

**CS/HB 169 — Nicole’s Law**

by Policy Council and Rep. Abruzzo and others (SB 68 by Senator Aronberg)

This bill, known as “Nicole’s Law,” requires minors under the age of 16 to wear helmets while riding an equine on any publicly owned or controlled property. The helmet must meet the current applicable standards of the American Society of Testing and Materials (ASTM) for protective headgear used in horseback riding. In addition, the helmet must be fitted properly and fastened securely upon the child’s head.

A trainer, instructor, supervisor, or other person may not knowingly lease or rent an equine for riding by a minor unless a helmet is provided that meets ASTM standards. Parents of a minor are prohibited from authorizing or knowingly permitting the child to violate the requirement to wear a helmet. This bill provides for punishment of violations through a noncriminal penalty. It also provides for certain exceptions such as riding at shows or events, riding on private land, and riding while engaged in agricultural pursuits.

If approved by the Governor, these provisions take effect October 1, 2009.

*Vote: Senate 34-3; House 115-1*

**CS/CS/HB 333 — Off-Highway Vehicles**

by Economic Development and Community Affairs Policy Council; Roads, Bridges and Ports Policy Committee; and Rep. Workman (CS/CS/SB 798 by Transportation Committee; Agriculture Committee; and Senator Baker)

This bill amends the basic definition of “ATV” to encompass larger, heavier vehicles; creates a new statutory definition of “ROV” for recreational off-highway vehicles; and expands the definition of “off-highway vehicle” to include ROVs.

The new definitions increase the number of vehicle types which may be titled under ch. 317, F.S., and consequently, the number of vehicle types authorized for operation on public lands. When operated on public lands, ROVs would have to comply with the safety requirements found in chs. 261 and 316, F.S.

If approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 38-0; House 115-2*

**HB 7001 — Department of Citrus/Florida Government Accountability Act**  
by Government Accountability Act Council and Rep. Grimsley (SB 1210 by Agriculture Committee)

The Department of Citrus, and its respective advisory committees, and the Florida Citrus Commission were subject to a sunset review process pursuant to the Florida Government Accountability Act (ss. 11.901-920, F.S.). Consistent with the findings made during the review process, HB 7001 continues the existence and functions of the department and the commission. The bill repeals s. 601.154, F.S., the Citrus Stabilization Act of Florida, and thereby the School Marketing Program Administrative Committee, which was formed under the authority of the Act. That language was considered to be a duplication of authority and to be more broadly covered in s. 601.15, F.S.

If approved by the Governor, these provisions take effect upon becoming law.  
*Vote: Senate 38-0; House 118-0*

**HB 255 — Pest Control Compact**  
by Rep. Bembry and others (SB 1286 by Senator Dean)

The bill codifies the Interstate Pest Control Compact (IPCC) and allows Florida to remain a member of the IPCC, which the state has been a member of since 1995. The IPCC provides funding resources to states that may not have the necessary available capital to respond to a new pest outbreak posing a threat to agriculture. Member states pay an initial base assessment of \$2,000 plus a percentage of the value of the state's agriculture and forestry crops. Florida's payment totaled \$39,342 and was paid in full in 2001. Since becoming a member in 1995, Florida has received \$240,522 in funding from the IPCC Insurance Fund for noxious weed and tomato virus control activities.

The bill creates s. 570.345, F.S., and sets forth the following criteria for enacting the compact and membership in the IPCC:

- Departments, agencies, and officers of the state may cooperate with the Insurance Fund established by the IPCC;
- Bylaws, and any amendments to the bylaws, must be filed with the Commissioner of Agriculture;
- The Compact Administrator for the State is the Commissioner of Agriculture;
- The Commissioner of Agriculture has authority to request assistance from the insurance fund;
- Any department, agency, or officer expending or becoming liable for an expenditure on account of a control or eradication program must credit the appropriate account in the state treasury for the amount of any payments made to the state to defray the cost of such programs, and;

- As used in this compact, with reference to the state, the term “executive head” means the Governor.

The bill also provides details regarding the internal workings of the IPCC, such as the establishment of the Insurance Fund, administration of the IPCC, administration of the Insurance Fund, assistance and reimbursement procedures, and the creation of advisory and technical committees, among other things.

If approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 39-0; House 114-0*

### **CS/HB 7053 — Rural Agricultural Industrial Centers**

by Policy Council; Agriculture and Natural Resources Policy Committee; and Rep. T. Williams (CS/CS/SB 2572 by Transportation and Economic Development Appropriations Committee; Agriculture Committee; and Senators Dean, Baker, and Lynn)

This bill provides legislative findings regarding rural agricultural industrial centers and amends s. 163.3177, F.S., to create an alternative process for amending local government comprehensive plans to expand the uses or facilities of these centers. It defines a “rural agricultural industrial center” as a developed parcel of land in an unincorporated area with an operating agricultural industrial facility that:

- Employs at least 200 full-time employees;
- Is used for processing and preparing for transport farm products or biomass material that could be used for the production of fuel, renewable energy, bioenergy, or alternative fuel;
- May include contiguous land not used for the cultivation of crops but on which activities are conducted that are essential to the operation of the facility; and
- Is located in or within 10 miles of a Rural Area of Critical Economic State Concern.

An owner of land within a rural agricultural industrial center may apply for an amendment to the local government comprehensive plan to expand the uses or facilities so long as the expansion is compatible with agriculture and the existing uses and facilities. If the amendment meets conditions outlined in the bill, the local government must transmit the application within 6 months to the state land planning agency for review pursuant to ch. 163, F.S. The bill creates a presumption that the amendment does not promote urban sprawl and is presumed to be consistent with rule 9J-5006(5), Florida Administrative Code, subject to rebuttal by a preponderance of the evidence.

The amendment process created by this bill does not apply in rural areas with an optional sector plan or in a rural land stewardship area, or to a plan amendment that includes an inland port terminal or affiliated port development.

If approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 38-0; House 116-1*