

CHAPTER 590

FOREST PROTECTION

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590.01 Protection of forests.—Whenever it shall appear to the Division of Forestry of the Department of Agriculture and Consumer Services, hereinafter called the division, from investigation, hearing or otherwise that areas in the state are in need of special protection from forest fires, the said division may designate and establish a forest protection district in such areas. The limits of each such fire protection district shall be defined by

the division, and public notice of its establishment shall be published in some one or more newspapers of general circulation in the region affected, once each week for 3 successive weeks (three insertions), and such additional publicity shall be given to the establishment of said district as the division may deem necessary.

History.—s. 2, ch. 17029, 1935; CGL 1936 Supp. 4151(10-hh); ss. 14, 35, ch. 69–106.

590.02 Powers of division; appointment of forest investigators and rangers; powers and duties; entry upon lands; arrests.—

(1) The Division of Forestry, in connection with the enforcement of this chapter and other forest and forest fire laws, shall have the following powers, authority, and duties:

(a) To enforce the provisions of this chapter and other forest fire and forest protection laws of this state;

(b) To prevent, detect, suppress, and extinguish forest fires in this state and to do all things necessary in the exercise of such powers, authority, and duties;

(c) To provide forest firefighting crews, who shall be under the control and direction of forest rangers and other designated agents of the division;

(d) To appoint district foresters, assistant district foresters, investigators, forest rangers, and other employees who may, at the division's discretion, be certified as forestry firefighters pursuant to s. 633.35(4);

(e) To develop a training curriculum for forestry firefighters which shall contain a minimum of 280 hours, including 40 hours of structural fire training conducted by the Florida State Fire College of the Division of State Fire Marshal;

(f) To use the resources of the division on state-owned parks and historic memorials wherever located within the state to prevent and suppress fires, to cut firelines, to establish regional firefighting crews who shall be authorized to suppress fires on state-owned park lands, and, subject to approval of the Executive Office of the Governor, to use funds not otherwise appropriated for the purchase of the necessary equipment for combating fires in state parks;

(g) To make rules to accomplish the purposes of this chapter; and

(h) To provide forest protection services to the public on a request basis and to set and charge reasonable fees for performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the division.

(2) Forest rangers, and the firefighting crews under their control and direction, may enter upon any lands for the purpose of preventing and suppressing forest fires and to enforce the provisions of this chapter and other forest fire and forest protection laws of this state.

(3) Forest rangers, employees of the division, and all persons and federal and state agencies which are under contract or agreement with the division to assist in firefighting operations as well as persons, federal or state agencies, firms, companies, or corporations called upon by forest rangers or other authorized employees

of the division to assist in firefighting under the direction or supervision of employees of the division may, in the performance of their duties, set backfires, dig trenches, cut firelines, and carry on all customary activities in the fighting of forest fires without incurring liability to any person.

History.—s. 14, ch. 17029, 1935; CGL 1936 Supp. 4151(10-ss); s. 1, ch. 26915, 1951; s. 1, ch. 57-55; ss. 2, 3, ch. 67-371; ss. 14, 31, 35, ch. 69-106; s. 1, ch. 77-70; s. 1, ch. 79-91; s. 142, ch. 79-190; s. 231, ch. 79-400; s. 1, ch. 80-40; s. 1, ch. 81-111; s. 2, ch. 83-178; s. 2, ch. 86-59; s. 3, ch. 88-321; s. 1, ch. 92-187; s. 8, ch. 92-290; s. 103, ch. 92-291.

590.025 Control burning of wild land; authorization; conditions.—

(1) As used in this section, "wild land" means:

(a) Uncultivated land other than fallow. Such land may be neglected altogether or maintained for such purposes as wood or forage production, wildlife, recreation, or protective plant cover.

(b) Land virtually uninfluenced by human activity.

