

## CHAPTER 2012-7

### House Bill No. 7011

An act relating to the Florida Statutes; amending ss. 121.0515, 125.27, 253.036, 258.501, 259.035, 259.036, 259.037, 259.101, 259.105, 259.10521, 260.0142, 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016, 373.591, 379.226, 403.7071, 479.16, 581.1843, 589.01, 589.011, 589.012, 589.04, 589.06, 589.07, 589.071, 589.08, 589.081, 589.09, 589.10, 589.101, 589.11, 589.12, 589.13, 589.14, 589.15, 589.16, 589.18, 589.19, 589.20, 589.21, 589.26, 589.27, 589.275, 589.277, 589.28, 589.29, 589.30, 589.31, 589.32, 589.33, 589.34, 590.01, 590.015, 590.02, 590.081, 590.091, 590.125, 590.14, 590.16, 590.25, 590.33, 590.34, 590.35, 590.42, 591.17, 591.18, 591.19, 591.20, 591.24, 591.25, 633.115, 633.821, and 790.15, F.S., to conform to the directive of the Legislature in section 12 of chapter 2011-56, Laws of Florida, to prepare a reviser's bill for introduction at a subsequent session of the Legislature which replaces all statutory references to the Division of Forestry with the term "Florida Forest Service"; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special Risk Class.—

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

(b) Effective October 1, 1978, the member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires; as of October 1, 2001, fire prevention or firefighter training; as of October 1, 2001, direct supervision of firefighting units, fire prevention, or firefighter training; or as of July 1, 2001, aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Florida Forest Service Division ~~of Forestry~~ of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer 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, and personnel, are not included. All periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, and for which the employer paid the special risk contribution rate, are included;

Section 2. Section 125.27, Florida Statutes, is amended to read:

125.27 Countywide forest fire protection; authority of the Florida Forest Service Division of Forestry; state funding; county fire control assessments; disposition; equipment donations.—

(1) The Florida Forest Service Division of Forestry of the Department of Agriculture and Consumer Services and the board of county commissioners of each county in this state shall enter into agreements for the establishment and maintenance of countywide fire protection of all forest and wild lands within said county, with the total cost of such fire protection being funded by state and federal funds. Each county shall, under the terms of such agreements, be assessed each fiscal year, as its share of the cost of providing such fire protection, a sum in dollars equal to the total forest and wild land acreage of the county, as determined by the Florida Forest Service Division of Forestry, multiplied by 7 cents. The forest and wild lands acreage included in such agreements shall be reviewed each year by the contracting parties and the number of forest and wild land acres and the annual fire control assessment adjusted so as to reflect the current forest acreage of the county. In the event the Florida Forest Service division and the county commissioners do not agree, the Board of Trustees of the Internal Improvement Trust Fund shall make such acreage determination. All fire control assessments received by the Florida Forest Service Division of Forestry from the several counties under agreements made pursuant to this section shall be deposited as follows:

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

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

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

(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 minimis 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 3. Section 253.036, Florida Statutes, is amended to read:

253.036 Forest management.—All land management plans described in s. 253.034(5) which are prepared for parcels larger than 1,000 acres shall contain an analysis of the multiple-use potential of the parcel, which analysis shall include the potential of the parcel to generate revenues to enhance the management of the parcel. The lead agency shall prepare the analysis, which shall contain a component or section prepared by a qualified professional forester which assesses the feasibility of managing timber resources on the parcel for resource conservation and revenue generation purposes through a stewardship ethic that embraces sustainable forest management practices if the lead management agency determines that the timber resource management is not in conflict with the primary management objectives of the parcel. For purposes of this section, practicing sustainable forest management means meeting the needs of the present without compromising the ability of future generations to meet their own needs by practicing a land stewardship ethic which integrates the reforestation, managing, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and aesthetics. The Legislature intends that each lead management agency, whenever practicable and cost effective, use the services of the Florida Forest Service Division of Forestry of the Florida Department of Agriculture and Consumer Services or other qualified private sector professional forester in completing such feasibility assessments and implementing timber resource management. The Legislature further intends that the lead management agency develop a memorandum of agreement with the Florida Forest Service Division of Forestry to provide for full reimbursement for any services provided for the feasibility assessments or timber resource management. All additional revenues generated through multiple-use management or compatible secondary use management shall be returned to the lead agency responsible for such management and shall be used to pay for management activities on all conservation, preservation, and recreation lands under the agency's jurisdiction. In addition, such revenue shall be segregated in an agency trust fund and shall remain available to the agency in subsequent fiscal years to support land management appropriations.

Section 4. Paragraph (a) of subsection (7) of section 258.501, Florida Statutes, is amended to read:

258.501 Myakka River; wild and scenic segment.—

(7) MANAGEMENT COORDINATING COUNCIL.—

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

Section 5. Paragraph (b) of subsection (1) of section 259.035, Florida Statutes, is amended to read:

259.035 Acquisition and Restoration Council.—

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

(b) The four remaining appointees shall be composed of the Secretary of Environmental Protection, the director of the ~~Florida Forest Service Division of Forestry~~ of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, or their respective designees.

Section 6. Paragraph (a) of subsection (1) of section 259.036, Florida Statutes, is amended to read:

259.036 Management review teams.—

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

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

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

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

3. One individual from the Florida Forest Service Division of Forestry of the Department of Agriculture and Consumer Services.
4. One individual from the Fish and Wildlife Conservation Commission.
5. One individual from the department's district office in which the parcel is located.
6. A private land manager mutually agreeable to the state agency representatives.
7. A member of the local soil and water conservation district board of supervisors.
8. A member of a conservation organization.

Section 7. Subsection (1) of section 259.037, Florida Statutes, is amended to read:

259.037 Land Management Uniform Accounting Council.—

(1) The Land Management Uniform Accounting Council is created within the Department of Environmental Protection and shall consist of the director of the Division of State Lands, the director of the Division of Recreation and Parks, the director of the Office of Coastal and Aquatic Managed Areas, and the director of the Office of Greenways and Trails of the Department of Environmental Protection; the director of the Florida Forest Service Division of Forestry of the Department of Agriculture and Consumer Services; the executive director of the Fish and Wildlife Conservation Commission; and the director of the Division of Historical Resources of the Department of State, or their respective designees. Each state agency represented on the council shall have one vote. The chair of the council shall rotate annually in the foregoing order of state agencies. The agency of the representative serving as chair of the council shall provide staff support for the council. The Division of State Lands shall serve as the recipient of and repository for the council's documents. The council shall meet at the request of the chair.

