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HB 7011

2012 Legislature

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 121.0515, 125.27, 253.036, 258.501, 259.035, 259.036,
4 259.037, 259.101, 259.105, 259.10521, 260.0142,
5 261.03, 261.04, 261.06, 261.12, 317.0010, 317.0016,
6 373.591, 379.226, 403.7071, 479.16, 581.1843, 589.01,
7 589.011, 589.012, 589.04, 589.06, 589.07, 589.071,
8 589.08, 589.081, 589.09, 589.10, 589.101, 589.11,
9 589.12, 589.13, 589.14, 589.15, 589.16, 589.18,
10 589.19, 589.20, 589.21, 589.26, 589.27, 589.275,
11 589.277, 589.28, 589.29, 589.30, 589.31, 589.32,
12 589.33, 589.34, 590.01, 590.015, 590.02, 590.081,
13 590.091, 590.125, 590.14, 590.16, 590.25, 590.33,
14 590.34, 590.35, 590.42, 591.17, 591.18, 591.19,
15 591.20, 591.24, 591.25, 633.115, 633.821, and 790.15,
16 F.S., to conform to the directive of the Legislature
17 in section 12 of chapter 2011-56, Laws of Florida, to
18 prepare a reviser's bill for introduction at a
19 subsequent session of the Legislature which replaces
20 all statutory references to the Division of Forestry
21 with the term "Florida Forest Service"; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (b) of subsection (3) of section
27 121.0515, Florida Statutes, is amended to read:
28 121.0515 Special Risk Class.—

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

31 (b) Effective October 1, 1978, the member must be employed
32 as a firefighter and be certified, or required to be certified,
33 in compliance with s. 633.35 and be employed solely within the
34 fire department of a local government employer or an agency of
35 state government with firefighting responsibilities. In
36 addition, the member's duties and responsibilities must include
37 on-the-scene fighting of fires; as of October 1, 2001, fire
38 prevention or firefighter training; as of October 1, 2001,
39 direct supervision of firefighting units, fire prevention, or
40 firefighter training; or as of July 1, 2001, aerial firefighting
41 surveillance performed by fixed-wing aircraft pilots employed by
42 the Florida Forest Service ~~Division of Forestry~~ of the
43 Department of Agriculture and Consumer Services; or the member
44 must be the supervisor or command officer of a member or members
45 who have such responsibilities. Administrative support
46 personnel, including, but not limited to, those whose primary
47 duties and responsibilities are in accounting, purchasing,
48 legal, and personnel, are not included. All periods of
49 creditable service in fire prevention or firefighter training,
50 or as the supervisor or command officer of a member or members
51 who have such responsibilities, and for which the employer paid
52 the special risk contribution rate, are included;

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

55 125.27 Countywide forest fire protection; authority of the
56 Florida Forest Service ~~Division of Forestry~~; state funding;

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57 | county fire control assessments; disposition; equipment
58 | donations.—

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

82 | (a) An amount equal to the total forest land and wild land
83 | acreage of the counties, multiplied by 4 cents, shall be
84 | distributed to the Incidental Trust Fund of the Florida Forest

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85 Service Division of Forestry; and

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

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

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

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113 Section 3. Section 253.036, Florida Statutes, is amended
 114 to read:
 115 253.036 Forest management.—All land management plans
 116 described in s. 253.034(5) which are prepared for parcels larger
 117 than 1,000 acres shall contain an analysis of the multiple-use
 118 potential of the parcel, which analysis shall include the
 119 potential of the parcel to generate revenues to enhance the
 120 management of the parcel. The lead agency shall prepare the
 121 analysis, which shall contain a component or section prepared by
 122 a qualified professional forester which assesses the feasibility
 123 of managing timber resources on the parcel for resource
 124 conservation and revenue generation purposes through a
 125 stewardship ethic that embraces sustainable forest management
 126 practices if the lead management agency determines that the
 127 timber resource management is not in conflict with the primary
 128 management objectives of the parcel. For purposes of this
 129 section, practicing sustainable forest management means meeting
 130 the needs of the present without compromising the ability of
 131 future generations to meet their own needs by practicing a land
 132 stewardship ethic which integrates the reforestation, managing,
 133 growing, nurturing, and harvesting of trees for useful products
 134 with the conservation of soil, air and water quality, wildlife
 135 and fish habitat, and aesthetics. The Legislature intends that
 136 each lead management agency, whenever practicable and cost
 137 effective, use the services of the Florida Forest Service
 138 ~~Division of Forestry~~ of the Florida Department of Agriculture
 139 and Consumer Services or other qualified private sector
 140 professional forester in completing such feasibility assessments

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141 and implementing timber resource management. The Legislature
 142 further intends that the lead management agency develop a
 143 memorandum of agreement with the Florida Forest Service ~~Division~~
 144 ~~of Forestry~~ to provide for full reimbursement for any services
 145 provided for the feasibility assessments or timber resource
 146 management. All additional revenues generated through multiple-
 147 use management or compatible secondary use management shall be
 148 returned to the lead agency responsible for such management and
 149 shall be used to pay for management activities on all
 150 conservation, preservation, and recreation lands under the
 151 agency's jurisdiction. In addition, such revenue shall be
 152 segregated in an agency trust fund and shall remain available to
 153 the agency in subsequent fiscal years to support land management
 154 appropriations.

155 Section 4. Paragraph (a) of subsection (7) of section
 156 258.501, Florida Statutes, is amended to read:

157 258.501 Myakka River; wild and scenic segment.—

158 (7) MANAGEMENT COORDINATING COUNCIL.—

159 (a) Upon designation, the department shall create a
 160 permanent council to provide interagency and intergovernmental
 161 coordination in the management of the river. The coordinating
 162 council shall be composed of one representative appointed from
 163 each of the following: the department, the Department of
 164 Transportation, the Fish and Wildlife Conservation Commission,
 165 the Department of Community Affairs, the Florida Forest Service
 166 ~~Division of Forestry~~ of the Department of Agriculture and
 167 Consumer Services, the Division of Historical Resources of the
 168 Department of State, the Tampa Bay Regional Planning Council,

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169 | the Southwest Florida Water Management District, the Southwest
170 | Florida Regional Planning Council, Manatee County, Sarasota
171 | County, Charlotte County, the City of Sarasota, the City of
172 | North Port, agricultural interests, environmental organizations,
173 | and any others deemed advisable by the department.

174 | Section 5. Paragraph (b) of subsection (1) of section
175 | 259.035, Florida Statutes, is amended to read:

176 | 259.035 Acquisition and Restoration Council.—

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

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

186 | Section 6. Paragraph (a) of subsection (1) of section
187 | 259.036, Florida Statutes, is amended to read:

188 | 259.036 Management review teams.—

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

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197 (a) The department shall establish a regional land
 198 management review team composed of the following members:
 199 1. One individual who is from the county or local
 200 community in which the parcel or project is located and who is
 201 selected by the county commission in the county which is most
 202 impacted by the acquisition.
 203 2. One individual from the Division of Recreation and
 204 Parks of the department.
 205 3. One individual from the Florida Forest Service ~~Division~~
 206 ~~of Forestry~~ of the Department of Agriculture and Consumer
 207 Services.
 208 4. One individual from the Fish and Wildlife Conservation
 209 Commission.
 210 5. One individual from the department's district office in
 211 which the parcel is located.
 212 6. A private land manager mutually agreeable to the state
 213 agency representatives.
 214 7. A member of the local soil and water conservation
 215 district board of supervisors.
 216 8. A member of a conservation organization.
 217 Section 7. Subsection (1) of section 259.037, Florida
 218 Statutes, is amended to read:
 219 259.037 Land Management Uniform Accounting Council.—
 220 (1) The Land Management Uniform Accounting Council is
 221 created within the Department of Environmental Protection and
 222 shall consist of the director of the Division of State Lands,
 223 the director of the Division of Recreation and Parks, the
 224 director of the Office of Coastal and Aquatic Managed Areas, and

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225 the director of the Office of Greenways and Trails of the
226 Department of Environmental Protection; the director of the
227 Florida Forest Service ~~Division of Forestry~~ of the Department of
228 Agriculture and Consumer Services; the executive director of the
229 Fish and Wildlife Conservation Commission; and the director of
230 the Division of Historical Resources of the Department of State,
231 or their respective designees. Each state agency represented on
232 the council shall have one vote. The chair of the council shall
233 rotate annually in the foregoing order of state agencies. The
234 agency of the representative serving as chair of the council
235 shall provide staff support for the council. The Division of
236 State Lands shall serve as the recipient of and repository for
237 the council's documents. The council shall meet at the request
238 of the chair.

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

241 259.101 Florida Preservation 2000 Act.—

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

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253 | purposes of calculating the total remaining cash balances for
 254 | this redistribution, the Florida Preservation 2000 Series 2000
 255 | bond proceeds, including interest thereon, and the fiscal year
 256 | 1999-2000 General Appropriations Act amounts shall be deducted
 257 | from the remaining cash and appropriation balances,
 258 | respectively. The remaining proceeds shall be distributed by the
 259 | Department of Environmental Protection in the following manner:

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

264 |
 265 | Local governments may use federal grants or loans, private
 266 | donations, or environmental mitigation funds, including
 267 | environmental mitigation funds required pursuant to s. 338.250,
 268 | for any part or all of any local match required for the purposes
 269 | described in this subsection. Bond proceeds allocated pursuant
 270 | to paragraph (c) may be used to purchase lands on the priority
 271 | lists developed pursuant to s. 259.035. Title to lands purchased
 272 | pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
 273 | vested in the Board of Trustees of the Internal Improvement
 274 | Trust Fund. Title to lands purchased pursuant to paragraph (c)
 275 | may be vested in the Board of Trustees of the Internal
 276 | Improvement Trust Fund. The board of trustees shall hold title
 277 | to land protection agreements and conservation easements that
 278 | were or will be acquired pursuant to s. 380.0677, and the
 279 | Southwest Florida Water Management District and the St. Johns
 280 | River Water Management District shall monitor such agreements

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281 and easements within their respective districts until the state
282 assumes this responsibility.

