

## CHAPTER 2013-226

### Committee Substitute for House Bill No. 7087

An act relating to the Department of Agriculture and Consumer Services; amending s. 253.034, F.S.; requiring public hearings relating to the development of land management plans to be held in any one, rather than each, county affected by such plans; amending s. 259.1052, F.S.; providing for Lee County to retain ownership and assume responsibility for management of a specified portion of the Babcock Crescent B Ranch Florida Forever acquisition; requiring certain activities on the property to be compatible with working ranch and agricultural activities; amending s. 259.10521, F.S.; revising provisions relating to the citizen support organization for the Babcock Ranch Preserve and use of the ranch property; amending s. 259.1053, F.S.; revising provisions of the Babcock Preserve Ranch Act to conform to the termination or expiration of the management agreement and the dissolution of Babcock Ranch, Inc.; creating the Babcock Ranch Advisory Group; providing for the department to manage and operate the preserve; requiring certain fees to be deposited into the Incidental Trust Fund of the Florida Forest Service, subject to appropriation; directing the Fish and Wildlife Commission, in cooperation with the Florida Forest Service, to establish, implement, and administer certain activities and fees; requiring such fees to be deposited into the State Game Trust Fund of the Fish and Wildlife Conservation Commission and used for specified purposes; authorizing the Board of Trustees of the Internal Improvement Trust Fund to negotiate and enter into certain agreements and grant certain privileges, leases, concessions, and permits; providing for transfer of the Babcock Ranch, Inc., to the department upon dissolution of the corporation; providing for certain funds to revert to the Incidental Trust Fund of the Florida Forest Service upon such dissolution; amending s. 388.261, F.S.; revising provisions for the distribution and use of state funds for local mosquito control programs; amending s. 388.271, F.S.; revising the date by which mosquito control districts must submit their certified budgets for approval by the department; amending s. 487.160, F.S.; deleting provisions requiring the department to conduct a survey and compile a report on restricted-use pesticides; amending s. 534.083, F.S.; deleting permitting requirements for livestock haulers; creating s. 570.087, F.S.; providing for the department and the Fish and Wildlife Conservation Commission to enter into a memorandum of agreement to develop best management practices for the agriculture industry; authorizing the department to adopt certain rules; providing that implementation of such best management practices is voluntary; prohibiting governmental agencies from adopting or enforcing specified ordinances, resolutions, regulations, rules, or policies; amending s. 570.07, F.S.; clarifying the authority of the department to regulate certain open burning; creating s. 570.64, F.S.; establishing the duties of the Division of Food, Nutrition, and Wellness within the department; providing for a director of the division; amending s. 570.902, F.S.; clarifying the

applicability of definitions relating to certain designated programs and direct-support organizations; amending s. 570.903, F.S.; authorizing the department to establish direct-support organizations for museums and other programs of the department; deleting provisions that limit the establishment of direct-support organizations to particular museums and programs; deleting provisions authorizing direct-support organizations to enter into certain contracts or agreements; clarifying provisions prohibiting specified entities from receiving commissions, fees, or financial benefits in connection with the sale or exchange of real property and historical objects; providing for the termination of agreements between the department and direct-support organizations; providing for the distribution of certain assets; deleting provisions requiring the department to establish certain procedures relating to museum artifacts and records; amending s. 576.051, F.S.; authorizing the department to establish certain criteria for fertilizer sampling and analysis; amending s. 576.061, F.S.; requiring the department to adopt rules establishing certain investigational allowances for fertilizer deficiencies; providing a date by which such allowances are effective and other allowances are repealed; amending s. 576.181, F.S.; revising the department's authority to adopt rules establishing certain criteria for fertilizer analysis; amending s. 585.61, F.S.; deleting provisions for the establishment of an animal disease diagnostic laboratory in Suwannee County; amending s. 586.10, F.S.; authorizing apiary inspectors to be certified beekeepers under certain conditions; amending s. 586.15, F.S.; providing for the collection and deposit of costs related to enforcement of prohibitions against the adulteration or misbranding of honey; amending s. 589.02, F.S.; deleting annual and special meeting requirements for the Florida Forestry Council; amending s. 589.19, F.S.; establishing the Operation Outdoor Freedom Program within the Florida Forest Service to replace provisions for the designation of specified hunt areas in state forests for wounded veterans and servicemembers; providing purpose and intent of the program; providing eligibility requirements for program participation; providing exceptions from eligibility requirements for certain activities; providing for deposit and use of funds donated to the program; limiting the liability of private landowners who provide land for designation as hunting sites for purposes of the program; amending s. 589.30, F.S.; revising references to certain Florida Forest Service personnel titles; amending s. 590.02, F.S.; authorizing the Florida Forest Service to allow certain types of burning; specifying that sovereign immunity applies to certain planning level activities; deleting provisions relating to the composition and duties of the Florida Forest Training Center advisory council; prohibiting government entities from banning certain types of burning; authorizing the service to delegate authority to special districts to manage certain types of burning; revising such authority delegated to counties and municipalities; amending s. 590.11, F.S.; revising the prohibition on leaving certain recreational fires unattended, to which penalties apply; amending s. 590.125, F.S.; revising and providing definitions relating to open burning authorized by the Florida Forest Service; revising requirements for noncertified and certified burning; limiting the liability of the service and certain persons related to certain

burns; amending s. 590.25, F.S.; revising provisions relating to criminal penalties for obstructing the prevention, detection, or suppression of wildfires; creating chapter 595, F.S., to establish the Florida School Food and Nutrition Act; creating s. 595.401, F.S.; providing a short title; creating s. 595.402, F.S.; providing definitions; creating s. 595.403, F.S.; declaring state policy relating to school food and nutrition services; transferring, renumbering, and amending ss. 570.98 and 570.981, F.S., relating to school food and nutrition services and the Florida Farm Fresh Schools Program; revising the department's duties and responsibilities for administering such services and program; revising requirements for school districts and sponsors; transferring, renumbering, and amending s. 570.982, F.S., relating to the children's summer nutrition program; clarifying provisions; transferring, renumbering, and amending s. 570.072, F.S., relating to the authority of the department to conduct, supervise, and administer commodity distribution services for school food and nutrition services; creating s. 595.501, F.S.; providing certain penalties; transferring, renumbering, and amending s. 570.983, relating to the Food and Nutrition Services Trust Fund; conforming a cross-reference; transferring and renumbering s. 570.984, F.S., relating to the Healthy Schools for Healthy Lives Council; amending s. 1001.42, F.S.; requiring district school boards to perform duties relating to school lunch programs as required by the department's rules; amending s. 1003.453, F.S.; deleting an obsolete provision; requiring school districts to submit certain policies to the Department of Agriculture and Consumer Services and the Department of Education; repealing ss. 487.0615, 570.382, 570.97, and 590.50, F.S., relating to the Pesticide Review Council, Arabian horse racing and the Arabian Horse Council, the Gertrude Maxwell Save a Pet Direct-Support Organization, and permits for the sale of cypress products, respectively; amending ss. 487.041, 550.2625, and 550.2633, F.S.; conforming provisions; providing for the disbursement of specified funds; providing an effective date.

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

Section 1. Paragraph (f) of subsection (5) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner prescribed by rule by the board and in accordance with the provisions of s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year of the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner prescribed by rule by the board. The division shall review each plan

for compliance with the requirements of this subsection and the requirements of the rules established by the board pursuant to this section. All land use plans, whether for single-use or multiple-use properties, shall include an analysis of the property to determine if any significant natural or cultural resources are located on the property. Such resources include archaeological and historic sites, state and federally listed plant and animal species, and imperiled natural communities and unique natural features. If such resources occur on the property, the manager shall consult with the Division of State Lands and other appropriate agencies to develop management strategies to protect such resources. Land use plans shall also provide for the control of invasive nonnative plants and conservation of soil and water resources, including a description of how the manager plans to control and prevent soil erosion and soil or water contamination. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan. Plans for managed areas larger than 1,000 acres shall contain an analysis of the multiple-use potential of the property, which analysis shall include the potential of the property to generate revenues to enhance the management of the property. Additionally, the plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands. In those cases where a newly acquired property has a valid conservation plan that was developed by a soil and conservation district, such plan shall be used to guide management of the property until a formal land use plan is completed.

(f) In developing land management plans, at least one public hearing shall be held in any one each affected county.

Section 2. Subsections (3), (4), and (5) of section 259.1052, Florida Statutes, are amended to read:

259.1052 Babcock Crescent B Ranch Florida Forever acquisition; conditions for purchase.—

(3) The Legislature recognizes that the acquisition of the state's portion of the Babcock Crescent B Ranch represents a unique opportunity to assist in preserving the largest private and undeveloped single-ownership tract of land in Charlotte County. The Legislature further recognizes Lee County as a partner in the acquisition of the ranch. Upon the termination or expiration of the management agreement, Lee County will retain ownership and assume responsibility for management of the Lee County portion of the acquisition. Lee County and the lead manager may enter into an agreement for management of the Lee County property.

(4) This section authorizes the acquisition of the state's portion of the Babcock Crescent B Ranch in order to protect and preserve for future generations the scientific, scenic, historic, and natural values of the ranch, including rivers and ecosystems; to protect and preserve the archaeological, geological, and cultural resources of the ranch; to provide for species

recovery; and to provide opportunities for public recreation compatible with the working ranch and agricultural activities conducted on the property.

(5) ~~The Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services shall, with the cooperation of the Fish and Wildlife Conservation Commission,~~ be the lead managing agency ~~ageneies~~ responsible for the management of Babcock Crescent B Ranch.

Section 3. Section 259.10521, Florida Statutes, is 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:

(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

(b) Organized and operated to conduct programs and activities in the best interest of the state; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Babcock ~~Crescent B Ranch~~ Preserve;

(c) Determined by the Fish and Wildlife Conservation Commission and the Florida Forest Service 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 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. Only one citizen support organization may be created to operate for the direct or indirect benefit of the Babcock ~~Crescent B Ranch~~ Preserve.