Section 8. Paragraph (e) of subsection (3) and subsection (5) of section 259.101, Florida Statutes, are amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. In fiscal year 2000-2001, for each Florida Preservation 2000 program described in paragraphs (a)-(g), that portion of each program's total remaining cash balance which, as of June 30, 2000, is in excess of that program's total remaining appropriation balances shall be redistributed by the department and deposited into the Save Our Everglades Trust Fund for

land acquisition. For purposes of calculating the total remaining cash balances for this redistribution, the Florida Preservation 2000 Series 2000 bond proceeds, including interest thereon, and the fiscal year 1999-2000 General Appropriations Act amounts shall be deducted from the remaining cash and appropriation balances, respectively. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

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

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

(5) Any funds received by the Florida Forest Service Division of Forestry from the Preservation 2000 Trust Fund pursuant to paragraph (3)(e) shall be used only to pay the cost of the acquisition of lands in furtherance of outdoor recreation and natural resources conservation in this state. The administration and use of any funds received by the Florida Forest Service Division of Forestry from the Preservation 2000 Trust Fund will be subject to such terms and conditions imposed thereon by the agency of the state responsible for the issuance of the revenue bonds, the proceeds of which are deposited in the Preservation 2000 Trust Fund, including restrictions imposed to ensure that the interest on any such revenue bonds issued by the state as tax-exempt revenue bonds will not be included in the gross income of the holders of such bonds for federal income tax purposes. All deeds or leases with respect to any real property acquired with funds received by the Florida Forest Service Division of Forestry from the Preservation 2000 Trust Fund shall contain such covenants and restrictions as are sufficient to ensure that the use of such real property at all times complies with s. 375.051 and s. 9, Art. XII of the 1968 Constitution of Florida; and shall contain reverter clauses providing for the reversion of title to such property to the Board of Trustees of the Internal Improvement Trust Fund or, in the case of a lease of such property, providing for termination of the lease upon a failure to use the property conveyed thereby for such purposes.

Section 9. Paragraph (f) of subsection (3) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

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

(f) One and five-tenths percent to the ~~Florida Forest Service Division of Forestry~~ of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07, the implementation of reforestation plans or sustainable forestry management practices, and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated for the acquisition of inholdings and additions pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.

Section 10. Paragraphs (c) and (d) of subsection (1), subsection (2), and paragraph (b) of subsection (3) of section 259.10521, Florida Statutes, are amended to read:

259.10521 Citizen support organization; use of property.—

(1) DEFINITIONS.—For the purpose of this section, the “citizen support organization” means an organization that is:

(c) Determined by the Fish and Wildlife Conservation Commission and the ~~Florida Forest Service Division of Forestry~~ within the Department of Agriculture and Consumer Services to be consistent with the goals of the state in acquiring the ranch and in the best interests of the state; and

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

(2) USE OF PROPERTY.—

(a) The Fish and Wildlife Conservation Commission and the ~~Florida Forest Service Division of Forestry~~ may permit, without charge, appropriate use of fixed property and facilities of the Babcock Crescent B Ranch by a citizen support organization, subject to the provisions of this section. Such use must be directly in keeping with the approved purposes of the citizen

support organization and may not be made at times or places that would unreasonably interfere with recreational opportunities for the general public.

(b) The Fish and Wildlife Conservation Commission and the Florida Forest Service Division of Forestry may prescribe by rule any condition with which the citizen support organization shall comply in order to use fixed property or facilities of the ranch.

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

(3) PARTNERSHIPS.—

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

Section 11. Paragraph (d) of subsection (1) of section 260.0142, Florida Statutes, is amended to read:

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

(1) There is created within the department the Florida Greenways and Trails Council which shall advise the department in the execution of the department's powers and duties under this chapter. The council shall be composed of 20 members, consisting of:

(d) The 9 remaining members shall include:

1. The Secretary of Environmental Protection or a designee.
2. The executive director of the Fish and Wildlife Conservation Commission or a designee.

3. The Secretary of Transportation or a designee.
4. The Director of the ~~Florida Forest Service Division of Forestry~~ of the Department of Agriculture and Consumer Services or a designee.
5. The director of the Division of Historical Resources of the Department of State or a designee.
6. A representative of the water management districts. Membership on the council shall rotate among the five districts. The districts shall determine the order of rotation.
7. A representative of a federal land management agency. The Secretary of Environmental Protection shall identify the appropriate federal agency and request designation of a representative from the agency to serve on the council.
8. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection. Membership on the council shall rotate among the seven regional planning councils. The regional planning councils shall determine the order of rotation.
9. A representative of local governments to be appointed by the Secretary of Environmental Protection. Membership shall alternate between a county representative and a municipal representative.

Section 12. Subsection (4) of section 261.03, Florida Statutes, is amended to read:

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

(4) ~~“Division” means the Florida Forest Service.~~

Section 13. Subsection (1) of section 261.04, Florida Statutes, is amended to read:

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

(1) Effective July 1, 2003, the Off-Highway Vehicle Recreation Advisory Committee is created within the ~~Florida Forest Service Division of Forestry~~ and consists of nine members, all of whom are appointed by the Commissioner of Agriculture. The appointees shall include one representative of the Department of Agriculture and Consumer Services, one representative of the Department of Highway Safety and Motor Vehicles, one representative of the Department of Environmental Protection’s Office of Greenways and Trails, one representative of the Fish and Wildlife Conservation Commission, one citizen with scientific expertise in disciplines relating to ecology, wildlife biology, or other environmental sciences, one representative of a licensed off-highway vehicle dealer, and three representatives of off-highway vehicle recreation groups. In making these appointments, the commissioner shall

consider the places of residence of the members to ensure statewide representation.

Section 14. Section 261.06, Florida Statutes, is amended to read:

261.06 Functions, duties, and responsibilities of the department.—The following are functions, duties, and responsibilities of the department through the Florida Forest Service ~~division~~:

(1) Coordination of the planning, development, conservation, and rehabilitation of state lands in and for the system.

(2) Coordination of the management, maintenance, administration, and operation of state lands in the system and the provision of law enforcement and appropriate public safety activities.