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

308 Section 9. Paragraph (f) of subsection (3) of section

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309 259.105, Florida Statutes, is amended to read:

310 259.105 The Florida Forever Act.—

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

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

329 Section 10. Paragraphs (c) and (d) of subsection (1),
330 subsection (2), and paragraph (b) of subsection (3) of section
331 259.10521, Florida Statutes, are amended to read:

332 259.10521 Citizen support organization; use of property.—

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

335 (c) Determined by the Fish and Wildlife Conservation
336 Commission and the Florida Forest Service ~~Division of Forestry~~

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337 within the Department of Agriculture and Consumer Services to be
338 consistent with the goals of the state in acquiring the ranch
339 and in the best interests of the state; and

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

349 (2) USE OF PROPERTY.—

350 (a) The Fish and Wildlife Conservation Commission and the
351 Florida Forest Service ~~Division of Forestry~~ may permit, without
352 charge, appropriate use of fixed property and facilities of the
353 Babcock Crescent B Ranch by a citizen support organization,
354 subject to the provisions of this section. Such use must be
355 directly in keeping with the approved purposes of the citizen
356 support organization and may not be made at times or places that
357 would unreasonably interfere with recreational opportunities for
358 the general public.

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

364 (c) The Fish and Wildlife Conservation Commission and the

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365 Florida Forest Service ~~Division of Forestry~~ shall not permit the
366 use of any fixed property or facilities of the ranch by a
367 citizen support organization that does not provide equal
368 membership and employment opportunities to all persons
369 regardless of race, color, religion, sex, age, or national
370 origin.

371 (3) PARTNERSHIPS.—

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

392 Section 11. Paragraph (d) of subsection (1) of section

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393 | 260.0142, Florida Statutes, is amended to read:

394 | 260.0142 Florida Greenways and Trails Council;
395 | composition; powers and duties.—

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

401 | (d) The 9 remaining members shall include:

402 | 1. The Secretary of Environmental Protection or a
403 | designee.

404 | 2. The executive director of the Fish and Wildlife
405 | Conservation Commission or a designee.

406 | 3. The Secretary of Transportation or a designee.

407 | 4. The Director of the Florida Forest Service ~~Division of~~
408 | ~~Forestry~~ of the Department of Agriculture and Consumer Services
409 | or a designee.

410 | 5. The director of the Division of Historical Resources of
411 | the Department of State or a designee.

412 | 6. A representative of the water management districts.
413 | Membership on the council shall rotate among the five districts.
414 | The districts shall determine the order of rotation.

415 | 7. A representative of a federal land management agency.
416 | The Secretary of Environmental Protection shall identify the
417 | appropriate federal agency and request designation of a
418 | representative from the agency to serve on the council.

419 | 8. A representative of the regional planning councils to
420 | be appointed by the Secretary of Environmental Protection.

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421 Membership on the council shall rotate among the seven regional
422 planning councils. The regional planning councils shall
423 determine the order of rotation.

424 9. A representative of local governments to be appointed
425 by the Secretary of Environmental Protection. Membership shall
426 alternate between a county representative and a municipal
427 representative.

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

430 261.03 Definitions.—As used in this chapter, the term:
431 ~~(4) "Division" means the Florida Forest Service.~~

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

434 261.04 Off-Highway Vehicle Recreation Advisory Committee;
435 members; appointment.—

436 (1) Effective July 1, 2003, the Off-Highway Vehicle
437 Recreation Advisory Committee is created within the Florida
438 Forest Service ~~Division of Forestry~~ and consists of nine
439 members, all of whom are appointed by the Commissioner of
440 Agriculture. The appointees shall include one representative of
441 the Department of Agriculture and Consumer Services, one
442 representative of the Department of Highway Safety and Motor
443 Vehicles, one representative of the Department of Environmental
444 Protection's Office of Greenways and Trails, one representative
445 of the Fish and Wildlife Conservation Commission, one citizen
446 with scientific expertise in disciplines relating to ecology,
447 wildlife biology, or other environmental sciences, one
448 representative of a licensed off-highway vehicle dealer, and

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449 three representatives of off-highway vehicle recreation groups.
450 In making these appointments, the commissioner shall consider
451 the places of residence of the members to ensure statewide
452 representation.

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

455 261.06 Functions, duties, and responsibilities of the
456 department.—The following are functions, duties, and
457 responsibilities of the department through the Florida Forest
458 Service division:

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

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

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

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

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

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

476 (7) Provision of staff assistance to the advisory

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477 | committee.

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

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

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

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

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

488 | 261.12 Designated off-highway vehicle funds within the
489 | Incidental Trust Fund of the Florida Forest Service ~~Division of~~
490 | ~~Forestry~~ of the Department of Agriculture and Consumer
491 | Services.—

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

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

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

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

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

503 | (2) Designated off-highway vehicle funds in the trust fund
504 | shall be available for recommended allocation by the Off-Highway

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505 Vehicle Recreation Advisory Committee and the Department of
506 Agriculture and Consumer Services and upon annual appropriation
507 by the Legislature, exclusively for the following:

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

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

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

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

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

535 317.0010 Disposition of fees.—The department shall deposit
536 all funds received under this chapter, less administrative costs
537 of \$2 per title transaction, into the Incidental Trust Fund of
538 the Florida Forest Service ~~Division of Forestry~~ of the
539 Department of Agriculture and Consumer Services.

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

542 317.0016 Expedited service; applications; fees.—The
543 department shall provide, through its agents and for use by the
544 public, expedited service on title transfers, title issuances,
545 duplicate titles, recordation of liens, and certificates of
546 repossession. A fee of \$7 shall be charged for this service,
547 which is in addition to the fees imposed by ss. 317.0007 and
548 317.0008, and \$3.50 of this fee shall be retained by the
549 processing agency. All remaining fees shall be deposited in the
550 Incidental Trust Fund of the Florida Forest Service ~~Division of~~
551 ~~Forestry~~ of the Department of Agriculture and Consumer Services.
552 Application for expedited service may be made by mail or in
553 person. The department shall issue each title applied for
554 pursuant to this section within 5 working days after receipt of
555 the application except for an application for a duplicate title
556 certificate covered by s. 317.0008(3), in which case the title
557 must be issued within 5 working days after compliance with the
558 department's verification requirements.

559 Section 18. Paragraph (h) of subsection (1) of section
560 373.591, Florida Statutes, is amended to read:

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561 373.591 Management review teams.—

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

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

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

574 379.226 Florida Territorial Waters Act; alien-owned
575 commercial fishing vessels; prohibited acts; enforcement.—

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

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

585 403.7071 Management of storm-generated debris.—Solid waste
586 generated as a result of a storm event that is the subject of an
587 emergency order issued by the department may be managed as
588 follows:

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

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

606 479.16 Signs for which permits are not required.—The
607 following signs are exempt from the requirement that a permit
608 for a sign be obtained under the provisions of this chapter but
609 are required to comply with the provisions of s. 479.11(4)-(8):

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

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

619 581.1843 Citrus nursery stock propagation and production
620 and the establishment of regulated areas around citrus
621 nurseries.—

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

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

630 589.01 Florida Forestry Council.—The Florida Forestry
631 Council, hereinafter called the "council," is hereby created in
632 the Florida Forest Service ~~Division of Forestry~~ of the
633 Department of Agriculture and Consumer Services. The council
634 shall be composed of five members appointed by the Department of
635 Agriculture and Consumer Services for terms of 4 years.

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

638 (a) The pulp and paper manufacturing industry.

639 (b) A forest products industry other than that described
640 in paragraph (a).

641 (c) A timber or timber products dealer.

642 (d) An individual forest landowner.

643 (e) An active member of a statewide conservation
644 organization having as one of its principal objectives the

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645 conservation and development of the forest resource.

646 (2) Not fewer than two or more than three nominations
647 shall be made for each membership on the council, and any
648 statewide organization representing an area of forestry
649 represented on the council may make nominations.

650 (3) The council shall meet at the call of its chair, at
651 the request of a majority of its membership or of the Department
652 of Agriculture and Consumer Services, or at such times as may be
653 prescribed by its rules.

654 (4) A majority of the members of the council shall
655 constitute a quorum for all purposes, and an act by a majority
656 of such quorum at any meeting shall constitute an official act
657 of the council.

658 (5) The powers and duties of the council shall be as
659 follows:

660 (a) To consider and study the entire field of forestry;

661 (b) To advise, counsel, and consult with the Department of
662 Agriculture and Consumer Services and the Director of the
663 Florida Forest Service ~~Division of Forestry~~ upon request in
664 connection with the promulgation, administration, and
665 enforcement of all laws and rules relating to forestry;

666 (c) To consider all matters submitted to it by the
667 Department of Agriculture and Consumer Services or the Director
668 of the Florida Forest Service ~~Division of Forestry~~;

669 (d) To offer suggestions and recommendations to the
670 Department of Agriculture and Consumer Services and the Director
671 of the Florida Forest Service ~~Division of Forestry~~ on its own
672 initiative in regard to changes in the laws and rules relating

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673 to forestry as may be deemed advisable to secure the effective
674 administration and enforcement of such laws and rules relating
675 to the work of the Florida Forest Service ~~division~~; and

676 (e) To keep a complete record of all its proceedings,
677 showing the names of the members present at each meeting and any
678 action taken by the council, and to file and maintain such
679 records in the Florida Forest Service ~~Division of Forestry~~ as a
680 public record.

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

683 589.011 Use of state forest lands; fees; rules.—

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

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

698 (3) The Florida Forest Service ~~Division of Forestry~~ shall
699 have the power to set and charge reasonable fees or rent for the
700 use or operation of facilities on state forests or any lands

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701 leased by or otherwise assigned to the Florida Forest Service
702 ~~division~~ for management purposes. Moneys collected from such
703 fees and rent shall be deposited into the Incidental Trust Fund
704 of the Florida Forest Service ~~division~~.

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

715 (5) The Florida Forest Service ~~Division of Forestry~~ may
716 prohibit on state forest lands, or any lands leased by or
717 otherwise assigned to the Florida Forest Service ~~division~~ for
718 management purposes, activities that interfere with management
719 objectives, create a nuisance, or pose a threat to public
720 safety. Such prohibited activities must be posted with signs not
721 more than 500 feet apart along, and at each corner of, the
722 boundaries of the land. The signs must be placed along the
723 boundary line of posted land in a manner and in such position as
724 to be clearly noticeable from outside the boundary line. A
725 person who violates the provisions of this subsection commits a
726 misdemeanor of the second degree, punishable as provided in s.
727 775.082 or s. 775.083.

