minimum or maximum percentages of mineral elements or compounds as provided by rule.

2. Vitamin ingredients, when guaranteed, shall be shown in amounts and terms provided by rule. For mineral feed, the list shall include the following: maximum or minimum percentages of calcium (Ca), phosphorus (P), salt (NaCl), iron (Fe), copper (Cu), cobalt (Co), magnesium (Mg), manganese (Mn), potassium (K), selenium (Se), zinc (Zn), and fluorine (F) if ingredients used as sources of any of these constituents are declared. All mixtures that contain mineral or vitamin ingredients generally regarded as dietary factors essential for the normal nutrition of animals and that are sold or represented for the primary purpose of supplying these minerals or vitamins as additions to rations in which these same mineral or vitamin factors may be deficient shall be classified as mineral or vitamin supplements. Products sold solely as mineral or vitamin supplements and guaranteed as specified in this section need not show guarantees for protein, fat, and fiber.

3. Other nutritional substances or elements determinable by laboratory methods may be guaranteed by permission of, or shall be guaranteed at the request of, the department as may be provided by rule.

(f) The common or usual name of each ingredient used in the manufacture of the commercial feed; however, for all commercial feed except horse feed, the department by rule may permit the use of collective terms for a group of ingredients which perform a similar nutritional function.

(2) Customer-formula feed shall be accompanied by a label, invoice, delivery slip, or other shipping document, bearing all information required by the federal Food and Drug Administration and the following:

(a) The name and address of the manufacturer.

(b) The name and address of the customer ordering the feed.

(c) The date of delivery.

(d) The product name and net weight of each commercial feed and each other ingredient used in the mixture.

(e) Adequate directions and precautionary statements for the safe and effective use of all customer-formula feed that is medicated.

(3) Feed distributed by an integrated poultry operation or by a cooperative to its members shall be accompanied by a legible label bearing information required by the federal Food and Drug Administration.

(4)(3) When a commercial feed is distributed in this state in bags or other containers, a label shall be placed on or affixed to each container; when a commercial feed is distributed in bulk, a label shall accompany delivery and be furnished to the customer at time of delivery.

(5)(4) The amount of \$100 shall be paid to the department as penalty for the distribution of any commercial feed that is not accompanied with the label required under this chapter. The proceeds from any such penalty payments shall be deposited by the department in the General Inspection Trust Fund.

Section 29. Subsections (1), (2), and (3) of section 580.065, Florida Statutes, are amended to read:

580.065 Laboratory certifications; application; fees; requirements; reporting; refusal or cancellation of certification.—

(1)(a) The department by rule shall establish the standards that a laboratory must meet to become certified in any of the following areas of testing:

1. Nutrient.
2. Mycotoxins.
3. Microbiological organisms.
4. Pesticide residues.
5. Drugs ~~Drug~~ residues.

(b) The department shall be guided by the methods published by the Association of Official Analytical Chemists, the United States Environmental Protection Agency, the United States Food and Drug Administration, or other generally recognized authorities in developing the standards for these laboratory certifications.

(2)(a) Any laboratory wanting to be certified by the department in any of the testing categories must complete and return an application with a \$100 application fee and a \$300 fee for each of the desired certifications. A single application may be used to apply for more than one certification. The department shall furnish the application forms, which must require the distributor to state that the laboratory will comply with all provisions of this chapter and applicable rules. The registration form shall identify the laboratory's name, the name of the owner or owners of the business, the location of the laboratory, and other information as required by rule of the department. The form shall be signed by the owner, a partner, if a partnership, or an authorized officer or agent, if a corporation.

(b) The department shall mail a certificate for each certification granted to the laboratory to signify that administrative requirements have been met.

(c) Each laboratory that is certified in any area of testing must renew each certification annually. Renewal must be submitted on a form provided by the department at least 30 days prior to the expiration date of the current certificate. The laboratory must complete and return the renewal form with the appropriate fee for the desired annual certification as indicated on the form. Failure to timely renew certification shall result in the expiration of the certification on the date stated on the certificate. Any renewal received after the expiration date on the certificate shall be accompanied by a \$50 late

charge. Any renewal received 30 days or more beyond the expiration date on the certificate shall be returned to the laboratory, and the laboratory shall apply to the department as if it were the initial application for certification.

(d) Certification shall be conditioned on the laboratory's compliance with all provisions of this chapter and rules thereof, including:

1. Submitting quarterly reports to the department containing the results of the commercial feed and feedstuff analyses for that quarter, including, but not limited to, the results of each sample submitted for analysis by each registrant, the registration number of the registrant submitting the samples, the number of violative samples, and any additional information the department may require by rule.

2. Reporting immediately to the department each sample that is found to be in violation of the standards in this chapter and in the rules thereof.

