

TOWN OF MALABAR BURN PERMIT INSPECTION FORM

Date: _____	Malabar Fire Permit # _____
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Name: _____	Burn Site Location: _____
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TYPE OF PERMIT: [] Residential Landscaping [] Agricultural [] Non-Residential Landscaping [] Acreage _____

Company Name: Company Address: Contact Name: Burner Name:	Complete Mailing Address of Company
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Phone Numbers Home Cell Office	Complete Mailing Address of Burner
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Property Owner Signature _____	Date: _____
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FIRE DEPARTMENT INFORMATION

Section, Township, Range/Lat & Long/Burn Location Address	Any Burn Restrictions? If Denied, Why?
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62-256.500 (1) The fire must take place between 9AM and (1) hour before sunset. No night burning is permitted. The fire must be extinguished before leaving fire. There should be no visible smoke or emissions.

All fires must meet the following set back requirements:

Residential land clearing - 300 feet from any occupied building/structure.

Land clearing with an air curtain - 300 feet

Land clearing without an air curtain - 1000 feet

Agricultural / silvicultural - 300 feet

All piles must set back 100 feet from any road and winds must not blow the smoke to any roads or occupied

62-256.500 (2) All materials must be burned on site of the inspection and of generation.

62-256.500 (4) The burning must not create a nuisance or a fire safety hazard.

590.125 All fires must have adequate firebreaks, manpower, and equipment on site to control and suppress the fire in case of escape.

Property owner must call the Orlando Division Of Forestry at 407-856-6512 each day an obtain a Burn Authorization # for that day. Once authorization has been received from DOF, you must notify the Town of Malabar Fire Department at 321-725-1030, or the Fire Chief at 321-505-6070.

BURN APPROVED	Circle	BURN DISAPPROVED
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Fire Department Signature _____	Date: _____
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Notes: _____

DOF Burn # _____

The Florida Senate

2011 Florida Statutes

TITLE XXXV AGRICULTURE, HORTICULTURE, AND ANIMAL INDUSTRY	CHAPTER 590 FOREST PROTECTION	VIEW ENTIRE CHAPTER
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590.125 Open burning authorized by the division. —

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

(a) "Certified pile burner" means an individual who successfully completes the division's pile burning certification program and possesses a valid pile burner certification number.

(b) "Certified prescribed burn manager" means an individual who successfully completes the certified prescribed burning program of the division and possesses a valid certification number.

(c) "Extinguished" means that for:

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

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

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

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

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

(f) "Prescribed burning" means the controlled application of fire by broadcast burning in accordance with a written prescription for vegetative fuels under specified environmental conditions, while following appropriate

precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land management objectives.

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

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

(2) NONCERTIFIED BURNING. —

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

1. There is specific consent of the landowner or his or her designee;
2. Authorization has been obtained from the division or its designated agent before starting the burn;
3. There are adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire;
4. The fire remains within the boundary of the authorized area;
5. An authorized person is present at the burn site until the fire is extinguished;
6. The division does not cancel the authorization; and
7. The division determines that air quality and fire danger are favorable for safe burning.

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

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

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

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

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

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

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

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

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

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

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

1. May be accomplished only when a certified prescribed burn manager is

present on site with a copy of the prescription from ignition of the burn to its completion.

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

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

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

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

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

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

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

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

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

(4) CERTIFIED PILE BURNING.—

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

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

burning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Be approved by the division. The division may not approve a program if it fails to meet the requirements of subsections (2) and (4) and any rules adopted under those subsections.
2. Provide by ordinance or local law the requirements for obtaining and performing a burn authorization that complies with subsections (2) and (4) and any rules adopted under those subsections.

3. Provide for the enforcement of the program's requirements.
4. Provide financial, personnel, and other resources needed to carry out the program.

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

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

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

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

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

History.—s. 9, ch. 99-292; s. 41, ch. 2002-295; s. 21, ch. 2005-210; s. 56, ch. 2011-206.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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Outdoor Burning TIPS

- Check with your local Florida Forest Service office to make sure it is legal to burn in your area.
- Make sure you meet the required setbacks.
- Burn only yard waste, no household garbage (includes paper products and newspapers).
- Don't burn on windy days.
- Never leave a fire unattended.
- Keep a water hose or shovel handy in case your fire escapes.
- Make sure your smoke does not obstruct visibility on nearby roads.
- Be sure your fire is completely out before you leave.

-Remember-

if your fire escapes, you may be liable for costs of suppression and damage to the property of others.