(2) At the request of the governing body of a county, the Division of Forestry of the Department of Agriculture and Consumer Services is authorized and empowered, subject to the provisions and qualifications contained in subsection (3), and provided the owner of the land does not object, to control burn any area of wild land within the county which is reasonably determined to be in danger of conflagration if any open and uncontrolled fire were to occur in the area.

(3) No area of wild land shall be control burned under the provisions of this section unless notice of intent to control burn, describing particularly the area to be burned and the tentative date or dates of the burning, is published in a conspicuous manner in one or more newspapers of general circulation in the area of the burn not less than 10 days prior to the burn.

(4) In addition, the Division of Forestry shall prepare, and the county tax collector shall include with the annual tax statement, a notice to be sent to all landowners in each township designated by the Division of Forestry as a high fire hazard area. Such notice shall describe particularly the area to be burned and the tentative date or dates of the burning and shall list the reasons for, and the benefits expected to result from, control burning.

History.—s. 1, ch. 77-17.

590.026 Prescribed burning; requirements; liability.—

(1) SHORT TITLE.—This section may be cited as the "Florida Prescribed Burning Act."

(2) LEGISLATIVE FINDINGS AND PURPOSE.—

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

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

2. Most of Florida's natural communities require periodic fire for maintenance of their ecological integrity. Prescribed burning is essential to the perpetuation, restoration, and management of many plant and animal communities. Significant loss of the state's biological

diversity will occur if fire is excluded from fire-dependent systems.

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

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

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

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

7. As Florida's population continues to grow, pressures from liability issues and nuisance complaints inhibit the use of prescribed burning.

(b) It is the purpose of this section to authorize and promote the continued use of prescribed burning for ecological, silvicultural, wildlife management, and range management purposes.

(3) DEFINITIONS.—As used in this section:

(a) "Prescribed burning" means the controlled application of fire to naturally occurring vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplish the planned land management objectives.

(b) "Certified prescribed burn manager" means an individual who successfully completes the certification program of the Division of Forestry of the Department of Agriculture and Consumer Services.

(c) "Prescription" means a written plan for starting and controlling a prescribed burn.

(4) RULES.—The Division of Forestry of the Department of Agriculture and Consumer Services shall promulgate rules for the use of prescribed burning.

(5) REQUIREMENTS; LIABILITY.—

(a) Prescribed burning conducted under the provisions of this section shall:

1. Be accomplished only when at least one certified prescribed burn manager is present on site while the burn is being conducted.

2. Require that a written prescription be prepared prior to receiving authorization to burn from the Division of Forestry.

3. Be considered in the public interest and shall not constitute a public or private nuisance when conducted pursuant to state air pollution statutes and rules applicable to prescribed burning.

4. Be considered a property right of the property owner if naturally occurring vegetative fuels are used and when conducted pursuant to the requirements of this subsection.

(b) No property owner or his agent, conducting a prescribed burn pursuant to the requirements of this subsection, shall be liable for damage or injury caused by fire or resulting smoke, unless negligence is proven.

(6) DUTIES OF AGENCIES.—

(a) The Department of Community Affairs, the Division of Forestry of the Department of Agriculture and Consumer Services, and the Office of the State Fire Marshal shall prepare a report to be submitted to appropriate legislative committees by February 1, 1991, that shall identify actions required to minimize the threat of wildfire in areas where new development is proposed in or adjacent to wild lands.

(b) The Office of Environmental Education of the Department of Education shall incorporate, where feasible and appropriate, the issues of prescribed burning into their educational materials.

History.—s. 2, ch. 90-234; s. 1, ch. 90-296.

590.03 Authority of fire wardens.—

It is unlawful for any person, either willfully or carelessly, to burn or cause to be burned or to set fire to or cause fire to be set to, any forest, grass, woods, wild lands, or marshes within a forest protection district, unless written permission shall have first been secured from a duly appointed fire warden. The permit must show date and hour for burning and description of lands to be burned over. The division shall prepare the necessary forms and blanks for this purpose, shall prescribe rules and regulations for the issuance of such permits, shall appoint, if necessary, in addition to the regular or emergency fire wardens, other persons who shall be authorized to issue such permits, and shall have complete jurisdiction over all other details concerned with the setting of fires within such district.