3. Participating in the quarterly check-sample program administered by the department, when required.

4. Maintaining a bookkeeping system and records that will allow the department to verify the accuracy of the reports required in this chapter and to examine such records at reasonable times.

(e) Failure to submit reports as required in this subsection may result in the suspension or revocation of one or more of the laboratory's testing certifications.

(3) The department may ~~shall~~ operate a check-sample program for all testing certifications. If 30 percent or more of a laboratory's check-sample results are outside the acceptable variation established by rule for each check-sample test, the laboratory must pay a \$100 fine and shall be placed on probation for the next quarter. The laboratory may ~~shall~~ be required to process additional check samples during the probationary period. If 20 percent or more of the results of the laboratory's check samples are outside the acceptable variation level during the probationary period, that test category certification shall be revoked and the laboratory may not apply again for the same certification for 1 year after the date of the revocation.

Section 30. Section 580.091, Florida Statutes, is amended to read:

580.091 Inspection; sampling; analysis; exemption.—

(1)(a) The department may inspect, sample, or analyze commercial feed and feedstuff to ascertain compliance with this chapter and rules adopted pursuant to this chapter.

(b) The department is authorized to enter upon any public or business premises and any transport vehicle during regular business hours in order to have access to commercial feed or feedstuff and records relating to its origin, transport, manufacture, distribution, and sale.

(2) All registrants must have samples of their feed and feed ingredients tested by a laboratory that has been certified by the department or must be exempt from the certified laboratory testing requirements, as provided in this chapter, to ensure that all commercial feed and feedstuff comply with the provisions of this chapter. The sampling frequency and analysis requirements shall be determined by rule of the department for poultry, dairy cow, beef cattle, horse, swine, and other ~~agriculture~~ feed.

(a) Unless otherwise provided in this chapter, the department shall not require distributors of 300 tons or less of poultry, dairy cow, beef cattle, horse, swine, or other ~~agriculture~~ feed per year to submit more than one sample of each such feed per year for analysis.

(b) If a registrant distributes more than one type of commercial feed, the sampling requirement for mycotoxins shall be determined by the combined tonnage of feed distributed by that registrant and shall be the most stringent of the sampling requirements for the types of feed distributed.

(c) Integrated poultry operations and cooperatives shall not be required to submit their feed samples for nutrient analysis. However, poultry and dairy feed sold by enterprises other than integrated poultry operations or cooperatives shall be subject to nutrient analysis as required by the department.

~~(d) It is the intent of the Legislature that the department not require sampling and analysis any more rigorous than the level of sampling and analysis reflected in the Feed Laboratory Quarterly Reports or official department records.~~

~~(d)~~<sup>(e)</sup> Notwithstanding provisions to the contrary in this subsection, if the department finds that circumstances exist which threaten the health of commercial livestock or the public, the department may require more frequent analysis of feed. In such case, the department must notify affected registrants of the need for additional analysis and the estimated time period for which the analysis will be required to protect animal or public health.

~~(e)~~<sup>(f)</sup> The department shall work with registrants in the feed industry to develop a system of reporting commercial feed or feedstuff that has been rejected due to adulteration.

(3) The department shall encourage the use of good management practices and hazard-analysis critical-control-point programs in the manufacture, distribution, transportation, sampling, inspection, and analysis of commercial feed and feedstuff.

(a) If critical control points have been identified and good management practices have been implemented, the department shall conduct an onsite evaluation of the program to ensure the application of the established program. Registrants demonstrating adequate control of feed manufacture, distribution, transportation, and sampling processes and infrequent adulteration or other violations shall be subject to reduced sampling frequencies and analysis requirements that the department shall establish by rule.

(b) The department may require periodic reports to document the continued and appropriate use of good management practices and hazard analysis of critical control points. The department shall work with the industry in determining the appropriate level of such reporting.

(4) Sampling and analysis must be conducted in accordance with methods published by the Association of Official Analytical Chemists, the United States Environmental Protection Agency, the United States Food and Drug Administration, or other generally recognized authorities. In any instance where methods do not exist, the department shall adopt by rule the methods that are to be official in this state.

(5) A registrant may apply for an exemption from the certified laboratory testing requirements by submitting its quality-assurance/quality-control plan, including laboratory testing protocols, to the department for review and approval or disapproval. The department shall furnish the form for requesting the exemption, which form shall require the registrant to comply with all applicable provisions of this chapter and related rules.

(a) Upon approval of a registrant's quality-assurance/quality-control plan, the department ~~shall conduct an evaluation of the registrant's facility to verify compliance with the plan and the testing protocols submitted.~~ The department shall send the registrant a letter of exemption if it finds that adequate measures are in place to assure compliance with the material submitted and with this chapter.