(3) Management of the trust fund and approval of the advisory committee's budget recommendations.

(4) Implementation of the program, including the ultimate approval of grant applications submitted by governmental agencies or entities or nongovernmental entities.

(5) Coordination to help ensure compliance with environmental laws and regulations of the program and lands in the system.

(6) Implementation of the policies established by the advisory committee.

(7) Provision of staff assistance to the advisory committee.

(8) Preparation of plans for lands in, or proposed to be included in, the system.

(9) Conducting surveys and the preparation of studies as are necessary or desirable for implementing the program.

(10) Recruitment and utilization of volunteers to further the program.

(11) Rulemaking authority to implement the provisions of ss. 261.01-261.10.

Section 15. Section 261.12, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

(a) Implementation of the Off-Highway Vehicle Recreation Program by the Department of Agriculture and Consumer Services, which includes personnel and other related expenses; administrative and operating expenses; expenses related to safety, training, rider education programs, management, maintenance, and rehabilitation of lands in the Off-Highway Vehicle Recreation Program's system of lands and trails; and, if funds are available, acquisition of lands to be included in the system and the management, maintenance, and rehabilitation of such lands.

(b) Approved grants to governmental agencies or entities or nongovernmental entities that wish to provide or improve off-highway vehicle recreation areas or trails for public use on public lands, provide environmental protection and restoration to affected natural areas in the system, provide enforcement of applicable regulations related to the system and off-highway vehicle activities, or provide education in the operation of off-highway vehicles.

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

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

Section 16. Section 317.0010, Florida Statutes, is amended to read:

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

Section 17. Section 317.0016, Florida Statutes, is amended to read:

317.0016 Expedited service; applications; fees.—The department shall provide, through its agents and for use by the public, expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession. A fee of \$7 shall be charged for this service, which is in addition to the fees imposed by ss. 317.0007 and 317.0008, and \$3.50 of this fee shall be retained by the processing agency. All remaining fees shall be deposited in the Incidental Trust Fund of the Florida Forest Service Division of ~~Forestry~~ of the Department of Agriculture and Consumer Services. Application for expedited service may be made by mail or in person. The department shall issue each title applied for pursuant to this section within 5 working days after receipt of the application except for an application for a duplicate title certificate covered by s. 317.0008(3), in which case the title must be issued within 5 working days after compliance with the department's verification requirements.

Section 18. Paragraph (h) of subsection (1) of section 373.591, Florida Statutes, is amended to read:

373.591 Management review teams.—

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

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

Section 19. Subsection (10) of section 379.226, Florida Statutes, is amended to read:

379.226 Florida Territorial Waters Act; alien-owned commercial fishing vessels; prohibited acts; enforcement.—

(10) Harbormasters and law enforcement agencies are authorized to request assistance from the Civil Air Patrol in the surveillance of suspect vessels. Aircraft of the Florida Forest Service Division of ~~Forestry~~ of the Department of Agriculture and Consumer Services or other state or county agencies which are conveniently located and not otherwise occupied may be similarly utilized.

Section 20. Subsection (6) of section 403.7071, Florida Statutes, is amended to read:

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

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

Section 21. Subsection (5) of section 479.16, Florida Statutes, is amended to read:

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

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

Section 22. Subsection (7) of section 581.1843, Florida Statutes, is amended to read:

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

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

Section 23. Section 589.01, Florida Statutes, is amended to read:

589.01 Florida Forestry Council.—The Florida Forestry Council, hereinafter called the “council,” is hereby created in the Florida Forest Service Division of Forestry of the Department of Agriculture and Consumer Services. The council shall be composed of five members appointed by the Department of Agriculture and Consumer Services for terms of 4 years.

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

- (a) The pulp and paper manufacturing industry.
  - (b) A forest products industry other than that described in paragraph (a).
  - (c) A timber or timber products dealer.
  - (d) An individual forest landowner.
  - (e) An active member of a statewide conservation organization having as one of its principal objectives the conservation and development of the forest resource.
- (2) Not fewer than two or more than three nominations shall be made for each membership on the council, and any statewide organization representing an area of forestry represented on the council may make nominations.
- (3) The council shall meet at the call of its chair, at the request of a majority of its membership or of the Department of Agriculture and Consumer Services, or at such times as may be prescribed by its rules.
- (4) A majority of the members of the council shall constitute a quorum for all purposes, and an act by a majority of such quorum at any meeting shall constitute an official act of the council.
- (5) The powers and duties of the council shall be as follows:
- (a) To consider and study the entire field of forestry;
  - (b) To advise, counsel, and consult with the Department of Agriculture and Consumer Services and the Director of the Florida Forest Service Division of Forestry upon request in connection with the promulgation, administration, and enforcement of all laws and rules relating to forestry;
  - (c) To consider all matters submitted to it by the Department of Agriculture and Consumer Services or the Director of the Florida Forest Service Division of Forestry;
  - (d) To offer suggestions and recommendations to the Department of Agriculture and Consumer Services and the Director of the Florida Forest Service Division of Forestry on its own initiative in regard to changes in the laws and rules relating to forestry as may be deemed advisable to secure the effective administration and enforcement of such laws and rules relating to the work of the Florida Forest Service division; and
  - (e) To keep a complete record of all its proceedings, showing the names of the members present at each meeting and any action taken by the council, and to file and maintain such records in the Florida Forest Service Division of Forestry as a public record.

Section 24. Section 589.011, Florida Statutes, is amended to read:

589.011 Use of state forest lands; fees; rules.—

(1) The Florida Forest Service Division of Forestry of the Department of Agriculture and Consumer Services may grant privileges, permits, leases, and concessions for the use of state forest lands, timber, and forest products for purposes not inconsistent with the provisions of this chapter.

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

(3) The Florida Forest Service Division of Forestry shall have the power to set and charge reasonable fees or rent for the use or operation of facilities on state forests or any lands leased by or otherwise assigned to the Florida Forest Service division for management purposes. Moneys collected from such fees and rent shall be deposited into the Incidental Trust Fund of the Florida Forest Service division.

(4) The Florida Forest Service Division of Forestry may adopt and enforce rules necessary for the protection, utilization, occupancy, and development of state forest lands or any lands leased by or otherwise assigned to the Florida Forest Service division for management purposes. Any person violating or otherwise failing to comply with any provision of this subsection or rule adopted under this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable only by fine, not to exceed \$500 per violation. Jurisdiction shall be with the appropriate county court.