(2) USE OF PROPERTY.—

(a) The Fish and Wildlife Conservation Commission and the Florida Forest Service may permit, without charge, appropriate use of fixed property and facilities of the Babcock ~~Crescent B Preserve~~ 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 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 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.—

(a) The Legislature recognizes that the Babcock ~~Crescent B~~ Preserve Ranch will need a variety of facilities to enhance its public use and potential. Such facilities include, but are not limited to, improved access, camping areas, picnic shelters, management facilities, and environmental education facilities. The need for such facilities may exceed the ability of the state to provide such facilities in a timely manner with moneys available. The Legislature finds it to be in the public interest to provide incentives for partnerships with private organizations with the intent of producing additional revenue to help enhance the use and potential of the ranch.

(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 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 are authorized to adopt necessary administrative rules to carry out the purposes of this subsection.

Section 4. Section 259.1053, Florida Statutes, is amended to read:

259.1053 Babcock Ranch Preserve; Babcock Ranch Advisory Group, Inc.; ~~creation; membership; organization; meetings.~~—

(1) SHORT TITLE.—This section may be cited as the “Babcock Ranch Preserve Act.”

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

(a) “Babcock Ranch Preserve” and “preserve” mean the lands and facilities acquired in the purchase of the Babcock Crescent B Ranch, as provided in s. 259.1052.

~~(b) “Babcock Ranch, Inc.,” and “corporation” mean the not-for-profit corporation created under this section to operate and manage the Babcock Ranch Preserve as a working ranch.~~

~~(c) “Board of directors” means the governing board of the not-for-profit corporation created under this section.~~

~~(b)(d) “Commission” means the Fish and Wildlife Conservation Commission.~~

~~(c)(e) “Commissioner” means the Commissioner of Agriculture.~~

~~(d)(f) “Department” means the Department of Agriculture and Consumer Services.~~

~~(e)(g) “Executive director” means the Executive Director of the Fish and Wildlife Conservation Commission.~~

~~(f)(h) “Financially self-sustaining” means having management and operation expenditures not more than the revenues collected from fees and other receipts for resource use and development and from interest and invested funds.~~

~~(g) “Florida Forest Service” means the Florida Forest Service of the Department of Agriculture and Consumer Services.~~

~~(i) “Management and operating expenditures” means expenses of the corporation, including, but not limited to, salaries and benefits of officers and staff, administrative and operating expenses, costs of improvements to and maintenance of lands and facilities of the Babcock Ranch Preserve, and other similar expenses. Such expenditures shall be made from revenues generated from the operation of the ranch and not from funds appropriated by the Legislature except as provided in this section.~~

~~(j) “Member” means a person appointed to the board of directors of the not-for-profit corporation created under this section.~~

~~(h)(k) “Multiple use” means the management of all of the renewable surface resources of the Babcock Ranch Preserve to best meet the needs of the public, including the use of the land for some or all of the renewable surface resources or related services over areas large enough to allow for periodic adjustments in use to conform to the changing needs and conditions of the preserve while recognizing that a portion of the land will be used for some of the renewable surface resources available on that land. The goal of multiple use is the harmonious and coordinated management of the renewable surface resources without impairing the productivity of the land and considering the relative value of the renewable surface resources, and not necessarily a combination of uses to provide the greatest monetary return or the greatest unit output.~~

(i)(4) “Sustained yield of the renewable surface resources” means the achievement and maintenance of a high level of annual or regular periodic output of the various renewable surface resources of the preserve without impairing the productivity of the land.

(3) CREATION OF BABCOCK RANCH PRESERVE.—

(a) Upon the date of acquisition of the Babcock Crescent B Ranch, there is created the Babcock Ranch Preserve, which shall be managed in accordance with the purposes and requirements of this section.

(b) The preserve is established to protect and preserve the environmental, agricultural, scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the preserve, and to provide for the multiple use and sustained yield of the renewable surface resources within the preserve consistent with this section.

~~(c) Babcock Ranch, Inc., and its officers and employees shall participate in the management of the Babcock Ranch Preserve in an advisory capacity only until the management agreement referenced in paragraph (11)(a) is terminated or expires.~~

~~(c)(d) Nothing in This section does not shall preclude Babcock Ranch, Inc., prior to assuming management and operation of the preserve and thereafter, from allowing the use of common varieties of mineral materials such as sand, stone, and gravel for construction and maintenance of roads and facilities within the preserve.~~

~~(d)(e) Nothing in This section does not affect shall be construed as affecting the constitutional responsibilities of the commission in the exercise of its regulatory and executive power with respect to wild animal life and freshwater aquatic life, including the regulation of hunting, fishing, and trapping within the preserve.~~

~~(e)(f) Nothing in This section does not shall be construed to interfere with or prevent the implementation of ability of Babcock Ranch, Inc., to implement agricultural practices authorized by the agricultural land use designations established in the local comprehensive plans of either Charlotte County or Lee County as those plans apply to the Babcock Ranch Preserve.~~

~~(g) To clarify the responsibilities of the lead managing agencies and the not-for-profit corporation created under this section, the lead managing agencies are directed to establish a range of resource protection values for the Babcock Ranch Preserve, and the corporation shall establish operational parameters to conduct the business of the ranch within the range of values. The corporation shall establish a range of operational values for conducting the business of the ranch, and the lead managing agencies providing ground support to the ranch outside of each agency’s jurisdictional responsibilities shall establish management parameters within that range of values.~~



~~(f)(h)~~ Nothing in This section does not shall preclude the maintenance and use of roads and trails or the relocation of roads in existence on the effective date of this section, or the construction, maintenance, and use of new trails, or any motorized access necessary for the administration of the land contained within the preserve, including motorized access necessary for emergencies involving the health or safety of persons within the preserve.

~~(i) The Division of State Lands of the Department of Environmental Protection shall perform staff duties and functions for Babcock Ranch, Inc., the not-for-profit corporation created under this section, until such time as the corporation organizes to elect officers, file articles of incorporation, and exercise its powers and duties.~~

~~(4) CREATION OF BABCOCK RANCH ADVISORY GROUP, INC.—~~

~~(a) The purpose of the Babcock Ranch Advisory Group is to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.~~

~~(b) The Babcock Ranch Advisory Group shall be comprised of nine members appointed to 5-year terms. Based on recommendations from the Governor and Cabinet, the commission, and the governing boards of Charlotte County and Lee County, the commissioner shall appoint members as follows:~~

~~1. One member with experience in sustainable management of forest lands for commodity purposes.~~

~~2. One member with experience in financial management, budget and program analysis, and small business operations.~~

~~3. One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.~~

~~4. One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.~~

~~5. One member with experience in agriculture operations or forestry management.~~

~~6. One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.~~

~~7. One member with experience in public outreach and education.~~

~~8. One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.~~

9. One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.

Vacancies will be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of that term.

(c) Members of the Babcock Ranch Advisory Group shall:

1. Elect a chair and vice chair from among the group members.

2. Meet regularly as determined by the chair.

3. Serve without compensation but shall receive reimbursement for travel and per diem expenses as provided in s. 112.061.

~~(a) Subject to filing articles of incorporation, there is created a not-for-profit corporation, to be known as Babcock Ranch, Inc., which shall be registered, incorporated, organized, and operated in compliance with the provisions of chapter 617, and which shall not be a unit or entity of state government. For purposes of sovereign immunity, the corporation shall be a corporation primarily acting as an instrumentality of the state but otherwise shall not be an agency within the meaning of s. 20.03(11) or a unit or entity of state government.~~

~~(b) The corporation is organized on a nonstock basis and shall operate in a manner consistent with its public purpose and in the best interest of the state.~~

~~(c) Meetings and records of the corporation, its directors, advisory committees, or similar groups created by the corporation, including any not-for-profit subsidiaries, are subject to the public records provisions of chapter 119 and the public meetings and records provisions of s. 286.011.~~

~~(5) APPLICABILITY OF SECTION.—In any conflict between a provision of this section and a provision of chapter 617, the provisions of this section shall prevail.~~

~~(6) PURPOSE.—The purpose of Babcock Ranch, Inc., is to provide management and administrative services for the preserve, to establish and implement management policies that will achieve the purposes and requirements of this section, to cooperate with state agencies to further the purposes of the preserve, and to establish the administrative and accounting procedures for the operation of the corporation.~~

~~(7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.—The corporation shall be governed by a nine-member board of directors who shall be appointed by the Board of Trustees of the Internal Improvement Trust Fund; the executive director of the commission; the Commissioner of Agriculture; the Babcock Florida Company, a corporation registered to do business in the state, or its successors or assigns; the Charlotte County Board~~

of County Commissioners; and the Lee County Board of County Commissioners in the following manner:

~~(a)1. The Board of Trustees of the Internal Improvement Trust Fund shall appoint four members. One appointee shall have expertise in domesticated livestock management, production, and marketing, including range management and livestock business management. One appointee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities. One appointee shall have expertise in the sustainable management of forest lands for commodity purposes. One appointee shall have expertise in financial management, budget and program analysis, and small business operations.~~

~~2. The executive director shall appoint one member with expertise in hunting; fishing; nongame species management; or wildlife habitat management, restoration, and conservation.~~

~~3. The commissioner shall appoint one member with expertise in agricultural operations or forestry management.~~

~~4. The Babcock Florida Company, or its successors or assigns, shall appoint one member with expertise in the activities and management of the Babcock Ranch on the date of acquisition of the ranch by the state as provided under s. 259.1052. This appointee shall serve on the board of directors only until the termination of or expiration of the management agreement attached as Exhibit "E" to that certain Agreement for Sale and Purchase approved by the Board of Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County, a political subdivision of the state, on November 20, 2005. Upon termination of or expiration of the management agreement, the person serving as the head of the property owners' association, if any, required to be created under the agreement for sale and purchase shall serve as a member of the board of directors of Babcock Ranch, Inc.~~

~~5. The Charlotte County Board of County Commissioners shall appoint one member who shall be a resident of the county and who shall be active in an organization concerned with the activities of the ranch.~~

~~6. The Lee County Board of County Commissioners shall appoint one member who shall be a resident of the county and who shall have experience in land conservation and management. This appointee, or a successor appointee, shall serve as a member of the board of directors so long as the county participates in the state land management plan.~~

~~(b) All members of the board of directors shall be appointed no later than 90 days following the initial acquisition of the Babcock Ranch by the state, and:~~