History.—s. 4, ch. 17029, 1935; CGL 1936 Supp. 4151(10-jj); ss. 14, 35, ch. 69-106.

590.04 Organization of districts.—

The division shall organize each forest protection district so as to most effectively prevent, detect and suppress forest fires, and to that end, may employ wardens or forest rangers to have charge of its activities in each such district, may subdivide each district into patrol areas, may construct lookout towers, roads, bridges, firelines, ranger stations, and telephone lines, purchase tools for firefighting as well as other necessary supplies and equipment, and may carry on all other activities deemed necessary to effectively protect the district from such fires.

History.—s. 3, ch. 17029, 1935; CGL 1936 Supp. 4151(10-ii); ss. 14, 35, ch. 69-106.

590.05 Road crews to extinguish fires.—

Every member of a road construction or maintenance crew, whether employed by the Department of Transportation, or by the highway department or county commissioners of any county, and every road contractor or subcontractor of said Department of Transportation, or the highway department or county commissioners of any county, and their employees shall keep all fires set by them under control and confined to the right-of-way and suppress all fires discovered and detected by them within 200 feet of the centerline of the right-of-way of any state, county or public road, or highway on which and adjacent to

which the said crew, contractor, subcontractor and employees are employed.

History.—s. 5, ch. 17029, 1935; CGL 1936 Supp. 4151(10-kk); ss. 23, 35, ch. 69-106.

590.06 Adoption of rules for road crews.—

The Division of Road Operations of the Department of Transportation, and the county commissioners or highway departments of the several counties of this state shall require their construction and maintenance crews, contractors, subcontractors and employees to comply with the provisions of this chapter and the said Division of Road Operations, county commissioners and highway department to that end may adopt and promulgate rules and regulations for the observance of said crews, contractors, subcontractors and employees in carrying out the purposes and provisions of this chapter.

History.—s. 6, ch. 17029, 1935; CGL 1936 Supp. 4151(10-ll); ss. 23, 35, ch. 69-106.

Note.—See s. 1, ch. 81-209, which reorganized, in part, the division structure within the Department of Transportation.

590.07 Refusal of road crews.—

Any road foreman or member of a road construction or maintenance crew, or any foreman, superintendent or employee of any road contractor or subcontractor, who shall, without sufficient cause, willfully refuse or neglect to prevent and suppress fires as provided in this chapter, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 7, ch. 17029, 1935; CGL 1936 Supp. 7404(1); s. 613, ch. 71-136.

590.08 Unlawful burning of lands.—

It is unlawful for any person to willfully or carelessly burn or cause to be burned, or to set fire to or cause fire to be set to, any forest, grass, woods, wild lands, or marshes not owned or controlled by such person.

History.—ss. 1, 2, ch. 3141, 1879; RS 2527; GS 3426; RGS 5284; s. 1, ch. 12024, 1927; CGL 7403, 7404; s. 8, ch. 17029, 1935; CGL 1936 Supp. 4151(10-mm).

590.081 Emergency drought conditions; burning prohibited.—

(1) It is unlawful for any person to set fire to, or cause fire to be set to, any forest, grass, woods, wild lands, or marshes, or to build a campfire or bonfire or to burn trash or other debris within 600 yards of any forest, grasslands, woods, wild lands, or marsh area in any county, counties or area within a county where, because of emergency drought conditions, there is extraordinary danger from fire, unless a written permit is obtained from the Division of Forestry or its designated agent, or unless it can be established that the setting of a backfire was necessary for the purpose of saving life or property. The burden of proving such shall rest on such person claiming same as a defense.

(2) The Commissioner of Agriculture, upon the advice of the director of the Division of Forestry, will advise the Governor when forests in any county, counties, or area within a county of this state, because of emergency drought conditions, are in extraordinary danger from fire. The Governor may by proclamation declare a drought emergency to exist and describe the general boundaries of the area affected.