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

(6) The Florida Forest Service Division of Forestry may enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under Florida Forest Service division control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(27) or 47 U.S.C. s. 332(d) or any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The Florida Forest Service division may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities,

payable annually, based on the fair market value of space used by comparable communications facilities in the state. The Florida Forest Service ~~division~~ and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the Florida Forest Service ~~division~~ by the wireless provider or telecommunications company. All such fees collected by the Florida Forest Service ~~division~~ shall be deposited in the Incidental Trust Fund.

Section 25. Section 589.012, Florida Statutes, is amended to read:

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

- (1) Conduct programs and activities related to environmental education, fire prevention, recreation, and forest management.
- (2) Identify and pursue methods to provide resources and materials for these programs.
- (3) Establish a statewide method to integrate these resources and materials.

Section 26. Section 589.04, Florida Statutes, is amended to read:

589.04 Duties of Florida Forest Service ~~division~~.—

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

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

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

(2) All grant proceeds and funds received for these purposes shall be deposited in the Incidental Trust Fund. Expenditures of these funds shall be for the purposes established in this section.

(3) The Florida Forest Service ~~Division of Forestry~~ shall provide direction for the multiple-use management of forest lands owned by the state; serve as the lead management agency for state-owned land primarily suited for forest resource management; and provide to other state agencies having land

management responsibilities technical guidance and management plan development for managing the forest resources on state-owned lands managed for other objectives. Multiple-purpose use shall include, but is not limited to, water-resource protection, forest-ecosystems protection, natural-resource-based low-impact recreation, and sustainable timber management for forest products.

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

Section 27. Section 589.06, Florida Statutes, is amended to read:

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

Section 28. Section 589.07, Florida Statutes, is amended to read:

589.07 Florida Forest Service Division may acquire lands for forest purposes.—The Florida Forest Service Division of Forestry, on behalf of the state and subject to the restrictions mentioned in s. 589.08, may acquire lands, suitable for state forest purposes, by gift, donation, contribution, purchase, or otherwise and may enter into agreements with the Federal Government, or other agency, for acquiring by gift, purchase, or otherwise, such lands as are, in the judgment of the Florida Forest Service division, suitable and desirable for state forests. The acquisition procedures for state lands provided in s. 259.041 do not apply to acquisition of land by the Florida Forest Service Division of Forestry.

Section 29. Section 589.071, Florida Statutes, is amended to read:

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

Section 30. Section 589.08, Florida Statutes, is amended to read:

589.08 Land acquisition restrictions.—

(1) The Florida Forest Service Division of Forestry shall enter into no agreement for the acquisition, lease, or purchase of any land or for any other purpose whatsoever which shall pledge the credit of, or obligate in any manner whatsoever, the state to pay any sum of money or other thing of value for such purpose, and the Florida Forest Service ~~said division~~ shall not in any manner or for any purpose pledge the credit of or obligate the state to pay any sum of money.

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

Section 31. Section 589.081, Florida Statutes, is amended to read:

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

Section 32. Section 589.09, Florida Statutes, is amended to read:

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

Section 33. Section 589.10, Florida Statutes, is amended to read:

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

Section 34. Section 589.101, Florida Statutes, is amended to read:

589.101 Blackwater River State Forest; lease of board's interest in gas, oil, and other minerals.—Notwithstanding the provisions of ss. 253.51-253.61, the Florida Forest Service Division of ~~Forestry~~ is hereby expressly granted the authority to lease its 25-percent interest in oil, gas, and other minerals within the boundaries of the Blackwater River State Forest; provided, however, that grants shall be made only to the lessee or lessees holding the 75-percent interest in said minerals retained by the United States in its conveyance to this state. The concurrence of the Board of Trustees of the Internal Improvement Trust Fund required by s. 589.10 shall not be necessary under the provisions of this section.

Section 35. Section 589.11, Florida Statutes, is amended to read:

589.11 Duties of Florida Forest Service division as to Clarke-McNary Law.—

(1) The Florida Forest Service Division of ~~Forestry~~ is designated and authorized as the agent of the state to cooperate with the United States Secretary of Agriculture under the provisions of “ss. 4 and 5, Chapter 348, 43 Statutes 654, Acts of Congress, June 7, 1924, known as the Clarke-McNary Law,” to assist owners of farms in establishing, improving, and renewing woodlots, shelterbelts, windbreaks, and other valuable forest growth; in growing and renewing useful timber crops; and to cooperate with the wood-using industries or other agencies, governmental or otherwise, interested in proper land use, forest management, and conservative forest utilization.

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

Section 36. Section 589.12, Florida Statutes, is amended to read:

589.12 Rules and regulations.—The Florida Forest Service Division of ~~Forestry~~ may make rules and regulations and do such acts and things as

shall be reasonable and necessary to accomplish the purposes of ss. 589.07-589.11.

Section 37. Section 589.13, Florida Statutes, is amended to read:

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

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

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

Section 38. Section 589.14, Florida Statutes, is amended to read:

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

Section 39. Section 589.15, Florida Statutes, is amended to read:

589.15 Form of notice.—The said notice shall be substantially as follows: It shall be in writing and shall be sworn to by the duly authorized agent of the Florida Forest Service ~~such division~~ or governmental authority filing same. It shall state the name of the owner of said property, the nature and character of the labor or services performed or to be performed, an itemized statement of the expenditures made in pursuance of said agreement and the value thereof, and shall also contain a description of the property covered by the said agreement and to which said services and expenditures are applicable.

Section 40. Section 589.16, Florida Statutes, is amended to read:

589.16 Time for filing notice of lien.—The notice of lien may be filed prior to the filing of a complaint brought to enforce said lien; provided that nothing herein contained shall prevent the filing of such notice at any time after the contract or agreement has been entered into and default made by the landowner in payment of any amount due under the contract or agreement; and suit in equity to enforce the rights of the Florida Forest Service division or governmental authority as provided in this chapter must be brought within 12 months from the filing of said notice of lien.