~~1.— Four members initially appointed by the Board of Trustees of the Internal Improvement Trust Fund shall each serve a 4-year term.~~

~~2.— The remaining initial five appointees shall each serve a 2-year term.~~

~~3.— Each member appointed thereafter shall serve a 4-year term.~~

~~4.— A vacancy shall be filled in the same manner in which the original appointment was made, and a member appointed to fill a vacancy shall serve for the remainder of that term.~~

~~5.— No member may serve more than 8 years in consecutive terms.~~

~~(c) With the exception of the Babcock Florida Company appointee, no member may be an officer, director, or shareholder in any entity that contracts with or receives funds from the corporation or its subsidiaries.~~

~~(d) No member shall vote in an official capacity upon any measure that would inure to his or her special private gain or loss, that he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a principal by which he or she is retained, or that he or she knows would inure to the special private gain or loss of a relative or business associate of the member. Such member shall, prior to the vote being taken, publicly state the nature of his or her interest in the matter from which he or she is abstaining from voting and, no later than 15 days following the date the vote occurs, shall disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes of the meeting.~~

~~(e) Each member of the board of directors is accountable for the proper performance of the duties of office, and each member owes a fiduciary duty to the people of the state to ensure that funds provided in furtherance of this section are disbursed and used as prescribed by law and contract. Any official appointing a member may remove that member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, unexcused absence from three consecutive meetings of the board, arrest or indictment for a crime that is a felony or misdemeanor involving theft or a crime of dishonesty, or pleading nolo contendere to, or being found guilty of, any crime.~~

~~(f) Each member of the board of directors shall serve without compensation, but shall receive travel and per diem expenses as provided in s. 112.061 while in the performance of his or her duties.~~

~~(g) No appointee shall be an employee of any governmental entity.~~

~~(8) ORGANIZATION; MEETINGS.—~~

~~(a)1.— The board of directors shall annually elect a chairperson and a vice chairperson from among the board's members. The members may, by a vote~~

~~of five of the nine board members, remove a member from the position of chairperson or vice chairperson prior to the expiration of his or her term as chairperson or vice chairperson. His or her successor shall be elected to serve for the balance of the removed chairperson's or vice chairperson's term.~~

~~2. The chairperson shall ensure that records are kept of the proceedings of the board of directors, and is the custodian of all books, documents, and papers filed with the board, the minutes of meetings of the board, and the official seal of the corporation.~~

~~(b)1. The board of directors shall meet upon the call of the chairperson at least 3 times per year in Charlotte County or in Lee County.~~

~~2. A majority of the members of the board of directors constitutes a quorum. Except as otherwise provided in this section, the board of directors may take official action by a majority of the members present at any meeting at which a quorum is present. Members may not vote by proxy.~~

~~(9) POWERS AND DUTIES.—~~

~~(a) The board of directors shall adopt articles of incorporation and bylaws necessary to govern its activities. The adopted articles of incorporation and bylaws must be approved by the Board of Trustees of the Internal Improvement Trust Fund prior to filing with the Department of State.~~

~~(b) The board of directors shall review and approve any management plan developed pursuant to ss. 253.034 and 259.032 for the management of lands in the preserve prior to the submission of that plan to the Board of Trustees of the Internal Improvement Trust Fund for approval and implementation.~~

~~(c)1. Except for the constitutional powers of the commission as provided in s. 9, Art. IV of the State Constitution, the board of directors shall have all necessary and proper powers for the exercise of the authority vested in the corporation, including, but not limited to, the power to solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other public or private entities for the purposes of this section. All funds received by the corporation shall be deposited into the operating fund authorized under this section unless otherwise directed by the Legislature.~~

~~2. The board of directors may not increase the number of its members.~~

~~3. Except as necessary to manage and operate the preserve as a working ranch, the corporation may not purchase, take, receive, lease, take by gift, devise, or bequest, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with real property, or any interest therein, wherever situated.~~

~~4. The corporation may not sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of any real property.~~

~~5.—The corporation may not purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of or otherwise use and deal in and with, shares and other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships, or individuals, or direct or indirect obligations of the United States, or any other government, state, territory, government district, municipality, or any instrumentality thereof.~~

~~6.—The corporation may not lend money for its corporate purposes, invest and reinvest its funds, or take and hold real and personal property as security for the payment of funds lent or invested.~~

~~7.—The corporation may not merge with other corporations or other business entities.~~

~~8.—The corporation may not enter into any contract, lease, or other agreement related to the use of ground or surface waters located in, on, or through the preserve without the consent of the Board of Trustees of the Internal Improvement Trust Fund and permits that may be required by the Department of Environmental Protection or the appropriate water management district under chapters 373 and 403.~~

~~9.—The corporation may not grant any easements in, on, or across the preserve. Any easements to be granted for the use of, access to, or ingress and egress across state property within the preserve must be executed by the Board of Trustees of the Internal Improvement Trust Fund as the owners of the state property within the preserve. Any easements to be granted for the use of, access to, or ingress and egress across property within the preserve titled in the name of a local government must be granted by the governing body of that local government.~~

~~10.—The corporation may not enter into any contract, lease, or other agreement related to the use and occupancy of the property within the preserve for a period greater than 10 years.~~

~~(d)—The members may, with the written approval of the commission and in consultation with the department, designate hunting, fishing, and trapping zones and may establish additional periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, and the protection and enhancement of nongame habitat and nongame species, as defined under s. 379.101.~~

~~(e)—The corporation shall have the sole and exclusive right to use the words “Babcock Ranch, Inc.,” and any seal, emblem, or other insignia adopted by the members. Without the express written authority of the corporation, no person may use the words “Babcock Ranch, Inc.,” as the name under which that person conducts or purports to conduct business, for the purpose of trade or advertisement, or in any manner that may suggest any connection with the corporation.~~

~~(f) The corporation may from time to time appoint advisory committees to further any part of this section. The advisory committees shall be reflective of the expertise necessary for the particular function for which the committee is created, and may include public agencies, private entities, and not-for-profit conservation and agricultural representatives.~~

~~(g) State laws governing the procurement of commodities and services by state agencies, as provided in s. 287.057, shall apply to the corporation.~~

~~(h) The corporation and its subsidiaries must provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status.~~

~~(10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING REQUIREMENTS.—~~

~~(a) The board of directors may establish and manage an operating fund to address the corporation's unique cash-flow needs and to facilitate the management and operation of the preserve as a working ranch.~~

~~(b) The board of directors shall provide for an annual financial audit of the corporate accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General under s. 11.45(8). The audit report shall be submitted no later than 3 months following the end of the fiscal year to the Auditor General, the President of the Senate, the Speaker of the House of Representatives, and the appropriate substantive and fiscal committees of the Legislature. The Auditor General, the Office of Program Policy Analysis and Government Accountability, and the substantive or fiscal committees of the Legislature to which legislation affecting the Babcock Ranch Preserve may be referred shall have the authority to require and receive from the corporation or from the independent auditor any records relative to the operation of the corporation.~~

~~(c) Not later than January 15 of each year, Babcock Ranch, Inc., shall submit to the Board of Trustees of the Internal Improvement Trust Fund, the President of the Senate, the Speaker of the House of Representatives, the department, and the commission a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year, including information on the status of the ecological, cultural, and financial resources being managed by the corporation, and benefits provided by the preserve to local communities. The report shall also include a section describing the corporation's goals for the current year.~~

~~(d) The board of directors shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the initial acquisition of the Babcock Ranch by the state. The department shall provide necessary assistance, including details as necessary, to the corporation for the timely formulation and submission of an annual legislative budget request for appropriations, if any, to support the administration, operation, and maintenance of the preserve. A request for~~

appropriations shall be submitted to the department and shall be included in the department's annual legislative budget request. Requests for appropriations shall be submitted to the department in time to allow the department to meet the requirements of s. 216.023. The department may not deny a request or refuse to include in its annual legislative budget submission a request from the corporation for an appropriation.

~~(c) Notwithstanding any other provision of law, all moneys received from donations or from management of the preserve shall be retained by the corporation in the operating fund and shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvements, repairs, and related expenses incurred with respect to properties being managed by the corporation. Except as provided in this section, moneys received by the corporation for the management of the preserve shall not be subject to distribution by the state. Upon assuming management responsibilities for the preserve, the corporation shall optimize the generation of income based on existing marketing conditions to the extent that activities do not unreasonably diminish the long-term environmental, agricultural, scenic, and natural values of the preserve, or the multiple-use and sustained-yield capability of the land.~~

~~(f) All parties in contract with the corporation and all holders of leases from the corporation which are authorized to occupy, use, or develop properties under the management jurisdiction of the corporation must procure proper insurance as is reasonable or customary to insure against any loss in connection with the properties or with activities authorized in the leases or contracts.~~

~~(11) COMPREHENSIVE BUSINESS PLAN.—~~

~~(a) A comprehensive business plan for the management and operation of the preserve as a working ranch and amendments to the business plan may be developed only with input from the department and the commission, and may be implemented by Babcock Ranch, Inc., only upon expiration of the management agreement attached as Exhibit "E" to that certain agreement for sale and purchase approved by the Board of Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County on November 20, 2005.~~

~~(b) Any final decision of Babcock Ranch, Inc., to adopt or amend the comprehensive business plan or to approve any activity related to the management of the renewable surface resources of the preserve shall be made in sessions that are open to the public. The board of directors shall establish procedures for providing adequate public information and opportunities for public comment on the proposed comprehensive business plan for the preserve or for amendments to the comprehensive business plan adopted by the members.~~



(c) ~~Not less than 2 years prior to the corporation's assuming management and operation responsibilities for the preserve, the corporation, with input from the commission and the department, must begin developing the comprehensive business plan to carry out the purposes of this section. To the extent consistent with these purposes, the comprehensive business plan shall provide for:~~