(b) ~~The registrant's quality-assurance/quality-control plan~~ laboratory facility shall be subject to evaluation every 3 years. Application for renewal must be submitted on a form provided by the department at least 30 days prior to the expiration date of the current approval letter. Any renewal application received after the expiration date on the approval letter shall be accompanied by a \$50 late charge. Failure to timely renew certification shall result in the expiration of the approval and imposition of the requirement to have all feed samples tested by a department-certified laboratory.

(c) The department shall charge a fee for any evaluation, in an amount to cover the direct and indirect costs associated with such evaluation and approval.

(d) Registrants with approved programs must comply with all applicable provisions of this chapter and rules, including:

1. Maintaining records of all laboratory test results for 3 years or as required by federal regulation, whichever is longer.
2. Allowing department personnel access to records and laboratory facilities during reasonable hours for inspection purposes.
3. Providing to the department the results of any check-sample program the registrant may be using.

Section 31. Subsection (14) is added to section 580.112, Florida Statutes, to read:

580.112 Certain acts prohibited.—The following acts, or the causing thereof knowingly, within the state are prohibited:

(14) The distribution of a feed or feedstuff which is prohibited by the federal law or regulation.

Section 32. Paragraph (a) of subsection (1) of section 581.211, Florida Statutes, is amended to read:

581.211 Penalties for violations.—

(1) Any person who:

(a) Violates any provision of this chapter or the rules adopted under this chapter;

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 33. Subsection (4) is added to section 585.145, Florida Statutes, to read:

585.145 Control of animal diseases.—

(4) Official certificates of veterinary inspection may be completed only by a veterinarian accredited under the National Veterinary Accreditation Program. The department may, as prescribed by rule, deny a veterinarian the authority to issue health certificates for the importation, movement, or transfer of ownership of animals into or within the state as required by this section for one of the following causes;

(a) The revocation of such veterinarian's license to practice veterinary medicine in the state;

(b) Forging, counterfeiting, altering, or misrepresenting an official certificate of veterinary inspection; or

(c) Failure to report, or the negligent handling of, any reportable disease.

Section 34. Paragraphs (a), (c), and (d) of subsection (2) of section 585.155, Florida Statutes, are amended to read:

585.155 Whole-herd and calf vaccination.—

(2)(a) All calves officially vaccinated with Brucella abortus vaccine shall be permanently identified at the time of vaccination with the official shield tattoo "V," registered by the United States Department of Agriculture, in the right ear, preceded by the numeral of the quarter of the year and followed by the last numeral of the year.

~~(c) Heifer calves must be vaccinated when not less than 4 months and not more than 10 months of age.~~

~~(c)(d)~~ Duplicate reports covering these vaccinations shall be immediately furnished to the department and shall constitute the official record of vaccination.

Section 35. Section 589.19, Florida Statutes, is amended to read:

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

(1) When the Board of Trustees of the Internal Improvement Trust Fund, any state agency, or any agency created by state law, authorized to accept reforestation lands in the name of the state, approve the recommendations of the Division of Forestry in reference to the acquisition of land and acquire such land, the said board, state agency, or agency created by state law, may formally designate and dedicate any area as a reforestation project, or state forest, and where so designated and dedicated such area shall be under the administration of the division which shall be authorized to manage and administer said area according to the purpose for which it was designated and dedicated.

(2) The first state forest acquired by the Board of Trustees of the Internal Improvement Trust Fund in Baker County is to be named the John M. Bethea State Forest. This is to honor Mr. John M. Bethea who was Florida's fourth state forester and whose distinguished career in state government spanned 46 years and who is a native of Baker County.

Section 36. Paragraph (a) of subsection (10) of section 616.242, Florida Statutes, is amended to read:

616.242 Safety standards for amusement rides.—

(10) EXEMPTIONS.—

(a) This section does not apply to:

1. Permanent facilities that employ at least 1,000 full-time employees and that maintain full-time, in-house safety inspectors. Furthermore, the permanent facilities must file an affidavit of the annual inspection with the department, on a form prescribed by rule of the department. Additionally, the Department of Agriculture and Consumer Services may consult annually with the permanent facilities regarding industry safety programs.

2. Any playground operated by a school, local government, or business licensed under chapter 509, if the playground is an incidental amenity and the operating entity is not primarily engaged in providing amusement, pleasure, thrills, or excitement.

3. Museums or other institutions principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

4. Conventions or trade shows for the sale or exhibit of amusement rides if there are a minimum of 15 amusement rides on display or exhibition, and if any operation of such amusement rides is limited to the registered attendees of the convention or trade show.