Section 41. Section 589.18, Florida Statutes, is amended to read:

589.18 ~~Florida Forest Service Division~~ to make certain investigations. The Florida Forest Service Division of Forestry shall conduct investigations and make surveys to determine the areas of land in the state which are available and suitable for reforestation projects and state forests, and may recommend to the Board of Trustees of the Internal Improvement Trust Fund, any state agency, or any agency created by state law which is authorized to accept lands in the name of the state, concerning their acquisition. The Florida Forest Service division shall be considered as a state agency under this law.

Section 42. Subsections (1) and (3) and paragraphs (a), (b), (c), and (e) of subsection (4) of section 589.19, Florida Statutes, are 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, approves the recommendations of the Florida Forest Service 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 Florida Forest Service division which shall be authorized to manage and administer said area according to the purpose for which it was designated and dedicated.

(3) The state forest managed by the Florida Forest Service Division of Forestry in Seminole County is to be named the Charles H. Bronson State Forest to honor Charles H. Bronson, the tenth Commissioner of Agriculture, for his distinguished contribution to this state's agriculture and natural resources.

(4)(a) The Florida Forest Service Division of Forestry shall designate one or more areas of state forests as a "Wounded Warrior Special Hunt Area" to honor wounded veterans and servicemembers. The purpose of such designated areas is to provide special outdoor recreational opportunities for eligible veterans and servicemembers.

(b) The Florida Forest Service division shall limit guest admittance to such designated areas to any person who:

1. Is an active duty member of any branch of the United States Armed Forces and has a combat-related injury as determined by his or her branch of the United States Armed Forces; or

2. Is a veteran who served during a period of wartime service as defined in s. 1.01(14) or peacetime service as defined in s. 296.02 and:

a. Has a service-connected disability as determined by the United States Department of Veterans Affairs; or

b. Was discharged or released from military service because of a disability acquired or aggravated while serving on active duty.

(c) The Florida Forest Service division may grant admittance to such designated areas to a person who is not an eligible veteran or servicemember for purposes of accompanying an eligible veteran or servicemember who requires the person's assistance to use such designated areas.

(e) The Florida Forest Service division may adopt rules to administer this subsection.

Section 43. Section 589.20, Florida Statutes, is amended to read:

589.20 Cooperation by Florida Forest Service division.—The Florida Forest Service Division of Forestry may cooperate with other state agencies, who are custodians of lands which are suitable for forestry purposes, in the designation and dedication of such lands for forestry purposes when in the opinion of the state agencies concerned such lands are suitable for these purposes and can be so administered. Upon the designation and dedication of said lands for these purposes by the agencies concerned, said lands shall be administered by the Florida Forest Service division.

Section 44. Section 589.21, Florida Statutes, is amended to read:

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

Section 45. Section 589.26, Florida Statutes, is amended to read:

589.26 Dedication of state park lands for public use.—The Florida Forest Service Division of Forestry is authorized and empowered, from time to time, to dedicate and reserve for the use of the public all or any part of the lands heretofore or hereafter acquired by the Florida Forest Service said Division of Forestry for park purposes; provided, however, that said dedication and reservation shall be subject to such rules and regulations, as to reasonable use by the public, as may be adopted by the Division of Recreation and Parks of the Department of Environmental Protection.

Section 46. Section 589.27, Florida Statutes, is amended to read:

589.27 Power of eminent domain; procedure.—Whenever the Florida Forest Service Division of Forestry shall find it necessary to acquire private property for state forests or rights-of-way for state forest roads, or for exercising any of the powers and duties authorized and prescribed by law to be exercised and performed by the Florida Forest Service Division of Forestry, the Florida Forest Service Division of Forestry is hereby empowered and authorized to exercise the right of eminent domain and to proceed to condemn said property in the same manner as provided by law for the condemnation of private property by counties.

Section 47. Section 589.275, Florida Statutes, is amended to read:

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

Section 48. Subsections (1), (3), and (5) of section 589.277, Florida Statutes, are amended to read:

589.277 Tree planting programs.—

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

(3) The Florida Forest Service Division of Forestry is authorized and directed to develop and implement guidelines and procedures under which the financial resources of the fund allocated for tree planting programs may be utilized for urban and rural reforestation.

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

Section 49. Section 589.28, Florida Statutes, is amended to read:

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

Section 50. Section 589.29, Florida Statutes, is amended to read:

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

Section 51. Section 589.30, Florida Statutes, is amended to read:

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

Section 52. Section 589.31, Florida Statutes, is amended to read:

589.31 Cooperative agreement.—Before any assistance is provided under this law, the county or municipality and the Florida Forest Service Division of Forestry, through their duly constituted representatives, shall enter into a mutually satisfactory cooperative agreement covering the specific duties, and set up a budget for any fiscal period beginning July 1 and ending June 30, and the county's or municipality's share of the budget provided shall be turned over to the Florida Forest Service Division of Forestry, one-half on or before July 1, and the remainder on or before

January 1, and placed in the Incidental Trust Fund of the Florida Forest Service Division of Forestry.

Section 53. Section 589.32, Florida Statutes, is amended to read:

589.32 Cost of providing county forestry assistance.—The cost of county forestry assistance provided under the provisions of ss. 589.28-589.34 shall be jointly determined and paid by the Florida Forest Service Division of Forestry and the county commission or municipality and shall be not less than 40 percent of the cost of the equivalent of 1 person-year of assistance. However, the county or municipality share shall not exceed the sum of \$3,000 per annum for each person-year of assistance provided.

Section 54. Section 589.33, Florida Statutes, is amended to read:

589.33 Expenditure of budgeted funds.—Any money budgeted for a fiscal period shall be expended by the Florida Forest Service Division of Forestry during the period for which it was budgeted and amounts not expended or specifically obligated by contract or other legal procedure during that period shall be available for the next fiscal period or shall be returned to the Florida Forest Service Division of Forestry and the county or municipality in the same proportions as appropriated. However, when 40 percent of the cost of 1 person-year of assistance equals or exceeds \$3,000, then in that event all budget balance will revert to the Florida Forest Service Division of Forestry.

Section 55. Section 589.34, Florida Statutes, is amended to read:

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

Section 56. Section 590.01, Florida Statutes, is amended to read:

590.01 Wildfire protection.—The Florida Forest Service division has the primary responsibility for prevention, detection, and suppression of wildfires wherever they may occur. The Florida Forest Service division shall provide leadership and direction in the evaluation, coordination, allocation of resources, and monitoring of wildfire management and protection. The Florida Forest Service division shall promote natural resource management and fuel reduction through the use of prescribed fire and other fuel reduction measures.