728 (6) The Florida Forest Service ~~Division of Forestry~~ may

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729 enter into contracts or agreements, with or without competitive
730 bidding or procurement, to make available, on a fair,
731 reasonable, and nondiscriminatory basis, property and other
732 structures under Florida Forest Service ~~division~~ control for the
733 placement of new facilities by any wireless provider of mobile
734 service as defined in 47 U.S.C. s. 153(27) or 47 U.S.C. s.
735 332(d) or any telecommunications company as defined in s. 364.02
736 when it is determined to be practical and feasible to make such
737 property or other structures available. The Florida Forest
738 Service ~~division~~ may, without adopting a rule, charge a just,
739 reasonable, and nondiscriminatory fee for the placement of the
740 facilities, payable annually, based on the fair market value of
741 space used by comparable communications facilities in the state.
742 The Florida Forest Service ~~division~~ and a wireless provider or
743 telecommunications company may negotiate the reduction or
744 elimination of a fee in consideration of services provided to
745 the Florida Forest Service ~~division~~ by the wireless provider or
746 telecommunications company. All such fees collected by the
747 Florida Forest Service ~~division~~ shall be deposited in the
748 Incidental Trust Fund.

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

751 589.012 Friends of Florida State Forests Program.—The
752 Friends of Florida State Forests Program is established within
753 the Department of Agriculture and Consumer Services. Its purpose
754 is to provide support and assistance for existing and future
755 programs of the Florida Forest Service ~~Division of Forestry~~.
756 These programs must be consistent with the Florida Forest

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757 | Service division's mission statement which is incorporated by
758 | reference. The purpose of the program is to:

759 | (1) Conduct programs and activities related to
760 | environmental education, fire prevention, recreation, and forest
761 | management.

762 | (2) Identify and pursue methods to provide resources and
763 | materials for these programs.

764 | (3) Establish a statewide method to integrate these
765 | resources and materials.

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

768 | 589.04 Duties of Florida Forest Service ~~division~~.-

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

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

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

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

783 | (3) The Florida Forest Service ~~Division of Forestry~~ shall
784 | provide direction for the multiple-use management of forest

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785 lands owned by the state; serve as the lead management agency
786 for state-owned land primarily suited for forest resource
787 management; and provide to other state agencies having land
788 management responsibilities technical guidance and management
789 plan development for managing the forest resources on state-
790 owned lands managed for other objectives. Multiple-purpose use
791 shall include, but is not limited to, water-resource protection,
792 forest-ecosystems protection, natural-resource-based low-impact
793 recreation, and sustainable timber management for forest
794 products.

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

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

802 589.06 Warrants for payment of accounts.—Upon the
803 presentation to the Chief Financial Officer of any accounts duly
804 approved by the Florida Forest Service ~~Division of Forestry~~,
805 accompanied by such itemized vouchers or accounts as shall be
806 required by her or him, the Chief Financial Officer shall audit
807 the same and draw a warrant for the amount for which the account
808 is audited, payable out of funds to the credit of the Florida
809 Forest Service ~~division~~.

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

812 589.07 Florida Forest Service ~~Division~~ may acquire lands

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

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

826 | 589.071 Traffic control within state forest or Florida
 827 | Forest Service-assigned ~~division-assigned~~ lands.—The Florida
 828 | Forest Service ~~Division of Forestry~~ on behalf of the state may
 829 | adopt rules to control ingress, egress, and all other movement
 830 | of motor vehicles, bicycles, horses, and pedestrians, as well as
 831 | all other types of traffic, within a state forest or any lands
 832 | leased by or otherwise assigned to the Florida Forest Service
 833 | ~~division~~ for management purposes, outside of the designated
 834 | right-of-way of state or county-maintained roads, and may
 835 | designate special areas off the roadways for the operation of
 836 | recreational type vehicles which need not be licensed or
 837 | operated by licensed drivers. Any person violating or otherwise
 838 | failing to comply with any of the provisions of this section or
 839 | rules adopted pursuant hereto is guilty of a noncriminal
 840 | violation as defined in s. 775.08(3), punishable only by fine

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841 not to exceed \$500. Jurisdiction shall be with the appropriate
842 county court.

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

845 589.08 Land acquisition restrictions.—

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

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

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869 acreage located in each county for use by the county or counties
870 for school purposes.

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

873 589.081 Withlacoochee State Forest and Goethe State
874 Forest; payment of portion of gross receipts.—The Florida Forest
875 Service ~~Division of Forestry~~ shall pay 15 percent of the gross
876 receipts from Withlacoochee State Forest and the Goethe State
877 Forest to each fiscally constrained county, as described in s.
878 218.67(1), in which a portion of the respective forest is
879 located in proportion to the forest acreage located in such
880 county. The funds must be equally divided between the board of
881 county commissioners and the school board of each fiscally
882 constrained county.

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

885 589.09 Use of lands acquired.—All lands acquired by the
886 Florida Forest Service ~~Division of Forestry~~ on behalf of the
887 state shall be in the custody of and subject to the
888 jurisdiction, management, and control of the Florida Forest
889 Service ~~said division~~, and, for such purposes and the
890 utilization and development of such land, the Florida Forest
891 Service ~~said division~~ may use the proceeds of the sale of any
892 products therefrom, the proceeds of the sale of any such lands,
893 save the 25 percent of such proceeds which shall be paid into
894 the State School Fund as required by s. 1010.71(1), and such
895 other funds as may be appropriated for use by the Florida Forest
896 Service ~~division~~, and in the opinion of the Florida Forest

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897 Service ~~such division~~, available for such uses and purposes.

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

900 589.10 Disposition of lands.—The Florida Forest Service
901 ~~Division of Forestry~~, with the concurrence of the Board of
902 Trustees of the Internal Improvement Trust Fund and the
903 Governor, may sell, exchange, lease, or otherwise dispose of any
904 lands under its jurisdiction by the provisions of this chapter
905 when in its judgment it is advantageous to the state to do so in
906 the interest of the highest orderly development, improvement,
907 and management of the state forests and state parks. All such
908 sales, exchanges, leases, or dispositions of such lands, shall
909 be at least upon a 30-day public notice, to be given in the
910 manner deemed reasonable by the Florida Forest Service ~~division~~.

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

913 589.101 Blackwater River State Forest; lease of board's
914 interest in gas, oil, and other minerals.—Notwithstanding the
915 provisions of ss. 253.51-253.61, the Florida Forest Service
916 ~~Division of Forestry~~ is hereby expressly granted the authority
917 to lease its 25-percent interest in oil, gas, and other minerals
918 within the boundaries of the Blackwater River State Forest;
919 provided, however, that grants shall be made only to the lessee
920 or lessees holding the 75-percent interest in said minerals
921 retained by the United States in its conveyance to this state.
922 The concurrence of the Board of Trustees of the Internal
923 Improvement Trust Fund required by s. 589.10 shall not be
924 necessary under the provisions of this section.

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

927 589.11 Duties of Florida Forest Service ~~division~~ as to
928 Clarke-McNary Law.—

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

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

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

949 589.12 Rules and regulations.—The Florida Forest Service
950 ~~Division of Forestry~~ may make rules and regulations and do such
951 acts and things as shall be reasonable and necessary to
952 accomplish the purposes of ss. 589.07-589.11.

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

955 589.13 Lien of Florida Forest Service ~~division~~ and other
956 parties, for forestry work, etc.—Liens prior in dignity to all
957 others accruing thereafter shall exist in favor of the following
958 persons, boards, firms, or corporations upon the following
959 described real estate, under the circumstances hereinafter
960 mentioned:

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

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

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

975 589.14 Enforcement of lien; notice.—The Florida Forest
976 Service ~~Division of Forestry~~, United States Government, or other
977 governmental authority shall be entitled to subject said real
978 estate in equity for the value of such expenditures made by it
979 in pursuance of any such agreement, and may, at any time after
980 the expenditure thereof and after default in payment thereof by

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981 the landowner in accordance with the terms of such agreement,
982 file in the office of the clerk of the circuit court of the
983 county in which the property is located, and have recorded in
984 the record of liens kept by such clerk, a notice of the
985 expenditures made in pursuance of such agreement and of default
986 of the landowner in the payment of same in accordance with the
987 terms thereof (the form of notice being provided in s. 589.15),
988 and from the date of the filing of such notice the rights of
989 purchasers or creditors of such landowner shall be subject and
990 subordinate to the claim set out in the notice.

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

993 589.15 Form of notice.—The said notice shall be
994 substantially as follows: It shall be in writing and shall be
995 sworn to by the duly authorized agent of the Florida Forest
996 Service ~~such division~~ or governmental authority filing same. It
997 shall state the name of the owner of said property, the nature
998 and character of the labor or services performed or to be
999 performed, an itemized statement of the expenditures made in
1000 pursuance of said agreement and the value thereof, and shall
1001 also contain a description of the property covered by the said
1002 agreement and to which said services and expenditures are
1003 applicable.

1004 Section 40. Section 589.16, Florida Statutes, is amended
1005 to read:

1006 589.16 Time for filing notice of lien.—The notice of lien
1007 may be filed prior to the filing of a complaint brought to
1008 enforce said lien; provided that nothing herein contained shall

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1009 prevent the filing of such notice at any time after the contract
1010 or agreement has been entered into and default made by the
1011 landowner in payment of any amount due under the contract or
1012 agreement; and suit in equity to enforce the rights of the
1013 Florida Forest Service ~~division~~ or governmental authority as
1014 provided in this chapter must be brought within 12 months from
1015 the filing of said notice of lien.

1016 Section 41. Section 589.18, Florida Statutes, is amended
1017 to read:

1018 589.18 Florida Forest Service ~~Division~~ to make certain
1019 investigations.—The Florida Forest Service ~~Division of Forestry~~
1020 shall conduct investigations and make surveys to determine the
1021 areas of land in the state which are available and suitable for
1022 reforestation projects and state forests, and may recommend to
1023 the Board of Trustees of the Internal Improvement Trust Fund,
1024 any state agency, or any agency created by state law which is
1025 authorized to accept lands in the name of the state, concerning
1026 their acquisition. The Florida Forest Service ~~division~~ shall be
1027 considered as a state agency under this law.