FLORIDA FOREST SERVICE FIELD HEADQUARTERS (By Counties)

Blackwater Forestry Center 850/657-5140
Escambia • Okaloosa • Santa Rosa
Chipola River Forestry Center 850/637-7504
Bay • Calhoun • Gulf • Holmes • Jackson • Walton
• Washington
Tallahassee Forestry Center 850/438-1874
Franklin • Gadsden • Jefferson • Leon • Wakulla
Perry Forestry District 850/838-2289
Dixie • Lafayette • Madison • Taylor
Suwannee Forestry Center 386/758-5750
Baker • Bradford • Columbia • Hamilton • Suwannee
• Union
Jacksonville Forestry District 904/266-8801
Clay • Duval • Nassau
Wacopassee Forestry Center 352/255-2010
Alachua • Glachist • Levy • Marion • Putnam
Burnell Forestry District 386/446-8785
Flagler • St. Johns • Volusia
Micanopy Forestry Center 352/254-5777
Citrus • Hernando • Lake • Pasco • Sumter
Orlando Forestry District 407/558-6512
Brevard • Orange • Osceola • Seminole
Lakeland Forestry District 889/658-3160
Hillsborough • Pinellas • Polk
Myakka River Forestry District 841/751-7527
Charlotte • DeSoto • Hardee • Manatee • Sarasota
Gretnachee Forestry District 889/652-5160
Glades • Highlands • Indian River • Martin
• Okeechobee • St. Lucie
Caloosahatchee Forestry Center 239/690-3550
Collier • Hendry • Lee
Everglades Forestry District 954/475-4120
Broward • Miami-Dade • Monroe • Palm Beach

DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES
ADAM H. PUTNAM, COMMISSIONER

FLORIDA FOREST SERVICE
JAMES R. KARELS, DIRECTOR

FOREST FIRE LAWS & OPEN BURNING REGULATIONS
REVISED 2005, DACS-P 000-05 - PRINTED 2/11

Know The Law

Before You Strike That Match in Florida

www.fl-dof.com

Did You Know?

- Escaped Debris Burning is one of the leading causes of wildfires in Florida.
- The Florida Forestry Service administers Florida's outdoor burning and forest fire laws.
- Some types of burning require an authorization from the Florida Forest Service while others do not.
- Burning yard waste does not require an authorization but you must follow the rules for your area.

Burning Authorization Required

Agricultural, silvicultural, landclearing, pile and acreage burning all require a burning authorization from the Florida Forest Service.

Burning Authorized NOT Required

Authorization is not required to burn yard waste as long as you meet the required setbacks and there are no local, city or county ordinances in place that prohibit burning.

Check with your local, city and county officials to find out if there are any restrictions in your area.

What is Yard Waste?

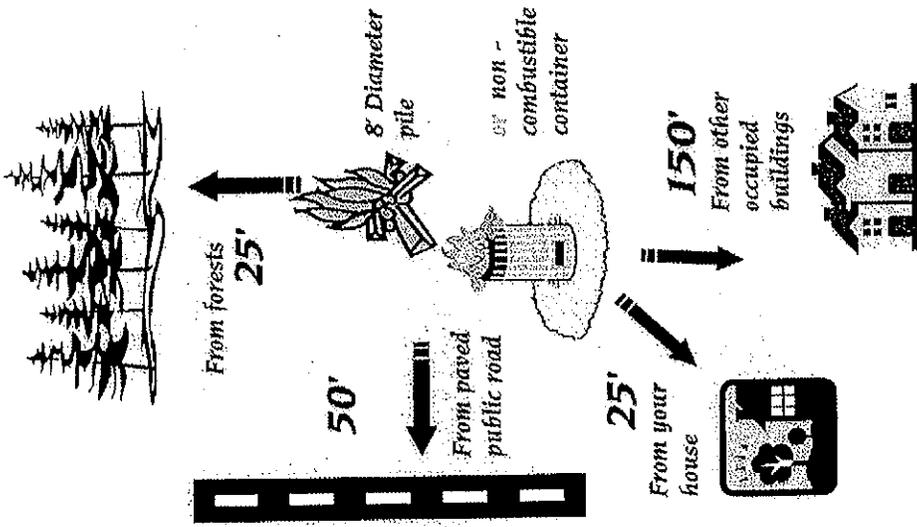
Yard waste is vegetative debris such as grass clippings, brush, leaves, tree limbs, palm fronds, etc., that are a result of yard maintenance.

- You may burn yard waste as long as:
 - you meet the required setbacks and no local, city or county ordinances prohibit burning,
 - the yard waste was generated on your property and it will fit in an 8-foot diameter pile or non-combustible container,
 - your fire is ignited after 8:00 AM Central Time or 9:00 AM Eastern Time and is extinguished one hour before sunset,
 - smoke is not a hazard or nuisance.

Note

Piles greater than 8 feet in diameter will require an authorization from the Florida Forest Service. Piles must have suppression equipment on-hand and need to meet additional setback requirements.

It is illegal to burn household garbage (including paper products), treated lumber, plastics, rubber materials, tires, pesticides, paint, and aerosol containers.



Clear an area down to bare soil around your pile to prevent the fire from spreading.

Cover a non-combustible container with wire mesh to keep sparks from flying out and starting new fires.

If you have questions on outdoor burning, please contact your local Florida Forest Service office or visit our website:

www.fl-dof.com