Section 57. Subsection (2) of section 590.015, Florida Statutes, is amended to read:

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

(2) “Division” means the Florida Forest Service.

Section 58. Section 590.02, Florida Statutes, is amended to read:

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

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

- (a) To enforce the provisions of this chapter;
- (b) To prevent, detect, suppress, and extinguish wildfires wherever they may occur on public or private land in this state and to do all things necessary in the exercise of such powers, authority, and duties;
- (c) To provide firefighting crews, who shall be under the control and direction of the Florida Forest Service ~~division~~ and its designated agents;
- (d) To appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, forest operations administrators, senior forest rangers, investigators, forest rangers, firefighter rotorcraft pilots, and other employees who may, at the ~~division's~~ discretion of the Florida Forest Service, be certified as forestry firefighters pursuant to s. 633.35(4). Other provisions of law notwithstanding, center managers, district managers, forest protection assistant bureau chief, and deputy chiefs of field operations shall have Selected Exempt Service status in the state personnel designation;
- (e) To develop a training curriculum for forestry firefighters which must contain the basic volunteer structural fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training;
- (f) To make rules to accomplish the purposes of this chapter;
- (g) To provide fire management services and emergency response assistance and to set and charge reasonable fees for performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service ~~division~~; and
- (h) To require all state, regional, and local government agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan.

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

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

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

(b) Notwithstanding s. 553.80(1), the department shall exclusively enforce the Florida Building Code as it pertains to wildfire and law enforcement facilities under the jurisdiction of the department.

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

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

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

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

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

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

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

(e) An advisory committee consisting of the following individuals or their designees must review program curriculum, course content, and scheduling: the Director of the Florida Forest Service ~~Division of Forestry~~; the Assistant Director of the Florida Forest Service ~~Division of Forestry~~; the Director of the School of Forest Resources and Conservation of the University of Florida; the Director of the Division of Recreation and Parks of the Department of Environmental Protection; the Director of the Division of the State Fire Marshal; the Director of the Florida Chapter of The Nature Conservancy; the Executive Vice President of the Florida Forestry Association; the President of the Florida Farm Bureau Federation; the Executive Director of the Fish and Wildlife Conservation Commission; the Executive Director of a Water Management District as appointed by the Commissioner of Agriculture; the Supervisor of the National Forests in Florida; the President of the Florida Fire Chiefs Association; and the Executive Director of the Tall Timbers Research Station.

(8) The Cross City Work Center shall be named the L. Earl Peterson Forestry Station. This is to honor Mr. L. Earl Peterson, Florida's sixth state forester, whose distinguished career in state government has spanned 44 years, and who is a native of Dixie County.

(9)(a) Notwithstanding ss. 273.055 and 287.16, the department may retain, transfer, warehouse, bid, destroy, scrap, or otherwise dispose of surplus equipment and vehicles that are used for wildland firefighting.

(b) All money received from the disposition of state-owned equipment and vehicles that are used for wildland firefighting shall be retained by the department. Money received pursuant to this section is appropriated for and may be disbursed for the acquisition of exchange and surplus equipment used for wildland firefighting, and for all necessary operating expenditures related to such equipment, in the same fiscal year and the fiscal year following the disposition. The department shall maintain records of the accounts into which the money is deposited.

(10)(a) The Florida Forest Service ~~division~~ has exclusive authority to require and issue authorizations for broadcast burning and agricultural and silvicultural pile burning. An agency, commission, department, county, municipality, or other political subdivision of the state may not adopt laws, regulations, rules, or policies pertaining to broadcast burning or

agricultural and silvicultural pile burning unless an emergency order is declared in accordance with s. 252.38(3).

(b) The Florida Forest Service ~~division~~ may delegate to a county or municipality its authority, as delegated by the Department of Environmental Protection pursuant to ss. 403.061(28) and 403.081, to require and issue authorizations for the burning of yard trash and debris from land clearing operations in accordance with s. 590.125(6).

Section 59. Subsection (3) of section 590.081, Florida Statutes, is amended to read:

590.081 Severe drought conditions; burning prohibited.—

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

Section 60. Section 590.091, Florida Statutes, is amended to read:

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

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

(2) It shall be the duty of all railroad companies operating in this state to maintain their rights-of-way designated as provided in subsection (1), as known wildfire hazard areas, in an approved condition as shall be prescribed by rule of the Florida Forest Service ~~division~~ and to provide adequate firebreaks where needed, so as to prevent fire from igniting or spreading from rights-of-way to adjacent property.

Section 61. Section 590.125, Florida Statutes, is amended to read:

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

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

(a) “Certified pile burner” means an individual who successfully completes the ~~division’s~~ pile burning certification program of the Florida Forest Service and possesses a valid pile burner certification number.

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

(c) “Extinguished” means that for:

1. Wildland burning or certified prescribed burning, no spreading flames exist.

2. Vegetative land-clearing debris burning or pile burning, no visible flames exist.

3. Vegetative land-clearing debris burning or pile burning in an area designated as smoke sensitive by the Florida Forest Service division, no visible flames, smoke, or emissions exist.

(d) “Land-clearing operation” means the uprooting or clearing of vegetation in connection with the construction of buildings and rights-of-way, land development, and mineral operations. The term does not include the clearing of yard trash.

(e) “Pile burning” means the burning of silvicultural, agricultural, or land-clearing and tree-cutting debris originating onsite, which is stacked together in a round or linear fashion, including, but not limited to, a windrow.

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

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

(h) “Yard trash” means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property cleanup activities. The term includes materials such as leaves, shrub trimmings, grass clippings, brush, and palm fronds.

(2) NONCERTIFIED BURNING.—

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

1. There is specific consent of the landowner or his or her designee;
2. Authorization has been obtained from the Florida Forest Service division or its designated agent before starting the burn;
3. There are adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire;
4. The fire remains within the boundary of the authorized area;
5. An authorized person is present at the burn site until the fire is extinguished;

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

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

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

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

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

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

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

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

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

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

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

7. As Florida's population continues to grow, pressures from liability issues and nuisance complaints inhibit the use of prescribed burning. Therefore, the Florida Forest Service ~~division~~ is urged to maximize the

opportunities for prescribed burning conducted during its daytime and nighttime authorization process.