5. Skating rinks, arcades, lazer or paint ball war games, bowling alleys, miniature golf courses, mechanical bulls, inflatable rides, trampolines, ball crawls, exercise equipment, jet skis, paddle boats, air boats, helicopters,

airplanes, parasails, hot air or helium balloons whether tethered or untethered, theatres, batting cages, stationary spring-mounted fixtures, rider-propelled merry-go-rounds, games, side shows, live animal rides, or live animal shows.

6. Go-karts operated in competitive sporting events if participation is not open to the public.

7. Nonmotorized playground equipment that is not required to have a manager.

8. Coin-actuated amusement rides designed to be operated by depositing coins, tokens, credit cards, debit cards, bills, or other cash money and which are not required to have a manager, and which have a capacity of six persons or less.

9. Facilities described in s. 549.09(1)(a) when such facilities are operating cars, trucks, or motorcycles only.

10. Battery-powered cars or other vehicles that are designed to be operated by children 7 years of age or under and that cannot exceed a speed of 4 miles per hour.

11. Mechanically driven vehicles that pull train cars, carts, wagons, or other similar vehicles, that are not confined to a metal track or confined to an area but are steered by an operator and do not exceed a speed of 4 miles per hour.

Section 37. Section 828.22, Florida Statutes, is amended to read:

828.22 Humane Slaughter Act; humane slaughter and livestock euthanasia; requirements requirement.—

(1) Sections 828.22-828.26 may be cited as the “Humane Slaughter Act.”

(2)(a)(4) The Legislature of this state finds that the use of humane methods in the ~~killing slaughter~~ of livestock prevents needless suffering, results in safer and better working conditions for persons engaged in the slaughtering industry or other livestock operations, brings about improvement of products and economy in slaughtering or other livestock operations, and produces other benefits for producers, processors, and consumers which tend to expedite the orderly flow of livestock and their products.

(b)(2) It is therefore declared to be the policy of this state to require that the slaughter of all livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods and to provide that methods of slaughter shall conform generally to those employed in other states where humane slaughter is required by law and to those authorized by the Federal Humane Slaughter Act of 1958, and regulations thereunder.

(3) Nothing in ss. 828.22-828.26 ~~this act~~ shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of ss. 828.22-828.26 ~~this act~~, in order to protect freedom of religion, ritual slaughter and the handling or other

preparation of livestock for ritual slaughter are exempted from the terms of ss. 828.22-828.26 ~~this act~~. For the purposes of this action the term “ritual slaughter” means slaughter in accordance with s. 828.23(3)(7)(b).

Section 38. Section 828.23, Florida Statutes, is amended to read:

828.23 Definitions; ss. 828.22-828.26.—As used in ss. 828.22-828.26, the following words shall have the meaning indicated:

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

(2) “Person” means any individual, partnership, corporation, or association doing business in this state, in whole or in part.

(3) “Slaughter” means the act of killing one or more livestock animals for any purpose.

(4)(3) “Slaughterer” means any person other than a licensed veterinarian, or an employee of a humane society or animal control agency, who kills regularly engaged in the commercial slaughtering of livestock.

(5)(4) “Livestock” means cattle, calves, sheep, swine, horses, mules, goats, ostriches, rheas, emus, and any other domestic animal that which can or may be used in the preparation of animal and for the preparation of meat or meat products. For the purposes of ss. 828.22-828.26, “livestock” does not include poultry and aquatic species.

~~(5) “Packer” means any person engaged in the business of slaughtering, or of manufacturing or preparing meat or meat products for sale, either by such person or others; or of manufacturing or preparing livestock products for sale by such person or others.~~

~~(6) “Stockyard” means any place, establishment, or facility commonly known as a stockyard, conducted or operated for compensation or profit as a public market, consisting of pens, or other enclosures, and their appurtenances, for the handling, keeping, and holding of livestock for the purpose of sale or shipment.~~

~~(6)(7) “Humane method” means either:~~

(a) A method whereby the animal is rapidly and effectively rendered insensitive to pain by electrical or chemical means or by a penetrating captive bolt or gunshot with appropriate caliber and placement rendered insensible to pain by mechanical, electrical, chemical, or other means that are rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) A method in accordance with ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

Section 39. Section 828.24, Florida Statutes, is amended to read:

828.24 Prohibited acts; exemption.—

(1) ~~No person shall kill an animal in any way except by an approved humane method slaughterer, packer, or stockyard operator shall shackle, hoist, or otherwise bring livestock into position for slaughter, by any method which shall cause injury or pain.~~

(2) ~~No person shall shackle or hoist with intent to kill any animal prior to rendering the animal insensitive to pain slaughterer, packer, or stockyard operator shall bleed or slaughter any livestock except by a humane method.~~

(3) ~~Nothing in this section precludes the enforcement of s. 828.12 relating to cruelty to animals This act shall not apply to any person, firm or corporation slaughtering or processing for sale within the state not more than 20 head of cattle nor more than 35 head of hogs per week.~~