(3) Any proclamation promulgated by the Governor under authority of this section shall be effective immediately upon filing same with the Department of State and

shall remain in full force and effect until, when conditions warrant, an order of revocation of proclamation is made by the Governor and filed with the Department of State.

(4) Any person violating any of the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—ss. 1-5, ch. 57-246; ss. 14, 35, ch. 69-106; s. 1, ch. 71-64; s. 614, ch. 71-136; s. 1, ch. 75-264.

590.082 Extraordinary fire hazard; certain acts made unlawful; proclamations by the Governor.—

(1) When the Governor has by proclamation declared a drought emergency to exist and described the general boundaries of the area affected as prescribed in s. 590.081 and the drought emergency continues until the forest, grass, woods, wild lands, fields, or marshes become so dry or parched as to create an extraordinary fire hazard endangering life and property, it shall be unlawful for any person, except the owner or his agents or other persons regularly engaged in harvesting, processing, or moving forest or farm products, to enter or travel in any public or private forest lands, grasslands, woods, fields, or marshes within the area described by proclamation, except on public roads or highways or on well-defined private roads. Further, it shall be unlawful for any person to carry on any nonessential activities during such periods in the area affected.

(2) The Commissioner of Agriculture, upon the advice of the director of the Division of Forestry, will, with the consent of the chairman of the board of county commissioners of the affected county or counties, advise the Governor when forests, grass, woods, wild lands, fields, or marshes in any county, counties, or area within a county of this state, because of prolonged emergency drought conditions, become so dry or parched as to create an extraordinary fire hazard endangering life or property. The Governor may by proclamation declare an extraordinary fire hazard to exist and describe the general boundaries of the area affected.

(3) Any proclamation promulgated by the Governor under authority of this section shall be effective immediately upon filing same with the Department of State and shall remain in effect until, when conditions warrant, an order of revocation of proclamation is made by the Governor and filed with the Department of State.

(4) Any person violating any of the provisions of this section shall be punished as for a misdemeanor as provided by s. 590.14.

History.—s. 1, ch. 71-293; s. 1, ch. 75-264.

590.09 Setting fire on rights-of-way.—It is unlawful for any person to set or cause to be set willfully or carelessly a fire within the confines of the rights-of-way of any public road, state road, railroad, or in any other place and allow it to escape onto and burn over any adjoining land.

History.—s. 10, ch. 17029, 1935; CGL 1936 Supp. 4151(10-oo).

590.091 Designation of railroad rights-of-way as fire hazard areas.—

(1) The Division of Forestry, after notification to the local government to be affected by its actions, is author-

ized to annually designate, on or before October 1, those railroad rights-of-way in this state which are known fire hazard areas.

(2) In addition to the requirements of subpart B of part 213, Chapter II, Title 49, Code of Federal Regulations, it shall be the duty of all railroad companies operating in this state to maintain their rights-of-way designated as provided in subsection (1), as known high fire hazard areas, in an approved condition as shall be prescribed by rule of the division and to provide adequate firebreaks where needed, so as to prevent fire from igniting or spreading from rights-of-way to adjacent property.

History.—s. 1, ch. 78-158; s. 81, ch. 93-169.

590.10 Disposing of lighted cigars, etc.—It is unlawful for any person to throw or drop from an automobile or vehicle, or otherwise, a lighted match, cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may or does cause a forest, grass, or woods fire.

History.—s. 11, ch. 17029, 1935; CGL 1936 Supp. 4151(10-pp).

590.11 Campfires.—It is unlawful for any individual or group of individuals to build a warming or campfire and leave same unextinguished.

History.—s. 12, ch. 17029, 1935; CGL 1936 Supp. 4151(10-qq).