(b) Certified prescribed burning pertains only to broadcast burning for purposes of silviculture, wildland fire hazard reduction, wildlife management, ecological maintenance and restoration, and range and pasture management. It must be conducted in accordance with this subsection and:

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

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

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

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

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

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

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

(c) Neither a property owner nor his or her agent is liable pursuant to s. 590.13 for damage or injury caused by the fire or resulting smoke or considered to be in violation of subsection (2) for burns conducted in accordance with this subsection unless gross negligence is proven.

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

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

(4) CERTIFIED PILE BURNING.—

(a) Certified pile burning pertains to the disposal of piled, naturally occurring debris from an agricultural, silvicultural, or temporary land-clearing operation. A land-clearing operation is temporary if it operates for 6 months or less. Certified pile burning must be conducted in accordance with the following:

1. A certified pile burner must ensure, before ignition, that the piles are properly placed and that the content of the piles is conducive to efficient burning.

2. A certified pile burner must ensure that the piles are properly extinguished no later than 1 hour after sunset. If the burn is conducted in an area designated by the Florida Forest Service division as smoke sensitive, a certified pile burner must ensure that the piles are properly extinguished at least 1 hour before sunset.

3. A written pile burning plan must be prepared before receiving authorization from the Florida Forest Service division to burn.

4. The specific consent of the landowner or his or her agent must be obtained before requesting authorization to burn.

5. An authorization to burn must be obtained from the Florida Forest Service division or its designated agent before igniting the burn.

6. There must be adequate firebreaks and sufficient personnel and firefighting equipment at the burn site to control the fire.

(b) If a burn is conducted in accordance with paragraph (a), the property owner and his or her agent are not liable under s. 590.13 for damage or injury caused by the fire or resulting smoke, and are not in violation of subsection (2), unless gross negligence is proven.

(c) A certified pile burner who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) The Florida Forest Service division shall adopt rules regulating certified pile burning. The rules shall include procedures and criteria for certifying and decertifying certified pile burn managers based on past experience, training, and record of compliance with this section.

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

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

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

(c) Prepare and send a notice to all landowners in each area designated by the Florida Forest Service division as a wildfire hazard area. The notice must describe particularly the area to be treated and the tentative date or dates of the treatment and must list the reasons for and the expected benefits from the wildfire hazard reduction.

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

(6) FLORIDA FOREST SERVICE DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING AUTHORIZATION PROGRAMS.—

(a) A county or municipality may exercise the division's authority of the Florida Forest Service, if delegated by the Florida Forest Service division under this subsection, to issue authorizations for the burning of yard trash or debris from land-clearing operations. A county's or municipality's existing or proposed open burning authorization program must:

1. Be approved by the Florida Forest Service division. The Florida Forest Service division may not approve a program if it fails to meet the requirements of subsections (2) and (4) and any rules adopted under those subsections.

2. Provide by ordinance or local law the requirements for obtaining and performing a burn authorization that complies with subsections (2) and (4) and any rules adopted under those subsections.

3. Provide for the enforcement of the program's requirements.

4. Provide financial, personnel, and other resources needed to carry out the program.

(b) If the Florida Forest Service division determines that a county's or municipality's open burning authorization program does not comply with subsections (2) and (4) and any rules adopted under those subsections, the Florida Forest Service division shall require the county or municipality to take necessary corrective actions within 90 days after receiving notice from the Florida Forest Service division of its determination.

1. If the county or municipality fails to take the necessary corrective actions within the required period, the Florida Forest Service division shall resume administration of the open burning authorization program in the

county or municipality and the county or municipality shall cease administration of its program.

2. Each county and municipality administering an open burning authorization program must cooperate with and assist the Florida Forest Service division in carrying out the ~~division's~~ powers, duties, and functions of the Florida Forest Service.

3. A person who violates the requirements of a county's or municipality's open burning authorization program, as provided by ordinance or local law enacted pursuant to this subsection, commits a violation of this chapter, punishable as provided in s. 590.14.

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

Section 62. Subsections (1), (2), (3), and (4) of section 590.14, Florida Statutes, are amended to read:

590.14 Notice of violation; penalties; legislative intent.—

(1) If a Florida Forest Service division employee determines that a person has violated chapter 589, this chapter, or any rule adopted by the Florida Forest Service division to administer provisions of law conferring duties upon the Florida Forest Service division, the Florida Forest Service division employee may issue a notice of violation indicating the statute or rule violated. This notice will be filed with the Florida Forest Service division and a copy forwarded to the appropriate law enforcement entity for further action if necessary.

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

(3) The department may also impose an administrative fine, not to exceed \$1,000 per violation of any section of chapter 589 or this chapter or violation of any rule adopted by the Florida Forest Service division to administer provisions of law conferring duties upon the Florida Forest Service division. The fine shall be based upon the degree of damage, the prior violation record of the person, and whether the person knowingly provided

false information to obtain an authorization. The fines shall be deposited in the Incidental Trust Fund of the Florida Forest Service ~~division~~.

(4) A person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if the person:

(a) Fails to comply with any rule or order adopted by the Florida Forest Service ~~division~~ to administer provisions of law conferring duties upon it ~~the division~~; or

(b) Knowingly makes any false statement or representation in any application, record, plan, or other document required by this chapter or any rules adopted under this chapter.

Section 63. Section 590.16, Florida Statutes, is amended to read:

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

Section 64. Section 590.25, Florida Statutes, is amended to read:

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

Section 65. Section 590.33, Florida Statutes, is amended to read:

590.33 State compact administrator; compact advisory committee.—In pursuance of art. III of the compact, the director of the Florida Forest Service ~~division~~ shall act as compact administrator for Florida of the Southeastern Interstate Forest Fire Protection Compact during his or her term of office as director, and his or her successor as compact administrator shall be his or her successor as director of the Florida Forest Service ~~division~~. As compact administrator, he or she shall be an ex officio member of the advisory committee of the Southeastern Interstate Forest Fire Protection Compact, and chair ex officio of the Florida members of the advisory committee. There shall be four members of the Southeastern Interstate Forest Fire Protection Compact Advisory Committee from Florida. Two of the members from Florida shall be members of the Legislature of Florida, one from the Senate designated by the President of the Senate and one from the House of Representatives designated by the Speaker of the House of Representatives, and the terms of any such members shall terminate at the time they cease to hold legislative office, and their successors as members shall be named in like manner. The Governor shall appoint the other two members from Florida, one of whom shall be associated with forestry or forest products industries. The terms of such members shall be 3 years and such members shall hold

office until their respective successors shall be appointed and qualified. Vacancies occurring in the office of such members from any reason or cause shall be filled by appointment by the Governor for the unexpired term. The director of the Florida Forest Service ~~division~~ as compact administrator for Florida may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting as his or her representative or substitute at any meeting of or hearing by or other proceeding of the compact administrators or of the advisory committee. The terms of each of the initial four memberships, whether appointed at said time or not, shall begin upon the date upon which the compact shall become effective in accordance with art. II of said compact. Any member of the advisory committee may be removed from office by the Governor upon charges and after a hearing.