Section 40. Section 828.25, Florida Statutes, is amended to read:

828.25 Administration; rules and regulations; inspection; fees.—

(1) ~~The department shall administer the provisions of ss. 828.22-828.26 this act. It shall adopt promulgate and may from time to time revise rules, and regulations which rules must shall conform substantially to and must not be less restrictive than the rules and regulations promulgated by the Secretary of Agriculture of the United States pursuant to the Federal Humane Slaughter Act of 1958, Pub. L. No. 85-765, 72 Stat. 862, and any amendments thereto; provided, however, that the use of a manually operated hammer, sledge or poleax is declared to be an inhumane method of slaughter within the meaning of this act.~~

(2) ~~The department may appoint any member of its staff as an official inspector for the purposes of ss. 828.22-828.26 this act. Such inspector shall have the power to enter the premises of any slaughterer for the purposes of verifying compliance or noncompliance with the provisions of ss. 828.22-828.26 this act.~~

(3) ~~The department has the authority to conduct inspections of the premises of slaughterers at random intervals. As soon as practicable after October 1, 1961, an inspection shall be made of the premises of each slaughterer. Additional inspections shall be made not less frequently than quarterly. No fee shall be charged for such inspection.~~

Section 41. Section 828.251, Florida Statutes, is created to read:

828.251 Instruction.—The department, in conjunction with the State University System, the American Veterinary Medical Association, and humane animal groups, shall make available to slaughterers the most current technical information. Such information may be in video or manual format, or another widely accepted media format.

Section 42. Section 828.252, Florida Statutes, is created to read:

828.252 Nonambulatory animals.—This section acknowledges that natural emergencies may arise and that, even under recognized best-management practices, injury may occur. In all cases, nonambulatory animals must be dealt with in a humane manner.

(1) As used in this section, the term “nonambulatory animal” means any livestock that is unable to stand and walk unassisted.

(2) A person may not buy, sell, give, receive, transfer, market, hold without providing proper care within 24 hours, or drag any nonambulatory animal unless the nonambulatory animal has been humanely euthanized, except in such cases where providing proper care requires that the animal be moved.

Section 43. Section 828.26, Florida Statutes, is amended to read:

828.26 Penalties Penalty.—

~~(1) Any person who violates the provisions of ss. 828.22-828.26 and any rule associated with these sections shall be subject to an administrative fine of up to \$10,000 for each violation. No slaughterer found by the department in accordance with the above not to be in compliance with the provisions of this act shall sell any meat or meat products to any public agency in the state, or to any institution supported by state, county, or municipal funds. Failure to comply with this provision shall be a misdemeanor of the second degree, punishable as provided in s. 775.083.~~

~~(2) Unless otherwise provided, any person who violates any provision of ss. 828.22-828.26 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon failure to be in compliance with the provisions of this act after a period of 1 year from the date of the first inspection required under s. 828.25, the department shall direct the slaughterer to cease slaughtering livestock. Failure to comply with this directive shall be a misdemeanor of the second degree, punishable as provided in s. 775.083, and constituting a separate offense for each day of continued slaughtering operations beyond the first week following mailing of such directive to the slaughterer by the department.~~

(3) Nothing in this section precludes the enforcement of s. 828.12, relating to cruelty to animals.

Section 44. Subsection (10) of section 427.804, Florida Statutes, is amended to read:

427.804 Repair of nonconforming assistive technology devices; refund or replacement of devices after attempt to repair; sale or lease of returned device; arbitration; investigation; limitation of rights.—

(10) The department shall process consumer complaints pursuant to ss. 570.07 and s. 570.544.

Section 45. Subsection (2) of section 559.921, Florida Statutes, is amended to read:

559.921 Remedies.—

(2) The department shall process consumer complaints according to ss. 570.07 and s. 570.544.

Section 46. Effective October 1, 2001, section 604.60, Florida Statutes, is created to read:

604.60 Damage or destruction of agricultural crops; civil action.—

(1) Any private, public, or commercial agricultural grower or producer who grows or produces any agricultural product, as defined in s. 468.382(7), for personal, research, or commercial purposes or for testing or research purposes in a product development program conducted in conjunction or coordination with a private research facility, a university, or any federal, state, or local government agency who suffers damages as a result of another person's willful and knowing damage or destruction of any such agricultural product has a cause of action for damages equal to double the amount of the value of the product damaged or destroyed, including the cost of any experimental product replication, and for any other relief a court of competent jurisdiction deems appropriate, including, but not limited to, compensatory and punitive damages. In awarding damages under this section, the courts shall consider the market value of the product prior to damage or destruction, and production, research, testing, replacement, and product development costs directly related to the product that has been damaged or destroyed as part of the value of the product. The prevailing party in any action brought pursuant to this section is entitled to an award of reasonable attorney's fees and court costs.