1028 Section 42. Subsections (1) and (3) and paragraphs (a),
1029 (b), (c), and (e) of subsection (4) of section 589.19, Florida
1030 Statutes, are amended to read:

1031 589.19 Creation of certain state forests; naming of
1032 certain state forests.—

1033 (1) When the Board of Trustees of the Internal Improvement
1034 Trust Fund, any state agency, or any agency created by state
1035 law, authorized to accept reforestation lands in the name of the
1036 state, approves the recommendations of the Florida Forest

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1037 | Service Division of Forestry in reference to the acquisition of
 1038 | land and acquire such land, the said board, state agency, or
 1039 | agency created by state law, may formally designate and dedicate
 1040 | any area as a reforestation project, or state forest, and where
 1041 | so designated and dedicated such area shall be under the
 1042 | administration of the Florida Forest Service ~~division~~ which
 1043 | shall be authorized to manage and administer said area according
 1044 | to the purpose for which it was designated and dedicated.

1045 | (3) The state forest managed by the Florida Forest Service
 1046 | ~~Division of Forestry~~ in Seminole County is to be named the
 1047 | Charles H. Bronson State Forest to honor Charles H. Bronson, the
 1048 | tenth Commissioner of Agriculture, for his distinguished
 1049 | contribution to this state's agriculture and natural resources.

1050 | (4) (a) The Florida Forest Service ~~Division of Forestry~~
 1051 | shall designate one or more areas of state forests as a "Wounded
 1052 | Warrior Special Hunt Area" to honor wounded veterans and
 1053 | servicemembers. The purpose of such designated areas is to
 1054 | provide special outdoor recreational opportunities for eligible
 1055 | veterans and servicemembers.

1056 | (b) The Florida Forest Service ~~division~~ shall limit guest
 1057 | admittance to such designated areas to any person who:

1058 | 1. Is an active duty member of any branch of the United
 1059 | States Armed Forces and has a combat-related injury as
 1060 | determined by his or her branch of the United States Armed
 1061 | Forces; or

1062 | 2. Is a veteran who served during a period of wartime
 1063 | service as defined in s. 1.01(14) or peacetime service as
 1064 | defined in s. 296.02 and:

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1065 a. Has a service-connected disability as determined by the
1066 United States Department of Veterans Affairs; or

1067 b. Was discharged or released from military service
1068 because of a disability acquired or aggravated while serving on
1069 active duty.

1070 (c) The Florida Forest Service ~~division~~ may grant
1071 admittance to such designated areas to a person who is not an
1072 eligible veteran or servicemember for purposes of accompanying
1073 an eligible veteran or servicemember who requires the person's
1074 assistance to use such designated areas.

1075 (e) The Florida Forest Service ~~division~~ may adopt rules to
1076 administer this subsection.

1077 Section 43. Section 589.20, Florida Statutes, is amended
1078 to read:

1079 589.20 Cooperation by Florida Forest Service ~~division~~.—The
1080 Florida Forest Service ~~Division of Forestry~~ may cooperate with
1081 other state agencies, who are custodians of lands which are
1082 suitable for forestry purposes, in the designation and
1083 dedication of such lands for forestry purposes when in the
1084 opinion of the state agencies concerned such lands are suitable
1085 for these purposes and can be so administered. Upon the
1086 designation and dedication of said lands for these purposes by
1087 the agencies concerned, said lands shall be administered by the
1088 Florida Forest Service ~~division~~.

1089 Section 44. Section 589.21, Florida Statutes, is amended
1090 to read:

1091 589.21 Management to be for public interest.—All state
1092 forests and reforestation projects mentioned in this chapter

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1093 shall be managed and administered by the Florida Forest Service
 1094 ~~Division of Forestry~~ in the interests of the public. If the
 1095 public interests are not already safeguarded and clearly defined
 1096 by law or by regulations adopted by the state agencies
 1097 authorized by law to administer such lands, or in the papers
 1098 formally transferring said projects to the Florida Forest
 1099 Service ~~division~~ for administration, then, and in that event,
 1100 the Florida Forest Service ~~division~~ may define the purpose of
 1101 said project. Such definition of purposes shall be construed to
 1102 have the authority of law.

1103 Section 45. Section 589.26, Florida Statutes, is amended
 1104 to read:

1105 589.26 Dedication of state park lands for public use.—The
 1106 Florida Forest Service ~~Division of Forestry~~ is authorized and
 1107 empowered, from time to time, to dedicate and reserve for the
 1108 use of the public all or any part of the lands heretofore or
 1109 hereafter acquired by the Florida Forest Service ~~said Division~~
 1110 ~~of Forestry~~ for park purposes; provided, however, that said
 1111 dedication and reservation shall be subject to such rules and
 1112 regulations, as to reasonable use by the public, as may be
 1113 adopted by the Division of Recreation and Parks of the
 1114 Department of Environmental Protection.

1115 Section 46. Section 589.27, Florida Statutes, is amended
 1116 to read:

1117 589.27 Power of eminent domain; procedure.—Whenever the
 1118 Florida Forest Service ~~Division of Forestry~~ shall find it
 1119 necessary to acquire private property for state forests or
 1120 rights-of-way for state forest roads, or for exercising any of

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1121 the powers and duties authorized and prescribed by law to be
1122 exercised and performed by the Florida Forest Service Division
1123 ~~of Forestry~~, the Florida Forest Service Division ~~of Forestry~~ is
1124 hereby empowered and authorized to exercise the right of eminent
1125 domain and to proceed to condemn said property in the same
1126 manner as provided by law for the condemnation of private
1127 property by counties.

1128 Section 47. Section 589.275, Florida Statutes, is amended
1129 to read:

1130 589.275 Planting of indigenous trees on state lands.—It is
1131 the intent of the Legislature to partially restore the character
1132 of the original domain of Florida by planting native trees on
1133 state lands, and to this end all state lands shall have a
1134 portion of such lands designated for indigenous trees, to be
1135 established and maintained by the using agency with the
1136 assistance of the Florida Forest Service Division ~~of Forestry~~ of
1137 the Department of Agriculture and Consumer Services. If the
1138 Florida Forest Service division, or primary managing agency,
1139 determines that any state lands are unsuitable for this purpose,
1140 such lands shall be exempt from this requirement.

1141 Section 48. Subsections (1), (3), and (5) of section
1142 589.277, Florida Statutes, are amended to read:

1143 589.277 Tree planting programs.—

1144 (1) The Florida Forest Service Division ~~of Forestry~~ of the
1145 Florida Department of Agriculture and Consumer Services shall
1146 administer federal, state, and privately sponsored tree planting
1147 programs designed to assist private rural landowners and urban
1148 communities.

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1149 (3) The Florida Forest Service ~~Division of Forestry~~ is
1150 authorized and directed to develop and implement guidelines and
1151 procedures under which the financial resources of the fund
1152 allocated for tree planting programs may be utilized for urban
1153 and rural reforestation.

1154 (5) The Florida Forest Service ~~Division of Forestry~~ shall
1155 assist the Department of Education in developing programs that
1156 teach the importance of trees in the urban, rural, and global
1157 environment.

1158 Section 49. Section 589.28, Florida Statutes, is amended
1159 to read:

1160 589.28 County commissions or municipalities authorized to
1161 cooperate with Florida Forest Service ~~Division of Forestry~~.—
1162 County commissions or municipalities are authorized to cooperate
1163 with the Florida Forest Service ~~Division of Forestry~~ of the
1164 Department of Agriculture and Consumer Services in providing
1165 assistance in forestry and forest-related knowledge and skills
1166 to stimulate the production of timber wealth through the proper
1167 use of forest land and to protect and improve the beauty of
1168 urban and suburban areas by helping to create in them an
1169 attractive and healthy environment through the proper use of
1170 trees and related plant associations. County commissions or
1171 municipalities are hereby authorized to appropriate funds and
1172 enter into cooperative agreements with the Florida Forest
1173 Service ~~Division of Forestry~~ under the terms and conditions set
1174 forth in ss. 589.28-589.34.

1175 Section 50. Section 589.29, Florida Statutes, is amended
1176 to read:

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1177 589.29 Quality of assistance.—Any advice and assistance
1178 provided under ss. 589.28-589.34 shall be the responsibility of
1179 the State Forester and the Florida Forest Service ~~Division of~~
1180 ~~Forestry~~ and shall be conducted under the supervision of a
1181 professional forester in an efficient and competent manner by
1182 personnel who have the required education, training and
1183 experience to accomplish the objectives of these sections.

1184 Section 51. Section 589.30, Florida Statutes, is amended
1185 to read:

1186 589.30 Duty of district forester.—It shall be the duty of
1187 the district forester to direct all work in accordance with the
1188 law and regulations of the Florida Forest Service ~~Division of~~
1189 ~~Forestry~~; gather and disseminate information in the management
1190 of commercial timber, including establishment, protection and
1191 utilization; and assist in the development and use of forest
1192 lands for outdoor recreation, watershed protection, and wildlife
1193 habitat. The district forester or his or her representative
1194 shall provide encouragement and technical assistance to
1195 individuals and urban and county officials in the planning,
1196 establishment, and management of trees and plant associations to
1197 enhance the beauty of the urban and suburban environment and
1198 meet outdoor recreational needs.

1199 Section 52. Section 589.31, Florida Statutes, is amended
1200 to read:

1201 589.31 Cooperative agreement.—Before any assistance is
1202 provided under this law, the county or municipality and the
1203 Florida Forest Service ~~Division of Forestry~~, through their duly
1204 constituted representatives, shall enter into a mutually

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1205 | satisfactory cooperative agreement covering the specific duties,
1206 | and set up a budget for any fiscal period beginning July 1 and
1207 | ending June 30, and the county's or municipality's share of the
1208 | budget provided shall be turned over to the Florida Forest
1209 | Service ~~Division of Forestry~~, one-half on or before July 1, and
1210 | the remainder on or before January 1, and placed in the
1211 | Incidental Trust Fund of the Florida Forest Service ~~Division of~~
1212 | ~~Forestry~~.

1213 | Section 53. Section 589.32, Florida Statutes, is amended
1214 | to read:

1215 | 589.32 Cost of providing county forestry assistance.—The
1216 | cost of county forestry assistance provided under the provisions
1217 | of ss. 589.28-589.34 shall be jointly determined and paid by the
1218 | Florida Forest Service ~~Division of Forestry~~ and the county
1219 | commission or municipality and shall be not less than 40 percent
1220 | of the cost of the equivalent of 1 person-year of assistance.
1221 | However, the county or municipality share shall not exceed the
1222 | sum of \$3,000 per annum for each person-year of assistance
1223 | provided.