590.12 Unlawful burning prohibited; penalty.—

(1) It is unlawful for any person:

(a) To burn or cause to be burned, or to set fire to or cause fire to be set to, any forest, grass, woods, wild land, marsh, or vegetative-land-clearing debris owned or controlled by such person without first obtaining authorization from the Division of Forestry;

(b) To fail to provide adequate fire lines, manpower, and firefighting equipment for the control of such fire;

(c) To fail to watch over a fire authorized under paragraph (a) until it is extinguished; or

(d) To permit a fire authorized under paragraph (a) to escape from the authorized area.

However, no authorization shall be required for the setting of a fire in a forest protection district when written permission to set such fire has been obtained from a duly appointed fire warden.

(2) A person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 9, ch. 17029, 1935; CGL 1936 Supp. 4151(10-nn); s. 1, ch. 76-136; s. 1, ch. 84-7; s. 151, ch. 91-224.

590.13 Civil liability.—Any person violating any of the provisions of this chapter shall be liable for all damages caused by such violation, which damages shall be recoverable in any court of competent jurisdiction. The civil liability shall obtain whether there be criminal prosecution and conviction or not.

History.—s. 17, ch. 17029, 1935; CGL 1936 Supp. 4151(10-uu).

590.14 Penalties.—

(1) Whoever willfully or intentionally violates any of the provisions of this chapter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever carelessly violates any of the provisions of this chapter commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) In addition to all other penalties provided by law, any person who causes an unauthorized forest, grass, woods, wild lands, marsh, leaf, or vegetative-land-clearing debris fire, or permits any fire to escape, is liable for the payment of all reasonable costs and expenses incurred in suppressing the fire. All costs and expenses shall be payable to the Division of Forestry. When such costs and expenses are not paid within a reasonable time after demand, it shall be the duty of the division to take proper legal proceedings for the collection of the costs and expenses.

(b) The liability for the costs of suppression shall obtain whether or not there is a criminal prosecution, and the liability shall extend to the person, firm, or corporation causing, directing, or permitting the activity as well as to the actual violator.

(4) The department may also impose an administrative fine, not to exceed \$1,000 per violation. The fine shall be based upon the degree of damage and prior violation record of the person. The fines shall be deposited in the Incidental Trust Fund.

(5) The penalties provided in this section shall extend to both the actual violator and the person or persons, firm, or corporation causing, directing, or permitting the violation.

History.—s. 15, ch. 17029, 1935; CGL 1936 Supp. 7404(2); s. 1, ch. 20898, 1941; s. 2, ch. 26915, 1951; s. 615, ch. 71-136; s. 82, ch. 93-169.

590.15 Burden of proof.—In any prosecution or civil action brought under the provisions of this chapter it shall not be necessary for the state or plaintiff to allege and prove absence of the right or authority of the defendant to set or cause to be set the fire, but such right and authority shall be a matter of affirmative defense to be alleged and proved by the defendant.

History.—s. 13, ch. 17029, 1935; CGL 1936 Supp. 4151(10-rr).

590.16 Rewards.—The division, in its discretion, may offer and pay rewards for information leading to the arrest and conviction of any person violating any of the provisions of this chapter.

History.—s. 16, ch. 17029, 1935; CGL 1936 Supp. 4151(10-ll); ss. 14, 35, ch. 69-106.

590.25 Penalty for preventing or obstructing extinguishment of woods fires.—Whoever shall interfere with, obstruct or commit any act aimed to obstruct the extinguishment of forest fires by the employees of the Division of Forestry or any other person engaged in the extinguishment of a woods fire, or who injures or destroys any equipment being used for such purpose, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 26833, 1951; ss. 14, 35, ch. 69-106; s. 616, ch. 71-136.

590.27 Penalty for mutilating or destroying state forestry or fire control signs and posters.—Whoever intentionally breaks down, mutilates, removes, or destroys any fire control or forestry sign or poster of the Division of Forestry erected in the administration of its lawful duties and authorities shall be guilty of a misde-

meanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 3, ch. 26833, 1951; ss. 14, 35, ch. 69-106; s. 617, ch. 71-136.