- ~~1. The management and operation of the preserve as a working ranch;~~
- ~~2. The protection and preservation of the environmental, agricultural, scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the preserve;~~
- ~~3. The promotion of high-quality hunting experiences for the public, with emphasis on deer, turkey, and other game species;~~
- ~~4. Multiple use and sustained yield of renewable surface resources within the preserve;~~
- ~~5. Public use of and access to the preserve for recreation; and~~
- ~~6. The use of renewable resources and management alternatives that, to the extent practicable, benefit local communities and small businesses and enhance the coordination of management objectives with those on surrounding public or private lands. The use of renewable resources and management alternatives should provide cost savings to the corporation through the exchange of services, including, but not limited to, labor and maintenance of facilities, for resources or services provided to the corporation.~~

~~(d) On or before the date on which title to the portion of the Babcock Crescent B Ranch being purchased by the state as provided in s. 259.1052 is vested in the Board of Trustees of the Internal Improvement Trust Fund, Babcock Ranch Management, LLC, a limited liability company incorporated in this state, shall provide the commission and the department with the management plan and business plan in place for the operation of the ranch as of November 22, 2005, the date on which the board of trustees approved the purchase.~~

~~(5)(12) MANAGEMENT OF PRESERVE; FEES.—~~

~~(a) The department corporation shall assume all authority provided by this section to manage and operate the preserve as a working ranch upon the termination or expiration of the management agreement attached as Exhibit "E" to that certain agreement for sale and purchase approved by the Board of Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County on November 20, 2005 a determination by the Board of Trustees of the Internal Improvement Trust Fund that the corporation is able to conduct business, and that provision has been made for essential services on the preserve, which, to the maximum extent practicable, shall be made no later than 60 days prior to the termination of the management agreement referenced in paragraph (11)(a).~~

(b) Upon assuming management and operation of the preserve, the ~~department corporation~~ shall:

~~1. With input from the commission and the department, Manage and operate the preserve and the uses thereof, including, but not limited to, the activities necessary to administer and operate the preserve as a working ranch; the activities necessary for the preservation and development of the land and renewable surface resources of the preserve; the activities necessary for interpretation of the history of the preserve on behalf of the public; the activities necessary for the management, public use, and occupancy of facilities and lands within the preserve; and the maintenance, rehabilitation, repair, and improvement of property within the preserve.;~~

~~2. Develop programs and activities relating to the management of the preserve as a working ranch.;~~

~~3. Negotiate directly with and enter into such agreements, leases, contracts, and other arrangements with any person, firm, association, organization, corporation, or governmental entity, including entities of federal, state, and local governments, as are necessary and appropriate to carry out the purposes and activities authorized by this section;~~

~~3.4. Establish procedures for entering into lease agreements and other agreements for the use and occupancy of the facilities of the preserve. The procedures shall ensure reasonable competition and set guidelines for determining reasonable fees, terms, and conditions for such agreements.;~~  
~~and~~

~~4.5. Assess reasonable fees for admission to, use of, and occupancy of the preserve to offset costs of operating the preserve as a working ranch. These fees are independent of fees assessed by the commission for the privilege of hunting, fishing, or pursuing outdoor recreational activities within the preserve, and shall be deposited into the Incidental Trust Fund of the Florida Forest Service, subject to appropriation by the Legislature operating fund established by the board of directors under the authority provided under this section.~~

(c) The commission, in cooperation with the department, shall:

1. Establish and implement public hunting and other fish and wildlife management activities. Tier I and Tier II public hunting opportunities shall be provided consistent with the management plan and the recreation master plan. Tier I public hunting shall provide hunting opportunities similar to those offered on wildlife management areas with an emphasis on youth and family-oriented hunts. Tier II public hunting shall be provided specifically by fee-based permitting to ensure compatibility with livestock grazing and other essential agricultural operations on the preserve.

2. Establish and administer permit fees for Tier II public hunting to capitalize on the value of hunting on portions of the preserve and to help

ensure the preserve is financially self-sufficient. The fees shall be deposited into the State Game Trust Fund of the Fish and Wildlife Conservation Commission to be used to offset the costs of providing public hunting and to support fish and wildlife management and other land management activities on the preserve.

(d) The Board of Trustees of the Internal Improvement Trust Fund or its designated agent may:

1. Negotiate directly with and enter into such agreements, leases, contracts, and other arrangements with any person, firm, association, organization, corporation, or governmental entity, including entities of federal, state, and local governments, as are necessary and appropriate to carry out the purposes and activities authorized by this section.

2. Grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors to the preserve, provided no natural curiosities or objects of interest shall be granted, leased, or rented on such terms as shall deny or interfere with free access to them by the public. Such grants, leases, and permits may be made and given without advertisement or securing competitive bids. Such grants, leases, or permits may not be assigned or transferred by any grantee without consent of the Board of Trustees of the Internal Improvement Trust Fund or its designated agent.

~~(13)~~ MISCELLANEOUS PROVISIONS.—

~~(a) Except for the powers of the commissioner provided in this section, and the powers of the commission provided in s. 9, Art. IV of the State Constitution, the preserve shall be managed by Babcock Ranch, Inc.~~

~~(b) Officers and employees of Babcock Ranch, Inc., are private employees. At the request of the board of directors, the commission and the department may provide state employees for the purpose of implementing this section. Any state employees provided to assist the directors in implementing this section for more than 30 days shall be provided on a reimbursable basis. Reimbursement to the commission and the department shall be made from the corporation’s operating fund provided under this section and not from any funds appropriated to the corporation by the Legislature.~~

~~(6)~~(14) DISSOLUTION OF BABCOCK RANCH, INC.—

~~(a) The corporation may be dissolved only by an act of the Legislature.~~

~~(b) Upon dissolution of the corporation, the management responsibilities provided in this section shall revert to the commission and the department unless otherwise provided by the Legislature under the act dissolving Babcock Ranch, Inc.~~

(e) Upon dissolution of the Babcock Ranch, Inc. corporation, all statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the corporation

shall be transferred to the Department of Agriculture and Consumer Services unless otherwise provided by law. Any cash balances of funds shall revert to the Incidental Trust Fund of the Florida Forest Service General Revenue Fund or such other state fund as may be provided under the act dissolving Babcock Ranch, Inc.

Section 5. Subsection (2) of section 388.261, Florida Statutes, is amended to read:

388.261 State aid to counties and districts for arthropod control; distribution priorities and limitations.—

(2) Every county or district budgeting local funds to be used exclusively for the control of mosquitoes and other arthropods, under a plan submitted by the county or district and approved by the department, is shall be eligible to receive state funds and supplies, services, and equipment on a dollar-for-dollar matching basis to the amount of local funds budgeted. If Should state funds appropriated by the Legislature are be insufficient to grant each county or district state funds on a dollar-for-dollar matching basis to the amount budgeted in local funds, the department shall distribute the funds as prescribed by rule. Such rules shall provide for up to 80 percent of the funds to be distributed to programs with local funds for mosquito control budgets of less than \$1 million, if the county or district meets the eligibility requirements. The funds shall be distributed as equally as possible within the category of counties pursuant to this section. The remaining funds shall be distributed as prescribed by rule among the remaining counties to support mosquito control and to support research, education, and outreach prorate said state funds based on the amount of matchable local funds budgeted for expenditure by each county or district.

Section 6. Subsection (1) of section 388.271, Florida Statutes, is amended to read:

388.271 Prerequisites to participation.—

(1) When state funds are involved, it is the duty of the department to guide, review, approve, and coordinate the activities of all county governments and special districts receiving state funds in furtherance of the goal of integrated arthropod control. Each county or district eligible to participate hereunder may begin participation on October 1 of any year by filing with the department not later than July 15 a tentative work plan and tentative detailed work plan budget providing for the control of arthropods. Following approval of the plan and budget by the department, two copies of the county's or district's certified budget based on the approved work plan and detailed work plan budget shall be submitted to the department by not later than September 30 15 following. State funds, supplies, and services shall be made available to such county or district by and through the department immediately upon release of funds by the Executive Office of the Governor.

Section 7. Section 487.160, Florida Statutes, is amended to read:

487.160 Records; report.—Licensed private applicators supervising 15 or more unlicensed applicators or mixer-loaders and licensed public applicators and licensed commercial applicators shall maintain records as the department may determine by rule with respect to the application of restricted pesticides, including, but not limited to, the type and quantity of pesticide, method of application, crop treated, and dates and location of application. Other licensed private applicators shall maintain records as the department may determine by rule with respect to the date, type, and quantity of restricted-use pesticides used. Licensees shall keep records for a period of 2 years from date of the application of the pesticide to which the records refer, and shall furnish to the department a copy of the records upon written request by the department. ~~Every third year, the department shall conduct a survey and compile a report on restricted use pesticides in this state. This report shall include, but not be limited to, types and quantities of pesticides, methods of application, crops treated, and dates and locations of application; records of persons working under direct supervision; and reports of misuse, damage, or injury.~~

Section 8. Section 534.083, Florida Statutes, is amended to read:

534.083 Livestock hauler's permit; ~~display of permit on vehicle;~~ bill of lading.—

(1) ~~No person shall engage in the business of transporting or hauling for hire livestock on any street or highway, as defined in s. 316.003(53), without first having applied for and obtained from the department a permit which shall expire on December 31 of each year. The information supplied by the applicant on the application for permit shall be certified under oath. Cost of the permit shall be \$5 for each year or fraction thereof.~~

(2) ~~The department shall issue a metal tag or plate to every person or company required to obtain a permit to transport or haul for hire livestock, which shall bear the serial number of the permit. Such a tag or plate shall be issued for each vehicle used by the hauler.~~

(3) ~~The metal tag or plate required under this section shall be attached to each vehicle used for transporting or hauling livestock in a conspicuous place in an upright position on the rear of the vehicle. When livestock is transported in a trailer type vehicle propelled or drawn by a motor truck or tractor, each such trailer shall have the tag or plate attached to the rear of the trailer in a conspicuous place in an upright position, and it shall not be necessary to have a tag attached to the motor truck or tractor.~~

(4) Persons engaged in the business of transporting or hauling livestock in the state shall, upon receiving such livestock for transportation, issue a waybill or bill of lading for all livestock transported or hauled by them, and such waybill or bill of lading shall accompany the shipment of livestock, with a copy thereof being furnished to the person delivering livestock to the hauler. The waybill or bill of lading shall show the place of origin and destination of the shipment, the name of the owner of the livestock, date and

time of loading, name of person or company hauling the livestock, and the number of animals and a general description thereof. The waybill or bill of lading shall be signed by the person delivering the livestock to the hauler certifying that the information contained thereon is correct.