1224 | Section 54. Section 589.33, Florida Statutes, is amended
1225 | to read:

1226 | 589.33 Expenditure of budgeted funds.—Any money budgeted
1227 | for a fiscal period shall be expended by the Florida Forest
1228 | Service ~~Division of Forestry~~ during the period for which it was
1229 | budgeted and amounts not expended or specifically obligated by
1230 | contract or other legal procedure during that period shall be
1231 | available for the next fiscal period or shall be returned to the
1232 | Florida Forest Service ~~Division of Forestry~~ and the county or

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1233 municipality in the same proportions as appropriated. However,
1234 when 40 percent of the cost of 1 person-year of assistance
1235 equals or exceeds \$3,000, then in that event all budget balance
1236 will revert to the Florida Forest Service ~~Division of Forestry~~.

1237 Section 55. Section 589.34, Florida Statutes, is amended
1238 to read:

1239 589.34 Revocation of agreement.—Any agreement or revision
1240 thereof entered into by the Florida Forest Service ~~Division of~~
1241 ~~Forestry~~ and a county or municipality under the provisions of
1242 this law shall continue from year to year, unless written notice
1243 is given to the other party 30 days prior to July 1 of any year
1244 of the intention to discontinue the work and cancel the
1245 agreement.

1246 Section 56. Section 590.01, Florida Statutes, is amended
1247 to read:

1248 590.01 Wildfire protection.—The Florida Forest Service
1249 ~~division~~ has the primary responsibility for prevention,
1250 detection, and suppression of wildfires wherever they may occur.
1251 The Florida Forest Service ~~division~~ shall provide leadership and
1252 direction in the evaluation, coordination, allocation of
1253 resources, and monitoring of wildfire management and protection.
1254 The Florida Forest Service ~~division~~ shall promote natural
1255 resource management and fuel reduction through the use of
1256 prescribed fire and other fuel reduction measures.

1257 Section 57. Subsection (2) of section 590.015, Florida
1258 Statutes, is amended to read:

1259 590.015 Definitions.—As used in this chapter, the term:
1260 (2) ~~"Division" means the Florida Forest Service.~~

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1261 Section 58. Section 590.02, Florida Statutes, is amended
1262 to read:

1263 590.02 Florida Forest Service ~~Division~~ powers, authority,
1264 and duties; liability; building structures; Florida Center for
1265 Wildfire and Forest Resources Management Training.—

1266 (1) The Florida Forest Service ~~division~~ has the following
1267 powers, authority, and duties:

1268 (a) To enforce the provisions of this chapter;

1269 (b) To prevent, detect, suppress, and extinguish wildfires
1270 wherever they may occur on public or private land in this state
1271 and to do all things necessary in the exercise of such powers,
1272 authority, and duties;

1273 (c) To provide firefighting crews, who shall be under the
1274 control and direction of the Florida Forest Service ~~division~~ and
1275 its designated agents;

1276 (d) To appoint center managers, forest area supervisors,
1277 forestry program administrators, a forest protection bureau
1278 chief, a forest protection assistant bureau chief, a field
1279 operations bureau chief, deputy chiefs of field operations,
1280 district managers, forest operations administrators, senior
1281 forest rangers, investigators, forest rangers, firefighter
1282 rotorcraft pilots, and other employees who may, at the
1283 ~~division's~~ discretion of the Florida Forest Service, be
1284 certified as forestry firefighters pursuant to s. 633.35(4).
1285 Other provisions of law notwithstanding, center managers,
1286 district managers, forest protection assistant bureau chief, and
1287 deputy chiefs of field operations shall have Selected Exempt
1288 Service status in the state personnel designation;

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1289 (e) To develop a training curriculum for forestry
1290 firefighters which must contain the basic volunteer structural
1291 fire training course approved by the Florida State Fire College
1292 of the Division of State Fire Marshal and a minimum of 250 hours
1293 of wildfire training;

1294 (f) To make rules to accomplish the purposes of this
1295 chapter;

1296 (g) To provide fire management services and emergency
1297 response assistance and to set and charge reasonable fees for
1298 performance of those services. Moneys collected from such fees
1299 shall be deposited into the Incidental Trust Fund of the Florida
1300 Forest Service ~~division~~; and

1301 (h) To require all state, regional, and local government
1302 agencies operating aircraft in the vicinity of an ongoing
1303 wildfire to operate in compliance with the applicable state
1304 Wildfire Aviation Plan.

1305 (2) Florida Forest Service ~~Division~~ employees, and the
1306 firefighting crews under their control and direction, may enter
1307 upon any lands for the purpose of preventing and suppressing
1308 wildfires and investigating smoke complaints or open burning not
1309 in compliance with authorization and to enforce the provisions
1310 of this chapter.

1311 (3) Employees of the Florida Forest Service ~~division~~ and
1312 of federal, state, and local agencies, and all other persons and
1313 entities that are under contract or agreement with the Florida
1314 Forest Service ~~division~~ to assist in firefighting operations as
1315 well as those entities, called upon by the Florida Forest
1316 Service ~~division~~ to assist in firefighting may, in the

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1317 performance of their duties, set counterfires, remove fences and
1318 other obstacles, dig trenches, cut firelines, use water from
1319 public and private sources, and carry on all other customary
1320 activities in the fighting of wildfires without incurring
1321 liability to any person or entity.

1322 (4) (a) The department may build structures,
1323 notwithstanding chapters 216 and 255, not to exceed a cost of
1324 \$50,000 per structure from existing resources on forest lands,
1325 federal excess property, and unneeded existing structures. These
1326 structures must meet all applicable building codes.

1327 (b) Notwithstanding s. 553.80(1), the department shall
1328 exclusively enforce the Florida Building Code as it pertains to
1329 wildfire and law enforcement facilities under the jurisdiction
1330 of the department.

1331 (5) The Florida Forest Service ~~division~~ shall organize its
1332 operational units to most effectively prevent, detect, and
1333 suppress wildfires, and to that end, may employ the necessary
1334 personnel to manage its activities in each unit. The Florida
1335 Forest Service ~~division~~ may construct lookout towers, roads,
1336 bridges, firelines, and other facilities and may purchase or
1337 fabricate tools, supplies, and equipment for firefighting. The
1338 Florida Forest Service ~~division~~ may reimburse the public and
1339 private entities that it engages to assist in the suppression of
1340 wildfires for their personnel and equipment, including aircraft.

1341 (6) The Florida Forest Service ~~division~~ shall undertake
1342 privatization alternatives for fire prevention activities
1343 including constructing fire lines and conducting prescribed
1344 burns and, where appropriate, entering into agreements or

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1345 | contracts with the private sector to perform such activities.

1346 | (7) The Florida Forest Service ~~division~~ may organize,
1347 | staff, equip, and operate the Florida Center for Wildfire and
1348 | Forest Resources Management Training. The center shall serve as
1349 | a site where fire and forest resource managers can obtain
1350 | current knowledge, techniques, skills, and theory as they relate
1351 | to their respective disciplines.

1352 | (a) The center may establish cooperative efforts involving
1353 | federal, state, and local entities; hire appropriate personnel;
1354 | and engage others by contract or agreement with or without
1355 | compensation to assist in carrying out the training and
1356 | operations of the center.

1357 | (b) The center shall provide wildfire suppression training
1358 | opportunities for rural fire departments, volunteer fire
1359 | departments, and other local fire response units.

1360 | (c) The center will focus on curriculum related to, but
1361 | not limited to, fuel reduction, an incident management system,
1362 | prescribed burning certification, multiple-use land management,
1363 | water quality, forest health, environmental education, and
1364 | wildfire suppression training for structural firefighters.

1365 | (d) The center may assess appropriate fees for food,
1366 | lodging, travel, course materials, and supplies in order to meet
1367 | its operational costs and may grant free meals, room, and
1368 | scholarships to persons and other entities in exchange for
1369 | instructional assistance.

1370 | (e) An advisory committee consisting of the following
1371 | individuals or their designees must review program curriculum,
1372 | course content, and scheduling: the Director of the Florida

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1373 | Forest Service ~~Division of Forestry~~; the Assistant Director of
 1374 | the Florida Forest Service ~~Division of Forestry~~; the Director of
 1375 | the School of Forest Resources and Conservation of the
 1376 | University of Florida; the Director of the Division of
 1377 | Recreation and Parks of the Department of Environmental
 1378 | Protection; the Director of the Division of the State Fire
 1379 | Marshal; the Director of the Florida Chapter of The Nature
 1380 | Conservancy; the Executive Vice President of the Florida
 1381 | Forestry Association; the President of the Florida Farm Bureau
 1382 | Federation; the Executive Director of the Fish and Wildlife
 1383 | Conservation Commission; the Executive Director of a Water
 1384 | Management District as appointed by the Commissioner of
 1385 | Agriculture; the Supervisor of the National Forests in Florida;
 1386 | the President of the Florida Fire Chief's Association; and the
 1387 | Executive Director of the Tall Timbers Research Station.

1388 | (8) The Cross City Work Center shall be named the L. Earl
 1389 | Peterson Forestry Station. This is to honor Mr. L. Earl
 1390 | Peterson, Florida's sixth state forester, whose distinguished
 1391 | career in state government has spanned 44 years, and who is a
 1392 | native of Dixie County.

1393 | (9) (a) Notwithstanding ss. 273.055 and 287.16, the
 1394 | department may retain, transfer, warehouse, bid, destroy, scrap,
 1395 | or otherwise dispose of surplus equipment and vehicles that are
 1396 | used for wildland firefighting.

1397 | (b) All money received from the disposition of state-owned
 1398 | equipment and vehicles that are used for wildland firefighting
 1399 | shall be retained by the department. Money received pursuant to
 1400 | this section is appropriated for and may be disbursed for the

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1401 acquisition of exchange and surplus equipment used for wildland
1402 firefighting, and for all necessary operating expenditures
1403 related to such equipment, in the same fiscal year and the
1404 fiscal year following the disposition. The department shall
1405 maintain records of the accounts into which the money is
1406 deposited.

1407 (10) (a) The Florida Forest Service ~~division~~ has exclusive
1408 authority to require and issue authorizations for broadcast
1409 burning and agricultural and silvicultural pile burning. An
1410 agency, commission, department, county, municipality, or other
1411 political subdivision of the state may not adopt laws,
1412 regulations, rules, or policies pertaining to broadcast burning
1413 or agricultural and silvicultural pile burning unless an
1414 emergency order is declared in accordance with s. 252.38(3).

1415 (b) The Florida Forest Service ~~division~~ may delegate to a
1416 county or municipality its authority, as delegated by the
1417 Department of Environmental Protection pursuant to ss.
1418 403.061(28) and 403.081, to require and issue authorizations for
1419 the burning of yard trash and debris from land clearing
1420 operations in accordance with s. 590.125(6).