Section 47. Effective October 1, 2001, section 810.09, Florida Statutes, is amended to read:

810.09 Trespass on property other than structure or conveyance.—

(1)(a) A person who, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

1. As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s. 810.011; or

2. If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass,

commits the offense of trespass on property other than a structure or conveyance.

(b) As used in this section, the term “unenclosed curtilage” means the unenclosed land or grounds, and any outbuildings, that are directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

(2)(a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offender defies an order to leave, personally communicated to the offender by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom; unlawfully dumps litter on property; or trespasses on property other than a structure or conveyance, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of trespass on property other than a structure or conveyance, he or she is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any owner or person authorized by the owner may, for prosecution purposes, take into custody and detain, in a reasonable manner, for a reasonable length of time, any person when he or she reasonably believes that a violation of this paragraph has been or is being committed, and that the person to be taken into custody and detained has committed or is committing such violation. In the event a person is taken into custody, a law enforcement officer shall be called as soon as is practicable after the person has been taken into custody. The taking into custody and detention in compliance with the requirements of this paragraph does not result in criminal or civil liability for false arrest, false imprisonment, or unlawful detention.

(d) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed is a construction site that is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

(e) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is commercial horticulture property and the property is legally posted and identified in substantially the following manner: "THIS AREA IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

(f) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural site for testing or research purposes that is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

~~(g)~~(f) Any person who in taking or attempting to take any animal described in s. 372.001(3) or (4), or in killing, attempting to kill, or endangering any animal described in s. 585.01(13) knowingly propels or causes to be

propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term “potentially lethal projectile” includes any projectile launched from any firearm, bow, crossbow, or similar tensile device. This section shall not apply to any governmental agent or employee acting within the scope of his or her official duties.

(3) As used in this section, the term “authorized person” or “person authorized” means any owner, or his or her agent, or any law enforcement officer whose department has received written authorization from the owner, or his or her agent, to communicate an order to leave the property in the case of a threat to public safety or welfare.

Section 48. Effective October 1, 2001, for the purpose of incorporating the amendment to section 810.09, Florida Statutes, in references thereto, paragraph (b) of subsection (5) of section 260.0125, Florida Statutes, is reenacted to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.—

(5)

(b) Such notices must comply with s. 810.011(5) and shall constitute a warning to unauthorized persons to remain off the private property and not to depart from the designated greenway or trail. Any person who commits such an unauthorized entry commits a trespass as provided in s. 810.09.

Section 49. Effective October 1, 2001, for the purpose of incorporating the amendment to section 810.09, Florida Statutes, in references thereto, paragraph (b) of subsection (5) of section 810.011, Florida Statutes, is reenacted to read:

810.011 Definitions.—As used in this chapter:

(5)

(b) It shall not be necessary to give notice by posting on any enclosed land or place not exceeding 5 acres in area on which there is a dwelling house in order to obtain the benefits of ss. 810.09 and 810.12 pertaining to trespass on enclosed lands.

Section 50. Subsections (10) and (11) of section 570.544, Florida Statutes, are repealed.

Section 51. Section 373.621, Florida Statutes, is created to read:

373.621 Water conservation.—The Legislature recognizes the significant value of water conservation in the protection and efficient use of water resources. Accordingly, consideration in the administration of s. 373.223, s. 373.233 and s. 373.236 shall be given to applicants who implement water conservation practices pursuant to s. 570.085 or other applicable water

conservation measures as determined by the department or a water management district.

Section 52. Section 601.48, Florida Statutes, is amended to read:

601.48 Grading processed citrus products.—

~~(1) All processed citrus products for which grade standards may be established, if sold, shipped, or offered for sale or shipment, except as provided in s. 601.50, shall be inspected for grade in a registered processing plant, and shall be graded according to standards established by the Department of Citrus, and the grade of such processed citrus products shall be designated on the immediate container thereof in such manner as the Department of Citrus may by rule prescribe.~~

~~(1)(2)~~ If such processed citrus products meet the requirements of the two highest grades as established by the Department of Citrus or, at the option of the processor, the two highest grades established by the United States Department of Agriculture, the processor shall have the privilege, in lieu of the grade declaration requirements of subsection (1), of using labels, brands, or trademarks properly registered with the Department of Citrus, as provided in subsection (3), to represent state or U.S. grades.

~~(2)(3)~~ In accordance with such rules as the Department of Citrus may prescribe, licensed citrus fruit dealers in this state shall be entitled to register labels, brands, or trademarks for grade identification purposes. The department shall maintain a record of all labels, brands, and trademarks registered for grade identification purposes, which record may be purged as necessary.