Section 9. Subsection (28) of section 570.07, Florida Statutes, is amended to read:

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

(28) For purposes of pollution control and the prevention of wildfires, to regulate open burning connected with pile burning as defined in s. 590.125(1) land-clearing, agricultural, or forestry operations.

Section 10. Section 570.087, Florida Statutes, is created to read:

570.087 Best management practices for wildlife.—The department and the Fish and Wildlife Conservation Commission recognize that agriculture provides a valuable benefit to the conservation and management of fish and wildlife in the state and agree to enter into a memorandum of agreement to develop and adopt by rule voluntary best management practices for the state's agriculture industry which reflect the industry's existing contribution to the conservation and management of freshwater aquatic life and wild animal life in the state.

(1) The department shall enter into a memorandum of agreement with the Fish and Wildlife Conservation Commission for the purpose of developing the best management practices pursuant to this section and applying such best management practices on agricultural lands within the state. The agreement may allow for selected pilot projects in order to better facilitate the development of the best management practices.

(2) The department may adopt rules establishing the best management practices pursuant to this section. The rules must include provisions for a notice of intent to implement the best management practices and a system to assure the implementation of the best management practices, including recordkeeping requirements.

(3) Notwithstanding any other provision of law, including s. 163.3162, the implementation of the best management practices pursuant to this section is voluntary and except as specifically provided under this section and s. 9, Art. IV of the State Constitution, an agency, department, district, or unit of local government may not adopt or enforce any ordinance, resolution, regulation, rule, or policy regarding the best management practices on land classified as agricultural land pursuant to s. 193.461.

Section 11. Section 570.64, Florida Statutes, is created to read:

570.64 Division of Food, Nutrition, and Wellness.—

(1) The duties of the Division of Food, Nutrition, and Wellness include, but are not limited to, administering and enforcing the powers and responsibilities of the division prescribed in chapter 595 and the rules adopted thereunder.

(2) The director of the division shall be appointed by, and serve at the pleasure of, the commissioner. The director shall supervise, direct, and coordinate activities of the division, exercise such powers and duties as authorized by the commissioner, enforce the provisions of chapter 595 and the rules adopted thereunder, and any other powers and duties as authorized by the department.

Section 12. Section 570.902, Florida Statutes, is amended to read:

570.902 Definitions; ss. 570.902 and 570.903.—For the purpose of this section ~~ss. 570.902 and s. 570.903:~~

(1) “Designated program” means the specific departmental program which a direct-support organization has been created to support.

(2) “Direct-support organization” or “organization” means an organization which is a Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the department to operate for the benefit of a museum or a specific departmental program.

(3) “Museum” means the Florida Agricultural Museum which is designated as the museum for agriculture and rural history of the State of Florida.

Section 13. Section 570.903, Florida Statutes, is amended to read:

570.903 Direct-support organization.—

(1) The department may authorize ~~When the Legislature authorizes~~ the establishment of a direct-support organizations organization to provide assistance, funding, and promotional support for the museums, ~~the Florida Agriculture in the Classroom Program, the Florida State Collection of Arthropods, the Friends of the Florida State Forests Program of the Florida Forest Service, the Forestry Arson Alert Program,~~ and other programs of the department. The following provisions shall govern the creation, use, powers, and duties of the direct-support organizations organization:

(a) The department shall enter into a memorandum or letter of agreement with the direct-support organization, which shall specify the approval of the department, the powers and duties of the direct-support organization, and rules with which the direct-support organization must comply.

(b) The department may authorize ~~permit~~, without charge, appropriate use of property, facilities, and personnel of the department by the a direct-support organization, ~~subject to ss. 570.902 and 570.903.~~ The use shall be for ~~directly in keeping with the approved purposes of the direct-support~~

organization and may not be made at times or places that would unreasonably interfere with opportunities for the general public to use department facilities ~~for established purposes.~~

(c) The department shall prescribe by agreement ~~contract or by rule~~ conditions with which the ~~a~~ direct-support organization must comply in order to use property, facilities, or personnel of the department ~~or museum~~. Such conditions ~~rules~~ shall provide for budget and audit review and oversight by the department.

(d) The department may not authorize ~~permit~~ the use of property, facilities, or personnel of the museum, department, or designated program by the ~~a~~ direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(2)(a) The direct-support organization may ~~shall be empowered to~~ conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the museum or designated program.

(b) ~~Notwithstanding the provisions of s. 287.057, the direct-support organization may enter into contracts or agreements with or without competitive bidding for the restoration of objects, historical buildings, and other historical materials or for the purchase of objects, historical buildings, and other historical materials which are to be added to the collections of the museum, or benefit the designated program. However, before the direct-support organization may enter into a contract or agreement without competitive bidding, the direct-support organization shall file a certification of conditions and circumstances with the internal auditor of the department justifying each contract or agreement.~~

(b)(e) Notwithstanding the provisions of s. 287.025(1)(e), the direct-support organization may enter into contracts to insure property of the museum or designated programs and may insure objects or collections on loan from others in satisfying security terms of the lender.

(3) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

(4) A department employee, direct-support organization or museum employee, volunteer, or director, or ~~Neither a designated program or a museum, nor a nonprofit corporation trustee or employee may not:~~

(a) Receive a commission, fee, or financial benefit in connection with the sale or exchange of real or personal property ~~or~~ historical objects ~~or properties~~ to the direct-support organization, the museum, or the designated program; or



(b) Be a business associate of any individual, firm, or organization involved in the sale or exchange of real or personal property to the direct-support organization, the museum, or the designated program.

(5) All moneys received by the direct-support organization shall be deposited into an account of the direct-support organization and shall be used by the organization in a manner consistent with the goals of the museum or designated program.

(6) The identity of a donor or prospective donor who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(7) The Commissioner of Agriculture, or the commissioner’s designee, may serve on the board of trustees and the executive committee of any direct-support organization established to benefit the museum or any designated program.

(8) The department may terminate its agreement with a direct-support organization at any time if the department determines that the direct-support organization no longer meets the objectives of this section The department shall establish by rule archival procedures relating to museum artifacts and records. The rules shall provide procedures which protect the museum’s artifacts and records equivalent to those procedures which have been established by the Department of State under chapters 257 and 267.

(9) Upon termination of the direct-support organization, the assets of the direct-support organization shall be distributed pursuant to its articles of incorporation or by-laws or, if not provided for, to the department.

Section 14. Subsection (3) of section 576.051, Florida Statutes, is amended to read:

576.051 Inspection, sampling, analysis.—

(3) The official analysis shall be made from the official sample. The department, before making the official analysis, shall take a sufficient portion from the official sample for check analysis and place that portion in a bottle sealed and identified by number, date, and the preparer’s initials. The official check sample shall be kept until the analysis of the official sample is completed. However, the licensee may obtain upon request a portion of the official check sample. Upon completion of the analysis of the official sample, a true copy of the fertilizer analysis report shall be mailed to the licensee of the fertilizer from whom the official sample was taken and to the dealer or agent, if any, and purchaser, if known. This fertilizer analysis report shall show all determinations of plant nutrient and pesticides. If the official analysis conforms with the provisions of this law, the official check sample may be destroyed. If the official analysis does not conform with the provisions of this law, the official check sample shall be retained for a period of 90 days from

the date of the fertilizer analysis report of the official sample. If within that time the licensee of the fertilizer from whom the official sample was taken, upon receipt of the fertilizer analysis report, makes written demand for analysis of the official check sample by a referee chemist, a portion of the official check sample sufficient for analysis shall be sent to a referee chemist who is mutually acceptable to the department and the licensee for analysis at the expense of the licensee. The referee chemist, upon completion of the analysis, shall forward to the department and to the licensee a fertilizer analysis report bearing a proper identification mark or number; and the fertilizer analysis report shall be verified by an affidavit of the person making the analysis. If the results reported on the fertilizer analysis report agree within the matching criteria defined in department rule ~~checks within three-tenths of 1 actual percent~~ with the department's analysis on each element for which analysis was made, the mean average of the two analyses shall be accepted as final and binding on all concerned. However, if the referee's fertilizer analysis report results do not agree within the matching criteria defined in department rule with ~~shows a variation of greater than three-tenths of 1 actual percent from the department's analysis in any one or more elements for which an analysis was made, upon demand of either the department or the licensee from whom the official sample was taken, a portion of the official check sample sufficient for analysis shall be submitted to a second referee chemist who is mutually acceptable to the department and to the licensee from whom the official sample was taken, at the expense of the party or parties requesting the referee analysis. If no demand is made for an analysis by a second referee chemist, the department's fertilizer analysis report shall be accepted as final and binding on all concerned. The second referee chemist, upon completion of the analysis, shall make a fertilizer analysis report as provided in this subsection for the first referee chemist. The mean average of the two analyses nearest in conformity to each other shall be accepted as final and binding on all concerned.~~

Section 15. Subsection (1) of section 576.061, Florida Statutes, is amended to read:

576.061 Plant nutrient investigational allowances, deficiencies, and penalties.—

(1) A commercial fertilizer is deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the investigational allowances. The department shall adopt rules, which shall take effect on July 1, 2014, that establish the investigational allowances used to determine whether a fertilizer is deficient in plant food.

(a) Effective July 1, 2014, this paragraph and paragraphs (b)-(f) are repealed. Until July 1, 2014, investigational allowances shall be ~~are~~ set as provided in paragraphs (b)-(f). ~~follows:~~

~~(b)(a)~~ Primary plant nutrients; investigational allowances.—

Guaranteed Percent	Total Nitrogen Percent	Available Phosphate Percent	Potash Percent
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more	0.88	0.76	1.44

For guarantees not listed, calculate the appropriate value by interpolation.

(c)(b) Nitrogen investigational allowances.—

Nitrogen Breakdown	Investigational Allowances Percent
Nitrate nitrogen	0.40
Ammoniacal nitrogen	0.40
Water soluble nitrogen or urea nitrogen	0.40
Water insoluble nitrogen	0.30

In no case may the investigational allowance exceed 50 percent of the amount guaranteed.