1421 Section 59. Subsection (3) of section 590.081, Florida
1422 Statutes, is amended to read:

1423 590.081 Severe drought conditions; burning prohibited.—

1424 (3) It is unlawful for any person to set fire to, or cause
1425 fire to be set to, any wild lands or to build a campfire or
1426 bonfire or to burn trash or other debris within the designated
1427 area of a severe drought emergency unless a written permit is
1428 obtained from the Florida Forest Service ~~division~~ or its

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1429 designated agent.

1430 Section 60. Section 590.091, Florida Statutes, is amended
1431 to read:

1432 590.091 Designation of railroad rights-of-way as wildfire
1433 hazard areas.—

1434 (1) The Florida Forest Service ~~division~~ may annually
1435 designate, on or before October 1, those railroad rights-of-way
1436 in this state which are known wildfire hazard areas.

1437 (2) It shall be the duty of all railroad companies
1438 operating in this state to maintain their rights-of-way
1439 designated as provided in subsection (1), as known wildfire
1440 hazard areas, in an approved condition as shall be prescribed by
1441 rule of the Florida Forest Service ~~division~~ and to provide
1442 adequate firebreaks where needed, so as to prevent fire from
1443 igniting or spreading from rights-of-way to adjacent property.

1444 Section 61. Section 590.125, Florida Statutes, is amended
1445 to read:

1446 590.125 Open burning authorized by the Florida Forest
1447 Service ~~division~~.—

1448 (1) DEFINITIONS.—As used in this section, the term:

1449 (a) "Certified pile burner" means an individual who
1450 successfully completes the ~~division's~~ pile burning certification
1451 program of the Florida Forest Service and possesses a valid pile
1452 burner certification number.

1453 (b) "Certified prescribed burn manager" means an
1454 individual who successfully completes the certified prescribed
1455 burning program of the Florida Forest Service ~~division~~ and
1456 possesses a valid certification number.

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- 1457 (c) "Extinguished" means that for:
- 1458 1. Wildland burning or certified prescribed burning, no
- 1459 spreading flames exist.
- 1460 2. Vegetative land-clearing debris burning or pile
- 1461 burning, no visible flames exist.
- 1462 3. Vegetative land-clearing debris burning or pile burning
- 1463 in an area designated as smoke sensitive by the Florida Forest
- 1464 Service ~~division~~, no visible flames, smoke, or emissions exist.
- 1465 (d) "Land-clearing operation" means the uprooting or
- 1466 clearing of vegetation in connection with the construction of
- 1467 buildings and rights-of-way, land development, and mineral
- 1468 operations. The term does not include the clearing of yard
- 1469 trash.
- 1470 (e) "Pile burning" means the burning of silvicultural,
- 1471 agricultural, or land-clearing and tree-cutting debris
- 1472 originating onsite, which is stacked together in a round or
- 1473 linear fashion, including, but not limited to, a windrow.
- 1474 (f) "Prescribed burning" means the controlled application
- 1475 of fire by broadcast burning in accordance with a written
- 1476 prescription for vegetative fuels under specified environmental
- 1477 conditions, while following appropriate precautionary measures
- 1478 that ensure that the fire is confined to a predetermined area to
- 1479 accomplish the planned fire or land management objectives.
- 1480 (g) "Prescription" means a written plan establishing the
- 1481 criteria necessary for starting, controlling, and extinguishing
- 1482 a prescribed burn.
- 1483 (h) "Yard trash" means vegetative matter resulting from
- 1484 landscaping and yard maintenance operations and other such

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1485 routine property cleanup activities. The term includes materials
1486 such as leaves, shrub trimmings, grass clippings, brush, and
1487 palm fronds.

1488 (2) NONCERTIFIED BURNING.—

1489 (a) Persons may be authorized to burn wild land or
1490 vegetative land-clearing debris in accordance with this
1491 subsection if:

1492 1. There is specific consent of the landowner or his or
1493 her designee;

1494 2. Authorization has been obtained from the Florida Forest
1495 Service ~~division~~ or its designated agent before starting the
1496 burn;

1497 3. There are adequate firebreaks at the burn site and
1498 sufficient personnel and firefighting equipment for the control
1499 of the fire;

1500 4. The fire remains within the boundary of the authorized
1501 area;

1502 5. An authorized person is present at the burn site until
1503 the fire is extinguished;

1504 6. The Florida Forest Service ~~division~~ does not cancel the
1505 authorization; and

1506 7. The Florida Forest Service ~~division~~ determines that air
1507 quality and fire danger are favorable for safe burning.

1508 (b) A person who burns wild land or vegetative land-
1509 clearing debris in a manner that violates any requirement of
1510 this subsection commits a misdemeanor of the second degree,
1511 punishable as provided in s. 775.082 or s. 775.083.

1512 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND

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1513 | PURPOSE.—

1514 | (a) The application of prescribed burning is a land
1515 | management tool that benefits the safety of the public, the
1516 | environment, and the economy of the state. The Legislature finds
1517 | that:

1518 | 1. Prescribed burning reduces vegetative fuels within wild
1519 | land areas. Reduction of the fuel load reduces the risk and
1520 | severity of wildfire, thereby reducing the threat of loss of
1521 | life and property, particularly in urban areas.

1522 | 2. Most of Florida's natural communities require periodic
1523 | fire for maintenance of their ecological integrity. Prescribed
1524 | burning is essential to the perpetuation, restoration, and
1525 | management of many plant and animal communities. Significant
1526 | loss of the state's biological diversity will occur if fire is
1527 | excluded from fire-dependent systems.

1528 | 3. Forestland and rangeland constitute significant
1529 | economic, biological, and aesthetic resources of statewide
1530 | importance. Prescribed burning on forestland prepares sites for
1531 | reforestation, removes undesirable competing vegetation,
1532 | expedites nutrient cycling, and controls or eliminates certain
1533 | forest pathogens. On rangeland, prescribed burning improves the
1534 | quality and quantity of herbaceous vegetation necessary for
1535 | livestock production.

1536 | 4. The state purchased hundreds of thousands of acres of
1537 | land for parks, preserves, wildlife management areas, forests,
1538 | and other public purposes. The use of prescribed burning for
1539 | management of public lands is essential to maintain the specific
1540 | resource values for which these lands were acquired.

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1541 5. A public education program is necessary to make
1542 citizens and visitors aware of the public safety, resource, and
1543 economic benefits of prescribed burning.

1544 6. Proper training in the use of prescribed burning is
1545 necessary to ensure maximum benefits and protection for the
1546 public.

1547 7. As Florida's population continues to grow, pressures
1548 from liability issues and nuisance complaints inhibit the use of
1549 prescribed burning. Therefore, the Florida Forest Service
1550 ~~division~~ is urged to maximize the opportunities for prescribed
1551 burning conducted during its daytime and nighttime authorization
1552 process.

1553 (b) Certified prescribed burning pertains only to
1554 broadcast burning for purposes of silviculture, wildland fire
1555 hazard reduction, wildlife management, ecological maintenance
1556 and restoration, and range and pasture management. It must be
1557 conducted in accordance with this subsection and:

1558 1. May be accomplished only when a certified prescribed
1559 burn manager is present on site with a copy of the prescription
1560 from ignition of the burn to its completion.

1561 2. Requires that a written prescription be prepared before
1562 receiving authorization to burn from the Florida Forest Service
1563 ~~division~~.

1564 3. Requires that the specific consent of the landowner or
1565 his or her designee be obtained before requesting an
1566 authorization.

1567 4. Requires that an authorization to burn be obtained from
1568 the Florida Forest Service ~~division~~ before igniting the burn.

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1569 5. Requires that there be adequate firebreaks at the burn
1570 site and sufficient personnel and firefighting equipment for the
1571 control of the fire.

1572 6. Is considered to be in the public interest and does not
1573 constitute a public or private nuisance when conducted under
1574 applicable state air pollution statutes and rules.

1575 7. Is considered to be a property right of the property
1576 owner if vegetative fuels are burned as required in this
1577 subsection.

1578 (c) Neither a property owner nor his or her agent is
1579 liable pursuant to s. 590.13 for damage or injury caused by the
1580 fire or resulting smoke or considered to be in violation of
1581 subsection (2) for burns conducted in accordance with this
1582 subsection unless gross negligence is proven.

1583 (d) Any certified burner who violates this section commits
1584 a misdemeanor of the second degree, punishable as provided in s.
1585 775.082 or s. 775.083.

1586 (e) The Florida Forest Service ~~division~~ shall adopt rules
1587 for the use of prescribed burning and for certifying and
1588 decertifying certified prescribed burn managers based on their
1589 past experience, training, and record of compliance with this
1590 section.

1591 (4) CERTIFIED PILE BURNING.—

1592 (a) Certified pile burning pertains to the disposal of
1593 piled, naturally occurring debris from an agricultural,
1594 silvicultural, or temporary land-clearing operation. A land-
1595 clearing operation is temporary if it operates for 6 months or
1596 less. Certified pile burning must be conducted in accordance

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1597 with the following:

1598 1. A certified pile burner must ensure, before ignition,
1599 that the piles are properly placed and that the content of the
1600 piles is conducive to efficient burning.

1601 2. A certified pile burner must ensure that the piles are
1602 properly extinguished no later than 1 hour after sunset. If the
1603 burn is conducted in an area designated by the Florida Forest
1604 Service ~~division~~ as smoke sensitive, a certified pile burner
1605 must ensure that the piles are properly extinguished at least 1
1606 hour before sunset.

1607 3. A written pile burning plan must be prepared before
1608 receiving authorization from the Florida Forest Service ~~division~~
1609 to burn.

1610 4. The specific consent of the landowner or his or her
1611 agent must be obtained before requesting authorization to burn.

1612 5. An authorization to burn must be obtained from the
1613 Florida Forest Service ~~division~~ or its designated agent before
1614 igniting the burn.

1615 6. There must be adequate firebreaks and sufficient
1616 personnel and firefighting equipment at the burn site to control
1617 the fire.

1618 (b) If a burn is conducted in accordance with paragraph
1619 (a), the property owner and his or her agent are not liable
1620 under s. 590.13 for damage or injury caused by the fire or
1621 resulting smoke, and are not in violation of subsection (2),
1622 unless gross negligence is proven.