~~(3)(4)~~ The grade labeling requirements of this section shall not apply to intrastate shipments of processed citrus products between licensed citrus fruit dealers who are operators of processing plants duly registered under s. 601.40.

Section 53. The Florida Department of Citrus, or its successor, may collect dues, contributions, or any other financial payment upon request by and on behalf of any not-for-profit corporation and, its related not-for-profit corporations, located in this state which receives payments or dues from its members. Such not-for-profit corporation must be engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers, and must have at least 5,000 members who are engaged in growing citrus in this state for commercial sale.

Section 54. Paragraph (c) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board. Effective July 1, 2001, Agriscience Foundations I, the core course in secondary Agriscience and Natural Resources programs, counts as one of the science credits.

Section 55. The following councils and authorities, created pursuant to section 570.0705, Florida Statutes, and chapter 90-487, Laws of Florida, are abolished:

- (1) Agriculture and Livestock Fair Council.
- (2) Florida City State Farmers Market Advisory Committee.
- (3) Fort Myers State Farmers Market Advisory Council.
- (4) Fort Pierce State Farmers Market Advisory Council.
- (5) Gadsden County State Farmers Market Advisory Council.
- (6) Immokalee State Farmers Market Advisory Council.
- (7) Nitrate Bill Best Management Practices Advisory Group.
- (8) Palatka State Farmers Market Advisory Council.
- (9) Plant City State Farmers Market Advisory Council.
- (10) Pompano Beach Farmers Market Authority.
- (11) Racing Quarter Horse Advisory Council.
- (12) Sanford State Farmers Market Advisory Council.
- (13) Seed Potato Advisory Council.
- (14) Starke State Farmers Market Advisory Council.
- (15) Suwanee Valley State Farmers Market Advisory Council.
- (16) Trenton State Farmers Market Advisory Council.
- (17) Tropical Soda Apple Task Force.
- (18) Wauchula State Farmers Market Advisory Council.

Section 56. Section 570.085, Florida Statutes, is created to read:

570.085 Department of Agriculture and Consumer Services; agricultural water conservation.—The department shall establish an agricultural water conservation program that includes the following:

(1) A cost share program, coordinated where appropriate with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory evaluations for water conservation as provided in this section and, where applicable, for water quality improvement pursuant to s. 403.067(7)(d).

(2) The development and implementation of voluntary interim measures or best management practices, adopted by rule, which provide for increased efficiencies in the use and management of water for agricultural production. In the process of developing and adopting rules for interim measures or best management practices, the department shall consult with the Department of Environmental Protection and the water management districts. Such rules may also include a system to assure the implementation of the practices, including recordkeeping requirements. As new information regarding efficient agricultural water use and management becomes available, the department shall reevaluate and revise as needed, the interim measures or best management practices. The interim measures or best management practices may include irrigation retrofit, implementation of mobile irrigation laboratory evaluations and recommendations, water resource augmentation, and integrated water management systems for drought management and flood control and should, to the maximum extent practicable, be designed to qualify for regulatory incentives and other incentives, as determined by the agency having applicable statutory authority.

(3) Provision of assistance to the water management districts in the development and implementation of a consistent, to the extent practicable, methodology for the efficient allocation of water for agricultural irrigation.

Section 57. Official citrus archive.—The Florida Citrus Archives, dedicated to Thomas B. Mack and located at Florida Southern College in Lakeland, are designated as the official citrus archive of Florida.

Section 58. If any clause, section, or provision of this act shall be declared unconstitutional or invalid for any reason, it shall be eliminated from this act, and the remaining portion of the act shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

Section 59. (1) The Department of Agriculture and Consumer Services shall provide compensation to eligible homeowners whose citrus trees have been removed under a citrus canker eradication program. Funds to pay this compensation may be derived from both state and federal matching sources, and shall be specifically appropriated by law. Eligible homeowners shall be compensated subject to the availability of appropriated funds.

(2) To be eligible to receive compensation under the program, a homeowner must:

(a) Be the homeowner of record on the effective date of this act for residential property where one or more citrus trees have been removed as part of a citrus canker eradication program;

(b) Have had one or more citrus trees removed from the property by a tree-cutting contractor as part of a citrus canker eradication program on or after January 1, 1995; and

(c) Have received no commercial compensation and is not eligible to receive commercial compensation from the United States Department of Agriculture for citrus trees removed as part of a citrus canker eradication program.

(3) The amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$100 per tree. If the homeowner's property is eligible for a Shade Dade or a Shade Florida Card, the homeowner may not receive compensation under this section for the first citrus tree removed from the property as part of a citrus canker eradication program.

(4) The specification of a per-tree amount paid for the residential citrus canker compensation program does not limit the amount of any other compensation that may be paid by another entity or pursuant to court order for the removal of citrus trees as part of a citrus canker eradication program.