Section 66. Section 590.34, Florida Statutes, is amended to read:

590.34 State compact administrator and compact advisory committee members; powers; aid from other state agencies.—There is hereby granted to the director of the Florida Forest Service ~~division~~, as compact administrator and chair ex officio of the Florida members of the advisory committee, and to the members from Florida of the advisory committee all the powers provided for in the compact and all the powers necessary or incidental to the carrying out of the compact in every particular. All officers of Florida are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the compact in every particular; it being hereby declared to be the policy of the state to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments, and persons of and in the state government or administration of the state are hereby authorized and directed at convenient times and upon request of the compact administrator or of the advisory committee to furnish information data relating to the purposes of the compact possessed by them or any of them to the compact administrator of the advisory committee. They are further authorized to aid the compact administrator or the advisory committee by loan of personnel, equipment, or other means in carrying out the purposes of the compact.

Section 67. Section 590.35, Florida Statutes, is amended to read:

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

Section 68. Subsections (1) and (2) of section 590.42, Florida Statutes, are amended to read:

590.42 Federally funded fire protection assistance programs.—

(1) ~~The Florida Forest Service Division of Forestry~~ of the Department of Agriculture and Consumer Services may enter into agreements with the Secretary of Agriculture of the United States in order to participate in the Federal Rural Community Fire Protection Program authorized by Pub. L. No. 92-419, whereby the Federal Government provides financial assistance to the states on a matching basis of up to 50 percent of expenditures for such purposes.

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

Section 69. Subsection (6) of section 591.17, Florida Statutes, is amended to read:

591.17 Community forests; definitions.—The terms hereinafter used, unless the text clearly indicates a different meaning, shall be as follows:

~~(6) The term “division” shall mean the Division of Forestry of the Department of Agriculture and Consumer Services.~~

Section 70. Section 591.18, Florida Statutes, is amended to read:

591.18 Community forests; purchase or establishment.—All counties, cities, towns, or school districts, through their governing boards, are hereby empowered to establish, from lands owned by such county, city, town, or school district in fee simple, or to acquire by purchase or gift, lands at present covered with forest or tree growth, or suitable for the growth of trees, and to administer the same under the direction of the Florida Forest Service ~~Division of Forestry~~, in accordance with the practice and principles of scientific forestry, for the benefit of the said counties, cities, towns, or school districts. Such tracts may be of any size suitable for the purpose but must be located within the county embracing the county, city, town, or school district, provided that it shall be requisite for the governing board availing itself of the provisions of this law to submit to the Florida Forest Service ~~Division of Forestry~~, and secure its approval of the area and location of any lands proposed to be acquired or used for the purposes of county, city, town, or school district forests.

Section 71. Section 591.19, Florida Statutes, is amended to read:

591.19 Community forests; tax delinquent lands.—The Department of Revenue, the Board of Trustees of the Internal Improvement Trust Fund, counties, cities, towns, school districts, or any other public agency holding fee simple or tax certificate lands are hereby empowered to, and may, upon

application to them, transfer title of fee simple lands not in other public use to any county, city, town, or school district for forest purposes as described under this law, provided such lands are approved by the Florida Forest Service Division of Forestry for this purpose.

Section 72. Section 591.20, Florida Statutes, is amended to read:

591.20 Community forests; forestry committee.—The governing board of any county, city, town, or school district desiring to establish community forests after enactment of this law shall appoint a forestry committee, consisting of three members, as follows: one member of governing board, one member from the Florida Forest Service Division of Forestry to be designated by the Florida Forest Service division, and one taxpayer of the county, city, town, or school district not a member of the governing board. The first two members of such committee shall hold office until replaced in their respective official positions. The third member shall hold office for 3 years. Any vacancy shall be filled at the first regular session of the governing board after the vacancy occurs. The president of the committee shall be selected by the three members for a 1-year term at their first regular meeting. The representative of the Florida Forest Service Division of Forestry shall not serve as an officer of the committee nor be responsible for making reports. All members shall serve without compensation, but shall be reimbursed for travel expenses as provided in s. 112.061.

Section 73. Section 591.24, Florida Statutes, is amended to read:

591.24 Community forests; fiscal reports.—A fiscal year report of expenditures, income, sales, development and management shall be made by the forestry committee to the governing board of the county, city, town, or school district, and a copy sent to the Florida Forest Service Division of Forestry. All reports shall be audited by the regular auditor of the county, city, town, or school district.

Section 74. Section 591.25, Florida Statutes, is amended to read:

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

Section 75. Paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section 633.115, Florida Statutes, are amended to read:

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

(1)

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

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

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

Section 76. Paragraph (e) of subsection (6) of section 633.821, Florida Statutes, is amended to read:

633.821 Workplace safety.—

(6)

(e) This subsection does not apply to wildland or prescribed live fire training exercises sanctioned by the Florida Forest Service ~~Division of Forestry~~ of the Department of Agriculture and Consumer Services or the National Wildfire Coordinating Group.

Section 77. Subsection (1) of section 790.15, Florida Statutes, is amended to read:

790.15 Discharging firearm in public.—

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

Reviser’s note.—Amended pursuant to the directive to the Division of Statutory Revision in s. 12, ch. 2011-56, Laws of Florida, to prepare a reviser’s bill for introduction at a subsequent session of the Legislature which replaces all statutory references to the Division of Forestry with the term “Florida Forest Service.”

Section 78. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

Approved by the Governor February 24, 2012.

Filed in Office Secretary of State February 24, 2012.