(d)(e) Secondary and micro plant nutrients, total or soluble.—

Element	Investigational Allowances Percent
Calcium	0.2 unit+5 percent of guarantee
Magnesium	0.2 unit+5 percent of guarantee
Sulfur (free and combined)	0.2 unit+5 percent of guarantee

Element	Investigational Allowances Percent
Boron	0.003 unit+15 percent of guarantee
Cobalt	0.0001 unit+30 percent of guarantee
Chlorine	0.005 unit+10 percent of guarantee
Copper	0.005 unit+10 percent of guarantee
Iron	0.005 unit+10 percent of guarantee
Manganese	0.005 unit+10 percent of guarantee
Molybdenum	0.0001 unit+30 percent of guarantee
Sodium	0.005 unit+10 percent of guarantee
Zinc	0.005 unit+10 percent of guarantee

The maximum allowance for secondary and minor elements when calculated in accordance with this section is 1 unit (1 percent). In no case, however, may the investigational allowance exceed 50 percent of the amount guaranteed.

(e)(d) Liming materials and gypsum.—

Range Percent	Investigational Allowances Percent
0-10	0.30
Over 10-25	0.40
Over 25	0.50

(f)(e) Pesticides in fertilizer mixtures.—An investigational allowance of 25 percent of the guarantee shall be allowed on all pesticides when added to custom blend fertilizers.

Section 16. Subsection (2) of section 576.181, Florida Statutes, is amended to read:

576.181 Administration; rules; procedure.—

(2) The department may adopt rules ~~is authorized, by rule,~~ to implement, make specific, and interpret the provisions of this chapter, and specifically to determine the composition and uses of fertilizer as defined in this chapter, including, but not limited to ~~without limiting the foregoing general terms,~~ the taking and handling of samples, the establishment of investigational allowances, deficiencies, matching criteria for referee analysis, and penalties where not specifically provided for in this chapter; to prohibit the sale or use in fertilizer of any material proven to be detrimental to agriculture, public health, or the environment, or of questionable value; to provide for the incorporation into fertilizer of such other substances as pesticides and proper

labeling of such mixture; and to prescribe the information which shall appear on the label other than specifically set forth in this chapter.

Section 17. Section 585.61, Florida Statutes, is amended to read:

585.61 Animal disease diagnostic laboratory laboratories.—

(1) There is ~~hereby created and~~ established an animal disease diagnostic laboratory in Osceola County and ~~Suwannee County~~. ~~The laboratory complex in Osceola County is~~ designated as the “Bronson Animal Disease Diagnostic Laboratory.”

(2) The construction and operation of all the laboratory laboratories established by this section shall be under the supervision and control of the department. It shall be the duty of the department to operate the laboratory these laboratories in an efficient manner so that any person who maintains animals in this state may obtain prompt reliable diagnosis of animal diseases, including any disease which may affect poultry eggs, in this state, and recommendations for the control and eradication of such diseases, to the end that diseases of animals may be reduced and controlled, and eradicated when possible.

(3) Any person who maintains animals in the state may use the services of the laboratory laboratories under the terms of this section and the rules adopted for such use by the department. The department shall require any user of its services to pay a fee not to exceed \$300 for any one of the services requested. All laboratory fees collected shall be deposited in the Animal Industry Diagnostic Laboratory Account within the General Inspection Trust Fund. The fees collected shall be used to improve the diagnostic laboratory services as provided for by the Legislature in the General Appropriations Act.

Section 18. Paragraph (f) of subsection (3) of section 586.10, Florida Statutes, is amended to read:

586.10 Powers and duties of department; preemption of local government ordinances.—

(3) The department may:

(f) Inspect or cause to be inspected all apiaries in the state at such intervals as it may deem best and keep a complete, accurate, and current list of all inspected apiaries to include the:

1. Name of the apiary.
2. Name of the owner of the apiary.
3. Mailing address of the apiary owner.
4. Location of the apiary.

5. Number of hives in the apiary.
6. Pest problems associated with the apiary.
7. Brands used by beekeepers where applicable.

Notwithstanding s. 112.313, an apiary inspector may be a certified beekeeper as long as the inspector does not inspect his or her own apiary.

Section 19. Subsection (3) is added to section 586.15, Florida Statutes, to read:

586.15 Penalty for violation.—

(3) In addition to the penalties provided in this section and chapter 500, the department may collect costs related to enforcing prohibitions against the adulteration or misbranding of honey. Such collections shall be deposited into the General Inspection Trust Fund.

Section 20. Section 589.02, Florida Statutes, is amended to read:

589.02 Headquarters and meetings of council.—~~The official headquarters of the council shall be in Tallahassee, but it may hold meetings at such other places in the state as it may determine by resolutions or as may be selected by a majority of the members of the council in any call for a meeting. The annual meeting of the council shall be held on the first Monday in October of each year. Special meetings may be called at any time by the chair or upon the written request of a majority of the members. The council shall annually elect from its members a chair, a vice chair, and a secretary. The election shall be held at the annual meeting of the council. A majority of the members of the council shall constitute a quorum for such purposes.~~

Section 21. Subsection (4) of section 589.19, Florida Statutes, is amended to read:

589.19 Creation of certain state forests; naming of certain state forests; Operation Outdoor Freedom Program.—

(4)(a) To honor the nation's disabled veterans and injured active duty servicemembers, the Florida Forest Service shall coordinate efforts to develop an Operation Outdoor Freedom Program to provide hunting and other activities for eligible veterans and servicemembers in designated state forest areas and on designated public and private lands. The Legislature finds it to be in the public interest for the Florida Forest Service to develop partnerships with the Fish and Wildlife Conservation Commission and other public and private organizations in order to provide the needed resources and funding to make the program successful. The Florida Forest Service shall designate one or more areas of state forests as an "Operation Outdoor Freedom 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) Participation in the Operation Outdoor Freedom Program shall be limited to Florida residents, as defined in s. 379.101(30)(b), The Florida Forest Service shall limit guest admittance to such designated areas to any person who:

1. Are honorably discharged military veterans certified by the United States Department of Veterans Affairs or its predecessor or by any branch of the United States Armed Forces to be at least 30 percent permanently service-connected disabled 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. Have been awarded the Military Order of the Purple Heart; or 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

3. Are active duty servicemembers with a service-connected injury as determined by his or her branch of the United States Armed Forces.

Proof of eligibility under this subsection, as prescribed by the Florida Forest Service, may be required.

(c) Notwithstanding the eligibility requirements for program participation in paragraph (b), guided or unguided invitation-only activities may be conducted as part of the Operation Outdoor Freedom Program for injured or disabled veterans and injured or disabled active duty servicemembers of any branch of the United States Armed Forces in designated state forest areas and on designated public and private lands. The Florida Forest Service may grant admittance to such designated areas and lands to a person who is not an eligible veteran or servicemember for the sole purpose purposes of accompanying an eligible veteran or servicemember who requires the person's assistance to use such designated areas and lands.

(d) The Florida Forest Service may cooperate with state and federal agencies, local governments, private landowners, and other entities in connection with the Operation Outdoor Freedom Program. Donations to the Operation Outdoor Freedom Program Funding required for specialized accommodations shall be deposited into the account of provided through the Friends of Florida State Forests Program created under s. 589.012 and used for Operation Outdoor Freedom Program activities.

(e)1. A private landowner who provides land for designation and use as an Operation Outdoor Freedom Program hunting site shall have limited liability pursuant to s. 375.251.

2. A private landowner who consents to the designation and use of land as part of the Operation Outdoor Freedom Program without compensation shall be considered a volunteer, as defined in s. 110.501, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(9).

3. This subsection does not:

a. Relieve any person of liability that would otherwise exist for deliberate, willful, or malicious injury to persons or property.

b. Create or increase the liability of any person.

(f) The Legislature shall designate the second Saturday of each November as Operation Outdoor Freedom Day.

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

Section 22. Section 589.30, Florida Statutes, is amended to read:

589.30 Duty of district or center manager forester.—It shall be the duty of the district or center manager forester to direct all work in accordance with the law and regulations of the Florida Forest Service; 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 or center manager 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 23. Subsections (1), (2), (3), (7), and (10) of section 590.02, Florida Statutes, are amended to read:

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

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

(a) To enforce the provisions of this chapter;

(b) To prevent, detect, and 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 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 Florida Forest Service's discretion, 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; ~~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; and

(i) To authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder.

(2) The Florida Forest Service's employees, and the firefighting crews under their control and direction, may enter upon any lands for the purpose of preventing, detecting, 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 and of federal, state, and local agencies, and all other persons and entities that are under contract or agreement with the Florida Forest Service to assist in firefighting operations as well as those entities, called upon by the Florida Forest Service 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. The manner in which the Florida Forest Service monitors a smoldering wildfire, smoldering prescribed fire, or fights any wildfire are planning level activities for which sovereign immunity applies and is not waived.

(7) The Florida Forest Service may organize, staff, equip, and operate the Florida Center for Wildfire and Forest Resources Management Training Center. 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; the assistant director of the Florida Forest Service; 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.~~

(10)(a) Notwithstanding the provisions of s. 252.38, the Florida Forest Service 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 or enforce 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 may delegate to a county, or municipality, or special district its authority;

1. As delegated by the Department of Environmental Protection pursuant to ss. 403.061(28) and 403.081, to manage and enforce regulations pertaining to require and issue authorizations for the burning of yard trash and debris from land clearing operations in accordance with s. 590.125(6).

2. To manage the open burning of land clearing debris in accordance with s. 590.125.

Section 24. Subsection (1) of section 590.11, Florida Statutes, is amended to read:

590.11 Recreational fires.—

(1) It is unlawful for any individual or group of individuals to build a warming fire, bonfire, or campfire and leave it unattended while visible flame, smoke, or emissions exist unextinguished.

Section 25. Subsections (1) and (2), paragraphs (b) and (c) of subsection (3), and paragraph (a) of subsection (4) of section 590.125, Florida Statutes, are amended to read:

590.125 Open burning authorized by the Florida Forest Service.—

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

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

(b) “Certified pile burning” means a pile burn conducted in accordance with a written pile burning plan by a certified pile burner.

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

(d) “Certified prescribed burning” means prescribed burning in accordance with a written prescription conducted by a certified prescribed burn manager.