590.28 Willful, malicious, or intentional burning of lands.—

(1) Whoever willfully, maliciously, or intentionally burns, sets fire to, or causes to be burned or any fire to be set to, any forest, grass, or woodlands not owned by, or in the lawful possession of, the person setting such fire or burning such lands or causing such fire to be set or lands to be burned shall, upon conviction thereof, be deemed guilty of a felony and punished as provided in s. 590.30.

(2) The terms "willful," "malicious," and "intentional" as used in this section mean not merely gross negligence or disregard for the rights of others and not merely general criminal intent, but a specific intent to damage or destroy public property or the property of another, such intent being engendered by malice or spite or by the hope of material gain or employment to be derived either directly or indirectly.

History.—s. 1, ch. 29919, 1955.

590.29 Illegal possession of incendiary device.—

(1) Whoever, being outside the corporate limits of any municipality, has in his possession any incendiary device as defined by subsection (3) with the intent to use such device for the purpose of burning or setting fire to any forest, grass, or woodland, if such person is not the owner of, nor, as under a lease, in lawful possession of, the forest, grass, or woodland, shall, upon conviction thereof, be deemed guilty of a felony and punished as provided in s. 590.30.

(2) The possession of any incendiary device as defined by subsection (3) is prima facie evidence of the intent of the person possessing such device to use such device for the purpose of burning or setting fire to forest, grass, or woodland if such person is not the owner of, nor, as under a lease, in lawful possession of, the forest, grass, or woodland.

(3) The term "incendiary device" as used in this section is included but not limited to any "slow match" which is any device contrived to accomplish the delayed ignition of a match or matches or other inflammable material by the use of a cigarette, rope, or candle to which such match or matches are attached, or a magnifying glass so focused as to intensify heat on inflammable material and thus cause a fire to start at a subsequent time, and any chemicals or chemically treated paper or material, or other combustible material so arranged or designed as to make possible its use as a delayed firing device.

History.—s. 1, ch. 29919, 1955; s. 3, ch. 84-7.

590.30 Penalties for violating ss. 590.28 and 590.29.—

(1) Whoever violates any of the provisions of s. 590.28 or s. 590.29 or both such sections of this chapter shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Neither the provisions of s. 590.14 nor the penalties provided thereby shall apply to violations of the provisions of s. 590.28 or s. 590.29 or both such sections,

but such violations shall be punished by the penalties provided in this section only.

History.—s. 1, ch. 29919, 1965; s. 618, ch. 71-136.

590.31 Southeastern Interstate Forest Fire Protection Compact.—The Governor on behalf of this state is hereby authorized to execute a compact, in substantially the following form, with any one or more of the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and the Legislature hereby signifies in advance its approval and ratification of such compact:

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

ARTICLE I

The purpose of this compact is to promote effective prevention and control of forest fires in the southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest firefighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements, and for more adequate forest protection.

ARTICLE II

This compact shall become operative immediately, as to those states ratifying it whenever any two or more of the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, which are contiguous have ratified it and congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the legislature of each of the member states.

ARTICLE III

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the senate and one member of the house of representatives who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said mem-

bers, they shall be designated in accordance with laws of that state; and the governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

ARTICLE IV

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

ARTICLE V

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance, or use of any equipment or supplies in connection therewith; provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and subsistence of employees and maintenance of equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

ARTICLE VI

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest firefighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any federal agency and a member state or states.

ARTICLE VII

The compact administrators may request the United States Forest Service to act as a research and coordinating agency of the Southeastern Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

ARTICLE VIII

The provisions of articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region; provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

ARTICLE IX

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action

shall not be effective until 6 months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

History.—s. 1, ch. 29635, 1955.

590.32 Compact; effective date; ratification.—

When the Governor shall have executed the compact on behalf of this state and shall have caused a verified copy thereof to be filed with the Department of State and when the compact shall have been ratified by one or more of the states named in s. 590.31, then the compact shall become operative and effective as between this state and such other state or states. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents as between this state and any other state ratifying the compact.