1623 (c) A certified pile burner who violates this subsection
1624 commits a misdemeanor of the second degree, punishable as

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1625 provided in s. 775.082 or s. 775.083.

1626 (d) The Florida Forest Service ~~division~~ shall adopt rules
1627 regulating certified pile burning. The rules shall include
1628 procedures and criteria for certifying and decertifying
1629 certified pile burn managers based on past experience, training,
1630 and record of compliance with this section.

1631 (5) WILDFIRE HAZARD REDUCTION TREATMENT BY THE FLORIDA
1632 FOREST SERVICE ~~DIVISION~~.—The Florida Forest Service ~~division~~ may
1633 conduct fuel reduction initiatives, including, but not limited
1634 to, burning and mechanical and chemical treatment, on any area
1635 of wild land within the state which is reasonably determined to
1636 be in danger of wildfire in accordance with the following
1637 procedures:

1638 (a) Describe the areas that will receive fuels treatment
1639 to the affected local governmental entity.

1640 (b) Publish a treatment notice, including a description of
1641 the area to be treated, in a conspicuous manner in at least one
1642 newspaper of general circulation in the area of the treatment
1643 not less than 10 days before the treatment.

1644 (c) Prepare and send a notice to all landowners in each
1645 area designated by the Florida Forest Service ~~division~~ as a
1646 wildfire hazard area. The notice must describe particularly the
1647 area to be treated and the tentative date or dates of the
1648 treatment and must list the reasons for and the expected
1649 benefits from the wildfire hazard reduction.

1650 (d) Consider any landowner objections to the fuels
1651 treatment of his or her property. The landowner may apply to the
1652 director of the Florida Forest Service ~~division~~ for a review of

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1653 alternative methods of fuel reduction on the property. If the
1654 director or his or her designee does not resolve the landowner
1655 objection, the director shall convene a panel made up of the
1656 local forestry unit manager, the fire chief of the jurisdiction,
1657 and the affected county or city manager, or any of their
1658 designees. If the panel's recommendation is not acceptable to
1659 the landowner, the landowner may request further consideration
1660 by the Commissioner of Agriculture or his or her designee and
1661 shall thereafter be entitled to an administrative hearing
1662 pursuant to the provisions of chapter 120.

1663 (6) FLORIDA FOREST SERVICE ~~DIVISION~~ APPROVAL OF LOCAL
1664 GOVERNMENT OPEN BURNING AUTHORIZATION PROGRAMS.—

1665 (a) A county or municipality may exercise the ~~division's~~
1666 authority of the Florida Forest Service, if delegated by the
1667 Florida Forest Service ~~division~~ under this subsection, to issue
1668 authorizations for the burning of yard trash or debris from
1669 land-clearing operations. A county's or municipality's existing
1670 or proposed open burning authorization program must:

1671 1. Be approved by the Florida Forest Service ~~division~~. The
1672 Florida Forest Service ~~division~~ may not approve a program if it
1673 fails to meet the requirements of subsections (2) and (4) and
1674 any rules adopted under those subsections.

1675 2. Provide by ordinance or local law the requirements for
1676 obtaining and performing a burn authorization that complies with
1677 subsections (2) and (4) and any rules adopted under those
1678 subsections.

1679 3. Provide for the enforcement of the program's
1680 requirements.

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1681 4. Provide financial, personnel, and other resources
1682 needed to carry out the program.

1683 (b) If the Florida Forest Service ~~division~~ determines that
1684 a county's or municipality's open burning authorization program
1685 does not comply with subsections (2) and (4) and any rules
1686 adopted under those subsections, the Florida Forest Service
1687 ~~division~~ shall require the county or municipality to take
1688 necessary corrective actions within 90 days after receiving
1689 notice from the Florida Forest Service ~~division~~ of its
1690 determination.

1691 1. If the county or municipality fails to take the
1692 necessary corrective actions within the required period, the
1693 Florida Forest Service ~~division~~ shall resume administration of
1694 the open burning authorization program in the county or
1695 municipality and the county or municipality shall cease
1696 administration of its program.

1697 2. Each county and municipality administering an open
1698 burning authorization program must cooperate with and assist the
1699 Florida Forest Service ~~division~~ in carrying out the ~~division's~~
1700 powers, duties, and functions of the Florida Forest Service.

1701 3. A person who violates the requirements of a county's or
1702 municipality's open burning authorization program, as provided
1703 by ordinance or local law enacted pursuant to this subsection,
1704 commits a violation of this chapter, punishable as provided in
1705 s. 590.14.

1706 (7) DUTIES OF AGENCIES.—The Department of Education shall
1707 incorporate, where feasible and appropriate, the issues of fuels
1708 treatment, including prescribed burning, into its educational

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1709 materials.

1710 Section 62. Subsections (1), (2), (3), and (4) of section
1711 590.14, Florida Statutes, are amended to read:

1712 590.14 Notice of violation; penalties; legislative
1713 intent.—

1714 (1) If a Florida Forest Service ~~division~~ employee
1715 determines that a person has violated chapter 589, this chapter,
1716 or any rule adopted by the Florida Forest Service ~~division~~ to
1717 administer provisions of law conferring duties upon the Florida
1718 Forest Service ~~division~~, the Florida Forest Service ~~division~~
1719 employee may issue a notice of violation indicating the statute
1720 or rule violated. This notice will be filed with the Florida
1721 Forest Service ~~division~~ and a copy forwarded to the appropriate
1722 law enforcement entity for further action if necessary.

1723 (2) In addition to any penalties provided by law, any
1724 person who causes a wildfire or permits any authorized fire to
1725 escape the boundaries of the authorization or to burn past the
1726 time of the authorization is liable for the payment of all
1727 reasonable costs and expenses incurred in suppressing the fire
1728 or \$150, whichever is greater. All costs and expenses incurred
1729 by the Florida Forest Service ~~division~~ shall be payable to the
1730 Florida Forest Service ~~division~~. When such costs and expenses
1731 are not paid within 30 days after demand, the Florida Forest
1732 Service ~~division~~ may take proper legal proceedings for the
1733 collection of the costs and expenses. Those costs incurred by an
1734 agency acting at the ~~division's~~ direction of the Florida Forest
1735 Service are recoverable by that agency.

1736 (3) The department may also impose an administrative fine,

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1737 not to exceed \$1,000 per violation of any section of chapter 589
 1738 or this chapter or violation of any rule adopted by the Florida
 1739 Forest Service ~~division~~ to administer provisions of law
 1740 conferring duties upon the Florida Forest Service ~~division~~. The
 1741 fine shall be based upon the degree of damage, the prior
 1742 violation record of the person, and whether the person knowingly
 1743 provided false information to obtain an authorization. The fines
 1744 shall be deposited in the Incidental Trust Fund of the Florida
 1745 Forest Service ~~division~~.

1746 (4) A person commits a misdemeanor of the second degree,
 1747 punishable as provided in s. 775.082 or s. 775.083, if the
 1748 person:

1749 (a) Fails to comply with any rule or order adopted by the
 1750 Florida Forest Service ~~division~~ to administer provisions of law
 1751 conferring duties upon it ~~the division~~; or

1752 (b) Knowingly makes any false statement or representation
 1753 in any application, record, plan, or other document required by
 1754 this chapter or any rules adopted under this chapter.

1755 Section 63. Section 590.16, Florida Statutes, is amended
 1756 to read:

1757 590.16 Rewards.—The Florida Forest Service ~~division~~, in
 1758 its discretion, may offer and pay rewards for information
 1759 leading to the arrest and conviction of any person who violates
 1760 any provision of this chapter.

1761 Section 64. Section 590.25, Florida Statutes, is amended
 1762 to read:

1763 590.25 Penalty for preventing or obstructing
 1764 extinguishment of wildfires.—Whoever shall interfere with,

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1765 obstruct or commit any act aimed to obstruct the extinguishment
1766 of wildfires by the employees of the Florida Forest Service
1767 ~~division~~ or any other person engaged in the extinguishment of a
1768 wildfire, or who damages or destroys any equipment being used
1769 for such purpose, shall be guilty of a felony of the third
1770 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1771 775.084.

1772 Section 65. Section 590.33, Florida Statutes, is amended
1773 to read:

1774 590.33 State compact administrator; compact advisory
1775 committee.—In pursuance of art. III of the compact, the director
1776 of the Florida Forest Service ~~division~~ shall act as compact
1777 administrator for Florida of the Southeastern Interstate Forest
1778 Fire Protection Compact during his or her term of office as
1779 director, and his or her successor as compact administrator
1780 shall be his or her successor as director of the Florida Forest
1781 Service ~~division~~. As compact administrator, he or she shall be
1782 an ex officio member of the advisory committee of the
1783 Southeastern Interstate Forest Fire Protection Compact, and
1784 chair ex officio of the Florida members of the advisory
1785 committee. There shall be four members of the Southeastern
1786 Interstate Forest Fire Protection Compact Advisory Committee
1787 from Florida. Two of the members from Florida shall be members
1788 of the Legislature of Florida, one from the Senate designated by
1789 the President of the Senate and one from the House of
1790 Representatives designated by the Speaker of the House of
1791 Representatives, and the terms of any such members shall
1792 terminate at the time they cease to hold legislative office, and

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1793 their successors as members shall be named in like manner. The
 1794 Governor shall appoint the other two members from Florida, one
 1795 of whom shall be associated with forestry or forest products
 1796 industries. The terms of such members shall be 3 years and such
 1797 members shall hold office until their respective successors
 1798 shall be appointed and qualified. Vacancies occurring in the
 1799 office of such members from any reason or cause shall be filled
 1800 by appointment by the Governor for the unexpired term. The
 1801 director of the Florida Forest Service ~~division~~ as compact
 1802 administrator for Florida may delegate, from time to time, to
 1803 any deputy or other subordinate in his or her department or
 1804 office, the power to be present and participate, including
 1805 voting as his or her representative or substitute at any meeting
 1806 of or hearing by or other proceeding of the compact
 1807 administrators or of the advisory committee. The terms of each
 1808 of the initial four memberships, whether appointed at said time
 1809 or not, shall begin upon the date upon which the compact shall
 1810 become effective in accordance with art. II of said compact. Any
 1811 member of the advisory committee may be removed from office by
 1812 the Governor upon charges and after a hearing.