(e) “Contained” means that fire and smoldering exist entirely within established or natural firebreaks.

~~(f)(e)~~ “Completed” ~~“Extinguished”~~ means that for:

1. Broadcast burning, no continued lateral movement of fire across the authorized area into entirely unburned fuels within the authorized area Wildland burning or certified prescribed burning, no spreading flames exist.

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

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

(g) “Gross negligence” means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

~~(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.~~

~~(h)(e) “Pile burning” means the burning of silvicultural, agricultural, or land-clearing, or and tree-cutting debris originating onsite, which is stacked together in a round or linear fashion, including, but not limited to, a windrow. Pile burning authorized by the Florida Forest Service is a temporary procedure, which operates on the same site for 6 months or less.~~

(i) “Pile burn plan” means a written plan establishing the method of conducting a certified pile burn.

~~(j)(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 to guard against the spread of fire beyond the that ensure that the fire is—confined to a predetermined area to accomplish the planned fire or land management objectives.~~

~~(k)(g) “Prescription” means a written plan establishing the conditions and methods for conducting criteria necessary for starting, controlling, and extinguishing a certified prescribed burn.~~

(l) “Smoldering” means the continued consumption of fuels, which may emit flames and smoke, after a fire is contained.

~~(m)(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 broadcast burn or pile 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 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 containment control of the fire;
- 4. The fire remains within the boundary of the authorized area;
- 5. The person named responsible in the burn authorization or a designee ~~An authorized person~~ is present at the burn site until the fire is completed ~~extinguished~~;
- 6. The Florida Forest Service does not cancel the authorization; and
- 7. The Florida Forest Service determines that air quality and fire danger are favorable for safe burning.

(b) A person who broadcast burns or pile ~~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.—

(b) Certified prescribed burning pertains only to broadcast burning for purposes of silviculture, wildland fire hazard reduction, wildlife management, ecological maintenance and restoration, and agriculture 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 and directly supervises the certified prescribed burn until the burn is completed, after which the certified prescribed burn manager is not required to be present 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.
  - a. A new prescription or authorization is not required for smoldering that occurs within the authorized burn area unless new ignitions are conducted by the certified prescribed burn manager.
  - b. Monitoring the smoldering activity of a certified prescribed burn does not require a prescription or an additional authorization even if flames begin to spread within the authorized burn area due to ongoing smoldering.
- 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 before igniting the burn.

5. Requires that there be adequate firebreaks at the burn site and sufficient personnel and firefighting equipment to contain ~~for the control of~~ the fire within the authorized burn area.

a. Fire spreading outside the authorized burn area on the day of the certified prescribed burn ignition does not constitute conclusive proof of inadequate firebreaks, insufficient personnel, or a lack of firefighting equipment.

b. If the certified prescribed burn is contained within the authorized burn area during the authorized period, a strong rebuttable presumption shall exist that adequate firebreaks, sufficient personnel, and sufficient firefighting equipment were present.

c. Continued smoldering of a certified prescribed burn resulting in a subsequent wildfire does not by itself constitute evidence of gross negligence under this section.

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 or leaseholder or nor his or her agent, contractor, or legally authorized designee is not liable pursuant to s. 590.13 for damage or injury caused by the fire, including the reignition of a smoldering, previously contained burn, 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. The Florida Forest Service is not liable for burns for which it issues authorizations.~~

(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, ~~or tree cutting debris originating on site 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 authorized burn is completed ~~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

as smoke sensitive, a certified pile burner must ensure that the authorized burn is completed ~~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 to burn and must be on site and available for inspection by a department representative.

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 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 contain the burn to the piles authorized control the fire.

Section 26. Section 590.25, Florida Statutes, is amended to read:

590.25 ~~Penalty for preventing or obstructing the prevention, detection, or suppression extinguishment of wildfires.—Whoever interferes shall interfere with, obstructs obstruct or commits commit~~ any act aimed to obstruct the prevention, detection, or suppression extinguishment of wildfires by the employees of the Florida Forest Service or any other person engaged in the prevention, detection, or suppression extinguishment of a wildfire, or who damages or destroys any equipment being used for such purpose, commits 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 27. Chapter 595, Florida Statutes, is created, shall consist of sections 595.401-595.701, Florida Statutes, and shall be entitled “School Food and Nutrition Services.”

Section 28. Section 595.401, Florida Statutes, is created to read:

595.401 Short title.—This chapter may be cited as the “Florida School Food and Nutrition Act.”

Section 29. Section 595.402, Florida Statutes, is created to read:

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

- (1) “Commissioner” means the Commissioner of Agriculture.
- (2) “Department” means the Department of Agriculture and Consumer Services.
- (3) “Program” means any one or more of the school food and nutrition service programs that the department has responsibility over including, but not limited to, the National School Lunch Program, the Special Milk Program, the School Breakfast Program, the Summer Food Service Program,

the Fresh Fruit and Vegetable Program, and any other program that relates to school nutrition.

(4) “School district” means any of the 67 county school districts, including the respective district school board.

(5) “Sponsor” means any entity that is conducting a program under a current agreement with the department.

Section 30. Section 595.403, Florida Statutes, is created to read:

595.403 State policy.—The Legislature, in recognition of the demonstrated relationship between good nutrition and the capacity of students to develop and learn, declares that it is the policy of the state to provide standards for school food and nutrition services and to require each school district to establish and maintain an appropriate school food and nutrition service program consistent with the nutritional needs of students. To implement that policy, the state shall provide funds to meet the state National School Lunch Act matching requirements. The funds provided shall be distributed in such a manner as to comply with the requirements of the National School Lunch Act.

Section 31. Section 570.98, Florida Statutes, is transferred, renumbered as section 595.404, Florida Statutes, and amended to read:

595.404 570.98 School food and nutrition service program; powers and duties of the department programs.—

(1) The department has the following powers and duties: shall

(1) To conduct, supervise, and administer the program all school food and nutrition programs that will be carried out using federal or state funds, or funds from any other source.

(2) To fully The department shall cooperate fully with the United States Government and its agencies and instrumentalities so that the department may receive the benefit of all federal financial allotments and assistance possible to carry out the purposes of this chapter.

(3) To implement and adopt by rule, as required, federal regulations to maximize federal assistance for the program. The department may

(4) To act as agent of, or contract with, the Federal Government, another state agency, or any county or municipal government, or sponsor for the administration of the program school food and nutrition programs, including the distribution of funds provided by the Federal Government to support the program school food and nutrition programs.

(5) To make a reasonable effort to ensure that any school designated as a “severe need school” receives the highest rate of reimbursement to which it is entitled under 42 U.S.C. s. 1773 for each breakfast meal served.



(6) To develop and propose legislation necessary to implement the program, encourage the development of innovative school food and nutrition services, and expand participation in the program.

(7) To annually allocate among the sponsors, as applicable, funds provided from the school breakfast supplement in the General Appropriations Act based on each district's total number of free and reduced-price breakfast meals served.

(8) To employ such persons as are necessary to perform its duties under this chapter.

(9) To adopt rules covering the administration, operation, and enforcement of the program as well as to implement the provisions of this chapter.

(10) To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the program, notwithstanding s. 120.569 and ss. 120.57-120.595.

(11) To assist, train, and review each sponsor in its implementation of the program.

(12) To advance funds from the program's annual appropriation to sponsors, when requested, in order to implement the provisions of this chapter and in accordance with federal regulations.

Section 32. Subsections (1) through (5) of section 570.981, Florida Statutes, are transferred, renumbered as section 595.405, Florida Statutes, and amended to read:

595.405 570.981 Program requirements for school districts and sponsors food service programs.—

~~(1) In recognition of the demonstrated relationship between good nutrition and the capacity of students to develop and learn, it is the policy of the state to provide standards for school food service and to require district school boards to establish and maintain an appropriate private school food service program consistent with the nutritional needs of students.~~

~~(2) The department shall adopt rules covering the administration and operation of the school food service programs.~~

~~(1)(3) Each school district school board shall consider the recommendations of the district school superintendent and adopt policies to provide for an appropriate food and nutrition service program for students consistent with federal law and department rules rule.~~

~~(4) The state shall provide the state National School Lunch Act matching requirements. The funds provided shall be distributed in such a manner as to comply with the requirements of the National School Lunch Act.~~

~~(2)(5)(a)~~ Each school district ~~school board~~ shall implement school breakfast programs that make breakfast meals available to all students in each elementary school. Universal school breakfast programs shall be offered in schools in which 80 percent or more of the students are eligible for free or reduced-price meals. Each school shall, to the maximum extent practicable, make breakfast meals available to students at an alternative site location, which may include, but need not be limited to, alternative breakfast options as described in publications of the Food and Nutrition Service of the United States Department of Agriculture for the federal School Breakfast Program.

~~(3)(b)~~ Each school district must annually set prices for breakfast meals at rates that, combined with federal reimbursements and state allocations, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds, except if the district school board approves lower rates.

~~(4)(e)~~ Each school district ~~school board~~ is encouraged to provide universal-free school breakfast meals to all students in each elementary, middle, and high school. Each school district ~~school board~~ shall approve or disapprove a policy, after receiving public testimony concerning the proposed policy at two or more regular meetings, which makes universal-free school breakfast meals available to all students in each elementary, middle, and high school in which 80 percent or more of the students are eligible for free or reduced-price meals.

~~(5)(d)~~ Each elementary, middle, and high school shall make a breakfast meal available if a student arrives at school on the ~~school~~ bus less than 15 minutes before the first bell rings and shall allow the student at least 15 minutes to eat the breakfast.

~~(6)(e)~~ Each school district shall annually provide to all students in each elementary, middle, and high school information prepared by the district's food service administration regarding its school breakfast programs. The information shall be communicated through school announcements and written notices ~~notice~~ sent to all parents.

~~(7)(f)~~ A school district ~~school board~~ may operate a breakfast program providing for food preparation at the school site or in central locations with distribution to designated satellite schools or any combination thereof.

~~(8)~~ Each sponsor shall complete all corrective action plans required by the department or a federal agency to be in compliance with the program.