History.—s. 2, ch. 29635, 1955; ss. 10, 35, ch. 69-106.

590.33 State compact administrator; compact advisory committee.—

In pursuance of art. III of the compact, the Director of the Division of Forestry shall act as compact administrator for Florida of the Southeastern Interstate Forest Fire Protection Compact during his term of office as director, and his successor as compact administrator shall be his successor as Director of the Division of Forestry. As compact administrator he shall be an ex officio member of the advisory committee of the Southeastern Interstate Forest Fire Protection Compact, and chairman ex officio of the Florida members of the advisory committee. There shall be four members of the Southeastern Interstate Forest Fire Protection Compact Advisory Committee from Florida. Two of the members from Florida shall be members of the Legislature of Florida, one from the Senate and one from the House of Representatives, designated by the Florida Commission on Interstate Cooperation, and the terms of any such members shall terminate at the time they cease to hold legislative office, and their successors as members shall be named in like manner. The Governor shall appoint the other two members from Florida, one of whom shall be associated with forestry or forest products industries. The terms of such members shall be 3 years and such members shall hold office until their respective successors shall be appointed and qualified. Vacancies occurring in the office of such members from any reason or cause shall be filled by appointment by the Governor for the unexpired term. The Director of the Division of Forestry as compact administrator for Florida may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the compact administrators or of the advisory committee. The terms of each of the initial four memberships, whether appointed at said time or not, shall begin upon the date upon which the compact shall become effective in accordance with art. II of said compact. Any member of the advisory committee may be removed from office by the Governor upon charges and after a hearing.

History.—s. 3, ch. 29635, 1955; ss. 14, 35, ch. 69-106.

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

History.—s. 4, ch. 29635, 1955; ss. 14, 35, ch. 69-106.

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

History.—s. 5, ch. 29635, 1955; ss. 14, 35, ch. 69-106.

590.42 Federally funded fire protection assistance programs.—

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

(2) With respect to the formulation of projects relating to fire protection of livestock, wildlife, crops, pas-

tures, orchards, rangeland, woodland, farmsteads, or other improvements, and other values in rural areas, for which such federal matching funds are available, any participating county or fire department may contribute to the nonfederal matching share and may also contribute such other nonfederal cooperation as may be deemed necessary by the Division of Forestry.

(3) The provisions of this section are supplementary to the provisions of s. 125.27.

History.—s. 1, ch. 73-243.

590.50 Sale of cypress products prohibited without permit.—No person shall sell or offer for sale articles made from unfinished cross-sectional slabs cut from buttresses of trees of the species *Taxodium distichum*, commonly known as cypress, without first obtaining a permit from the Department of Agriculture and Consumer Services, pursuant to s. 590.02. This section does not apply to the owner of the property on which the cypress trees were grown.

History.—s. 1, ch. 79-238; s. 1, ch. 84-347.

Note.—Former s. 581.188.

590.61 Forestry arson alert program.—The forestry arson alert program is hereby established within the department. The purpose of this program is to:

(1) Engage in any lawful activity to enhance public awareness of the economic costs, environmental damage, and cultural deprivations which accompany forest fires.

(2) Engage in any lawful activity to enhance public awareness of the importance of quick reports of forest arson and of accurate reporting of information to law enforcement officials to the apprehension of persons engaged in forest arson.

(3) Reward public-spirited citizens who cooperate with law enforcement officials in the apprehension and conviction of persons engaged in forest arson.

(4) Provide public recognition to public-spirited citizens who contribute to the prevention of forest arson through education programs and assistance to law enforcement officials.

History.—s. 24, ch. 92-151.

590.612 Direct-support organization.—

(1) The department is authorized to establish a direct-support organization to provide assistance for the forestry arson alert program.

(2) The direct-support organization shall have the powers and duties in and be governed by the provisions of ss. 570.902 and 570.903.

History.—s. 26, ch. 92-151; s. 83, ch. 93-169.