1813 Section 66. Section 590.34, Florida Statutes, is amended
 1814 to read:

1815 590.34 State compact administrator and compact advisory
 1816 committee members; powers; aid from other state agencies.—There
 1817 is hereby granted to the director of the Florida Forest Service
 1818 ~~division~~, as compact administrator and chair ex officio of the
 1819 Florida members of the advisory committee, and to the members
 1820 from Florida of the advisory committee all the powers provided

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1821 for in the compact and all the powers necessary or incidental to
 1822 the carrying out of the compact in every particular. All
 1823 officers of Florida are hereby authorized and directed to do all
 1824 things falling within their respective provinces and
 1825 jurisdiction necessary or incidental to the carrying out of the
 1826 compact in every particular; it being hereby declared to be the
 1827 policy of the state to perform and carry out the said compact
 1828 and to accomplish the purposes thereof. All officers, bureaus,
 1829 departments, and persons of and in the state government or
 1830 administration of the state are hereby authorized and directed
 1831 at convenient times and upon request of the compact
 1832 administrator or of the advisory committee to furnish
 1833 information data relating to the purposes of the compact
 1834 possessed by them or any of them to the compact administrator of
 1835 the advisory committee. They are further authorized to aid the
 1836 compact administrator or the advisory committee by loan of
 1837 personnel, equipment, or other means in carrying out the
 1838 purposes of the compact.

1839 Section 67. Section 590.35, Florida Statutes, is amended
 1840 to read:

1841 590.35 Construction of ss. 590.31-590.34.—Any powers
 1842 herein granted to the Florida Forest Service ~~division~~ shall be
 1843 regarded as in aid of and supplemental to and in no case a
 1844 limitation upon any of the powers vested in the Florida Forest
 1845 Service ~~division~~ by other laws of Florida or by the laws of the
 1846 States of Alabama, Georgia, Kentucky, Mississippi, North
 1847 Carolina, South Carolina, Tennessee, Virginia, and West Virginia
 1848 or by the Congress or the terms of the compact.

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1849 Section 68. Subsections (1) and (2) of section 590.42,
1850 Florida Statutes, are amended to read:

1851 590.42 Federally funded fire protection assistance
1852 programs.—

1853 (1) The Florida Forest Service ~~Division of Forestry~~ of the
1854 Department of Agriculture and Consumer Services may enter into
1855 agreements with the Secretary of Agriculture of the United
1856 States in order to participate in the Federal Rural Community
1857 Fire Protection Program authorized by Pub. L. No. 92-419,
1858 whereby the Federal Government provides financial assistance to
1859 the states on a matching basis of up to 50 percent of
1860 expenditures for such purposes.

1861 (2) With respect to the formulation of projects relating
1862 to fire protection of livestock, wildlife, crops, pastures,
1863 orchards, rangeland, woodland, farmsteads, or other
1864 improvements, and other values in rural areas, for which such
1865 federal matching funds are available, any participating county
1866 or fire department may contribute to the nonfederal matching
1867 share and may also contribute such other nonfederal cooperation
1868 as may be deemed necessary by the Florida Forest Service
1869 ~~division~~.

1870 Section 69. Subsection (6) of section 591.17, Florida
1871 Statutes, is amended to read:

1872 591.17 Community forests; definitions.—The terms
1873 hereinafter used, unless the text clearly indicates a different
1874 meaning, shall be as follows:

1875 ~~(6) The term "division" shall mean the Division of~~
1876 ~~Forestry of the Department of Agriculture and Consumer Services.~~

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1877 Section 70. Section 591.18, Florida Statutes, is amended
1878 to read:

1879 591.18 Community forests; purchase or establishment.—All
1880 counties, cities, towns, or school districts, through their
1881 governing boards, are hereby empowered to establish, from lands
1882 owned by such county, city, town, or school district in fee
1883 simple, or to acquire by purchase or gift, lands at present
1884 covered with forest or tree growth, or suitable for the growth
1885 of trees, and to administer the same under the direction of the
1886 Florida Forest Service ~~Division of Forestry~~, in accordance with
1887 the practice and principles of scientific forestry, for the
1888 benefit of the said counties, cities, towns, or school
1889 districts. Such tracts may be of any size suitable for the
1890 purpose but must be located within the county embracing the
1891 county, city, town, or school district, provided that it shall
1892 be requisite for the governing board availing itself of the
1893 provisions of this law to submit to the Florida Forest Service
1894 ~~Division of Forestry~~, and secure its approval of the area and
1895 location of any lands proposed to be acquired or used for the
1896 purposes of county, city, town, or school district forests.

1897 Section 71. Section 591.19, Florida Statutes, is amended
1898 to read:

1899 591.19 Community forests; tax delinquent lands.—The
1900 Department of Revenue, the Board of Trustees of the Internal
1901 Improvement Trust Fund, counties, cities, towns, school
1902 districts, or any other public agency holding fee simple or tax
1903 certificate lands are hereby empowered to, and may, upon
1904 application to them, transfer title of fee simple lands not in

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1905 | other public use to any county, city, town, or school district
 1906 | for forest purposes as described under this law, provided such
 1907 | lands are approved by the Florida Forest Service ~~Division of~~
 1908 | ~~Forestry~~ for this purpose.

1909 | Section 72. Section 591.20, Florida Statutes, is amended
 1910 | to read:

1911 | 591.20 Community forests; forestry committee.—The
 1912 | governing board of any county, city, town, or school district
 1913 | desiring to establish community forests after enactment of this
 1914 | law shall appoint a forestry committee, consisting of three
 1915 | members, as follows: one member of governing board, one member
 1916 | from the Florida Forest Service ~~Division of Forestry~~ to be
 1917 | designated by the Florida Forest Service ~~division~~, and one
 1918 | taxpayer of the county, city, town, or school district not a
 1919 | member of the governing board. The first two members of such
 1920 | committee shall hold office until replaced in their respective
 1921 | official positions. The third member shall hold office for 3
 1922 | years. Any vacancy shall be filled at the first regular session
 1923 | of the governing board after the vacancy occurs. The president
 1924 | of the committee shall be selected by the three members for a 1-
 1925 | year term at their first regular meeting. The representative of
 1926 | the Florida Forest Service ~~Division of Forestry~~ shall not serve
 1927 | as an officer of the committee nor be responsible for making
 1928 | reports. All members shall serve without compensation, but shall
 1929 | be reimbursed for travel expenses as provided in s. 112.061.

1930 | Section 73. Section 591.24, Florida Statutes, is amended
 1931 | to read:

1932 | 591.24 Community forests; fiscal reports.—A fiscal year

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1933 report of expenditures, income, sales, development and
 1934 management shall be made by the forestry committee to the
 1935 governing board of the county, city, town, or school district,
 1936 and a copy sent to the Florida Forest Service ~~Division of~~
 1937 ~~Forestry~~. All reports shall be audited by the regular auditor of
 1938 the county, city, town, or school district.

1939 Section 74. Section 591.25, Florida Statutes, is amended
 1940 to read:

1941 591.25 Community forests; fire protection, etc.—All lands
 1942 entered or acquired under the provisions of this law shall be
 1943 protected at all times from wildfire and shall be kept and
 1944 maintained as a permanent public forest except as hereinafter
 1945 provided. The timber growing thereon shall be cut in accordance
 1946 with forestry methods approved by the Florida Forest Service
 1947 ~~Division of Forestry~~ and in such a manner as to perpetuate
 1948 succeeding stands of trees. All such forest lands shall be open
 1949 to the use of the public for recreational purposes so far as
 1950 such recreational purposes do not interfere with, or prevent the
 1951 use of, such lands to the best advantage as a public forest as
 1952 determined by the forestry committee.

1953 Section 75. Paragraph (b) of subsection (1) and paragraph
 1954 (b) of subsection (2) of section 633.115, Florida Statutes, are
 1955 amended to read:

1956 633.115 Fire and Emergency Incident Information Reporting
 1957 Program; duties; fire reports.—

1958 (1)

1959 (b) The Division of State Fire Marshal shall consult with
 1960 the Florida Forest Service ~~Division of Forestry~~ of the

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1961 Department of Agriculture and Consumer Services and the Bureau
1962 of Emergency Medical Services of the Department of Health to
1963 coordinate data, ensure accuracy of the data, and limit
1964 duplication of efforts in data collection, analysis, and
1965 reporting.

1966 (2) The Fire and Emergency Incident Information System
1967 Technical Advisory Panel is created within the Division of State
1968 Fire Marshal. The panel shall advise, review, and recommend to
1969 the State Fire Marshal with respect to the requirements of this
1970 section. The membership of the panel shall consist of the
1971 following 15 members:

1972 (b) One member from the Florida Forest Service ~~Division of~~
1973 ~~Forestry~~ of the Department of Agriculture and Consumer Services,
1974 appointed by the ~~division~~ director of the Florida Forest
1975 Service.

1976 Section 76. Paragraph (e) of subsection (6) of section
1977 633.821, Florida Statutes, is amended to read:

1978 633.821 Workplace safety.—

1979 (6)

1980 (e) This subsection does not apply to wildland or
1981 prescribed live fire training exercises sanctioned by the
1982 Florida Forest Service ~~Division of Forestry~~ of the Department of
1983 Agriculture and Consumer Services or the National Wildfire
1984 Coordinating Group.

1985 Section 77. Subsection (1) of section 790.15, Florida
1986 Statutes, is amended to read:

1987 790.15 Discharging firearm in public.—

1988 (1) Except as provided in subsection (2) or subsection

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1989 (3), any person who knowingly discharges a firearm in any public
1990 place or on the right-of-way of any paved public road, highway,
1991 or street or whosoever knowingly discharges any firearm over the
1992 right-of-way of any paved public road, highway, or street or
1993 over any occupied premises is guilty of a misdemeanor of the
1994 first degree, punishable as provided in s. 775.082 or s.
1995 775.083. This section does not apply to a person lawfully
1996 defending life or property or performing official duties
1997 requiring the discharge of a firearm or to a person discharging
1998 a firearm on public roads or properties expressly approved for
1999 hunting by the Fish and Wildlife Conservation Commission or
2000 Florida Forest Service ~~Division of Forestry~~.

2001 Reviser's note.—Amended pursuant to the directive to
2002 the Division of Statutory Revision in s. 12, ch. 2011-
2003 56, Laws of Florida, to prepare a reviser's bill for
2004 introduction at a subsequent session of the
2005 Legislature which replaces all statutory references to
2006 the Division of Forestry with the term "Florida Forest
2007 Service."

2008 Section 78. This act shall take effect on the 60th day
2009 after adjournment sine die of the session of the Legislature in
2010 which enacted.