~~(g)~~ ~~The commissioner shall make every reasonable effort to ensure that any school designated as a "severe need school" receives the highest rate of reimbursement to which it is entitled under 42 U.S.C. s. 1773 for each breakfast meal served.~~

~~(h)~~ ~~The department shall annually allocate among the school districts funds provided from the school breakfast supplement in the General~~

Appropriations Act based on each district’s total number of free and reduced-price breakfast meals served.

Section 33. Subsection (6) of section 570.981, Florida Statutes, is transferred, renumbered as section 595.406, Florida Statutes, and amended to read:

~~595.406 570.981~~ Florida Farm Fresh Schools Program School food service programs.—

~~(6) The Legislature, recognizing that school children need nutritious food not only for healthy physical and intellectual development but also to combat diseases related to poor nutrition and obesity, establishes the Florida Farm Fresh Schools Program within the department. The program shall comply with the regulations of the National School Lunch Program and require:~~

~~(1)(a) In order to implement the Florida Farm Fresh Schools Program, the department shall to develop policies pertaining to school food services which encourage:~~

~~(a)1. Sponsors School districts to buy fresh and high-quality foods grown in this state when feasible.~~

~~(b)2. Farmers in this state to sell their products to sponsors, school districts, and schools.~~

~~(c)3. Sponsors School districts and schools to demonstrate a preference for competitively priced organic food products.~~

~~(d)(b) Sponsors School districts and schools to make reasonable efforts to select foods based on a preference for those that have maximum nutritional content.~~

~~(2)(e) The department shall to provide outreach, guidance, and training to sponsors school districts, schools, school food service directors, parent and teacher organizations, and students about the benefit benefits of fresh food products from farms in this state.~~

Section 34. Section 570.982, Florida Statutes, is transferred, renumbered as section 595.407, Florida Statutes, and amended to read:

~~595.407 570.982~~ Children’s summer nutrition program.—

(1) This section may be cited as the “Ms. Willie Ann Glenn Act.”

(2) Each school district ~~school board~~ shall develop a plan to sponsor a summer nutrition program to operate sites in the school district as follows:

(a) Within 5 miles of at least one elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals and for the duration of 35 consecutive days, ~~;~~ and

(b) ~~Except as operated pursuant to paragraph (a),~~ Within 10 miles of each elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals, except as operated pursuant to paragraph (a).

(3)(a) A school district ~~school board~~ may be exempt from sponsoring a summer nutrition program pursuant to this section. A school district ~~school board~~ seeking such exemption must include the issue on an agenda at a regular or special school district ~~school board~~ meeting that is publicly noticed, provide residents an opportunity to participate in the discussion, and vote on whether to be exempt from this section. The school district ~~school board~~ shall notify the department commissioner within 10 days after it decides to become exempt from this section.

(b) Each year, the school district ~~school board~~ shall reconsider its decision to be exempt from the provisions of this section and shall vote on whether to continue the exemption from sponsoring a summer nutrition program. The school district ~~school board~~ shall notify the department commissioner within 10 days after each subsequent year's decision to continue the exemption.

(c) If a school district ~~school board~~ elects to be exempt from sponsoring a summer nutrition program under this section, the school district ~~school board~~ may encourage not-for-profit entities to sponsor the program. If a not-for-profit entity chooses to sponsor the summer nutrition program but fails to perform with regard to the program, ~~the district school board,~~ the school district, and the department are not required to continue the program and shall be held harmless from any liability arising from the discontinuation of the summer nutrition program.

(4) The superintendent of schools may collaborate with municipal and county governmental agencies and private, not-for-profit leaders in implementing the plan. Although schools have proven to be the optimal site for a summer nutrition program, any not-for-profit entity may serve as a site or sponsor. By April 15 of each year, each school district with a summer nutrition program shall report to the department the district's summer nutrition program sites in compliance with this section.

(5) The department shall provide to each school district ~~school board~~ by February 15 of each year a list of local organizations that have filed letters of intent to participate in the summer nutrition program in order that a school district may ~~school board is able to~~ determine how many sites are needed to serve the children and where to place each site.

Section 35. Section 570.072, Florida Statutes, is transferred, renumbered as section 595.408, Florida Statutes, and amended to read:

595.408 ~~570.072~~ Commodity distribution services; responsibility of department responsibilities and; functions.—

(1)(a) The department shall conduct, supervise, and administer all commodity distribution services that will be carried on using federal or state funds, or funds from any other source, or commodities received and distributed from the United States or any of its agencies.

(b) The department shall determine the benefits each applicant or recipient of assistance is entitled to receive under this chapter, provided that each applicant or recipient is a resident of this state and a citizen of the United States or is an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

(2) The department shall cooperate fully with the United States Government and its agencies and instrumentalities so that the department may receive the benefit of all federal financial allotments and assistance possible to carry out the purposes of this chapter.

(3) The department may:

(a) Accept any duties with respect to commodity distribution services as are delegated to it by an agency of the federal government or any state, county, or municipal government.;

(b) Act as agent of, or contract with, the federal government, state government, or any county or municipal government in the administration of commodity distribution services to secure the benefits of any public assistance that is available from the federal government or any of its agencies, and in the distribution of funds received from the federal government, state government, or any county or municipal government for commodity distribution services within the state.;

(c) Accept from any person or organization all offers of personal services, commodities, or other aid or assistance.

(4) This chapter does not limit, abrogate, or abridge the powers and duties of any other state agency.

Section 36. Section 595.501, Florida Statutes, is created to read:

595.501 Penalties.—Any person, sponsor, or school district that violates any provision of this chapter or any rule adopted thereunder or otherwise does not comply with the program is subject to a suspension or revocation of their agreement, loss of reimbursement, or a financial penalty in accordance with federal or state law or both. This section does not restrict the applicability of any other law.

Section 37. Section 570.983, Florida Statutes, is transferred, renumbered as section 595.601, Florida Statutes, and amended to read:

595.601 570.983 Food and Nutrition Services Trust Fund.—Chapter 99-37, Laws of Florida, recreated the Food and Nutrition Services Trust Fund to

record revenue and disbursements of Federal Food and Nutrition funds received by the department as authorized in s. ~~595.405~~ 570.981.

Section 38. Section 570.984, Florida Statutes, is transferred and renumbered as section 595.701, Florida Statutes, to read:

595.701 570.984 Healthy Schools for Healthy Lives Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Healthy Schools for Healthy Lives Council, which shall consist of 11 members appointed by the Commissioner of Agriculture. The council shall advise the department on matters relating to nutritional standards and the prevention of childhood obesity, nutrition education, anaphylaxis, and other needs to further the development of the various school nutrition programs.

(2) The meetings, powers, duties, procedures, and recordkeeping of the Healthy Schools for Healthy Lives Council shall be governed by s. 570.0705, relating to advisory committees established within the department.

Section 39. Subsection (16) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16) SCHOOL LUNCH PROGRAM.—Assume such responsibilities and exercise such powers and perform such duties as may be assigned to it by law or as may be required by rules of the Department of Agriculture and Consumer Services ~~State Board of Education~~ or, as in the opinion of the district school board, are necessary to ensure school lunch services, consistent with needs of students; effective and efficient operation of the program; and the proper articulation of the school lunch program with other phases of education in the district.

Section 40. Subsection (1) of section 1003.453, Florida Statutes, is amended to read:

1003.453 School wellness and physical education policies; nutrition guidelines.—

(1) Each school district shall electronically submit to the ~~Department of Education~~ Department of Agriculture and Consumer Services a copy of its local school wellness policy ~~to the Department of Education~~ as required by the Child Nutrition and WIC Reauthorization Act of 2004 and a copy of its physical education policy required under s. 1003.455 ~~to the Department of Education~~. Each school district shall annually review its local school wellness policy and physical education policy and provide a procedure for public input and revisions. In addition, each school district shall provide its revised local school ~~send an updated copy of its~~ wellness policy and revised physical education policy to

the applicable department and to the Department of Agriculture and Consumer Services when a change or revision is made.

Section 41. Sections 487.0615, 570.382, 570.97, and 590.50, Florida Statutes, are repealed.

Section 42. Subsection (5) of section 487.041, Florida Statutes, is amended to read:

487.041 Registration.—

~~(5) The department shall provide summary information to the Pesticide Review Council regarding applications for registration of those pesticides for which data received in the registration process indicate that the pesticide, when used according to label instructions and precautions, may have a significant potential for adverse effects on human health or the environment. The council shall be kept apprised of the status of these applications while under review and of the final action by the Commissioner of Agriculture regarding the registration of these pesticides.~~

Section 43. Paragraph (b) of subsection (8) of section 550.2625, Florida Statutes, is amended to read:

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

(8)

~~(b) The division shall deposit these collections to the credit of the General Inspection Trust Fund in a special account to be known as the "Florida Arabian Horse Racing Promotion Account." The Department of Agriculture and Consumer Services shall administer the funds and adopt suitable and reasonable rules for the administration thereof. The moneys in the Florida Arabian Horse Racing Promotion Account shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing Arabian horses in this state; and the moneys may not be used to defray any expense of the Department of Agriculture and Consumer Services in the administration of this chapter, except that the moneys generated by Arabian horse registration fees received pursuant to s. 570.382 may be used as provided in paragraph (5)(b) of that section.~~

Section 44. Paragraphs (b) and (c) of subsection (2) of section 550.2633, Florida Statutes, are amended to read:

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

(2) All moneys or other property which has escheated to and become the property of the state as provided herein and which is held by a permitholder authorized to conduct pari-mutuel pools in this state shall be paid annually

by the permitholder to the recipient designated in this subsection within 60 days after the close of the race meeting of the permitholder. Section 550.1645 notwithstanding, the moneys shall be paid by the permitholder as follows:

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

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

Section 45. In order to effectuate the repeal of s. 570.97, Florida Statutes, and to honor the wishes of the donor, for the 2013-2014 fiscal year, the sum of \$59,239 in nonrecurring funds is appropriated to the Department of Agriculture and Consumer Services in the expenses appropriation category for deposit in the General Inspection Trust Fund to be used by the Division of Animal Industry for disbursement to Florida Animal Friend, Inc.

Section 46. This act shall take effect upon becoming a law.

Approved by the Governor June 28, 2013.

Filed in Office Secretary of State June 28, 2013.