(5) Of the funds appropriated to the department under this section, the department may use up to \$500,000 to administer the residential citrus canker compensation program. Specifically, the department shall:

(a) Take reasonable steps to identify and notify owners of citrus trees removed as part of a citrus canker eradication program of the availability of the compensation program.

(b) Notify homeowners of the manner in which the owner may request funding.

(c) Develop a compensation request form and make it available to eligible homeowners.

(d) Develop a process to resolve disputes relating to compensation. The department's decision is final and is not subject to chapter 120, Florida Statutes.

Section 60. Short title.—Sections 60 through 64 of this act may be cited as the “Rural and Family Lands Protection Act.”

Section 61. Definitions.—As used in sections 62 and 63 of this act, the term “department” means the Department of Agriculture and Consumer Services.

Section 62. Section 570.70, Florida Statutes, is created to read:

570.70 Legislative findings.—The Legislature finds and declares that:

(1) A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of

privately owned land targeted by local, state, and federal agencies for natural-resource protection.

(2) The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.

(3) The agricultural, rural, natural-resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.

(4) The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources.

(5) The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements and innovative planning and development strategies in rural areas.

Section 63. Section 570.71, Florida Statutes, is created to read:

570.71 Conservation easements and agreements.—

(1) The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for the following public purposes:

(a) Promotion and improvement of wildlife habitat;

(b) Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;

(c) Perpetuation of open space on lands with significant natural areas; or

(d) Protection of agricultural lands threatened by conversion to other uses.

(2) To achieve the purposes of this act, beginning no sooner than July 1, 2002, and every year thereafter, the department may accept applications for project proposals that:

(a) Purchase conservation easements, as defined in s. 704.06.

(b) Purchase rural-lands-protection easements pursuant to this act.

(c) Fund resource conservation agreements pursuant to this act.

(d) Fund agricultural protection agreements pursuant to this act.

No funds may be expended to implement this subsection prior to July 1, 2002.

(3) Rural-lands-protection easements shall be a perpetual right or interest in agricultural land which is appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. This right or interest in property shall prohibit only the following:

(a) Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

(b) Subdivision of the property;

(c) Dumping or placing of trash, waste, or offensive materials; and

(d) Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.

(4) Resource conservation agreements will be contracts for services which provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or which provide recreational opportunities. They will be for a term of not less than 5 years and not more than 10 years. Property owners will become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural lands protection easement.

(5) Agricultural protection agreements shall be for terms of 30 years and will provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.

(a) For the length of the agreement, the landowner shall agree to prohibit:

1. Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);

2. Subdivision of the property;

3. Dumping or placing of trash, waste, or offensive materials; and

4. Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.

(b) As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.

(6) Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into.

(7) Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into and remaining payments on the balance shall be equal annual payments over the term of the agreement.

(8) Payments for the resource conservation agreements shall be equal annual payments over the term of the agreement.

(9) Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

(11) If a landowner objects to having his property included in any lists or maps developed to implement this act, the department shall remove the property from any such lists or maps upon receipt of the landowner's written request to do so.

(12) The department is authorized to use funds from the following sources to implement this act:

- (a) State funds;
- (b) Federal funds;
- (c) Other governmental entities;
- (d) Nongovernmental organizations; or
- (e) Private individuals.

Any such funds provided shall be deposited into the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services and used for the purposes of this act.

(13) No more than ten percent of any funds made available to implement this act shall be expended for resource conservation agreements and agricultural protection agreements.

(14) The department, in consultation with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the water management districts shall conduct a study to determine and prioritize needs for implementing the act.

(a) The department may contract with the Florida Natural Areas Inventory for an analysis of the geographic distribution of certain types of natural resources, or resource-based land uses that have been identified for acquisition by previous conservation and recreation land acquisition programs.

(b) The needs assessment shall locate areas of the state where existing privately-owned ranch and timber lands containing resources of the type identified in (a) can be preserved or protected through implementation of the Rural and Family Lands Protection Act.

(c) The department shall report its findings to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2001. At a minimum, the report must include a prioritization of the types of resources to be preserved or protected, the location of privately-owned ranch and timber lands containing such resources that could be preserved or protected by easements or agreements pursuant to this act, and the funding needs for the program.

Section 64. Subsection (11) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally

acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and s. 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.

2. The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection and clarify that the rural land stewardship area is intended.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 250,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184, F.S., and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and s. 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rural 9J-5.006(5)(l), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a statewide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department may adopt rules necessary to ~~shall~~ implement the provisions of this subsection ~~by rule~~.

Section 65. Except as otherwise provided in this act, this act shall take effect July 1, 2001.

Approved by the Governor June 19, 2001.

Filed in Office Secretary of State June 19, 2001.