

Housing, Agriculture & Tourism Subcommittee

Tuesday, March 18, 2025
3:00 PM - 6:00 PM
Morris Hall (17 HOB)

Meeting Packet

Daniel Perez
Speaker

Michelle Salzman
Chair

The Florida House of Representatives

Commerce Committee

Housing, Agriculture & Tourism Subcommittee

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Meeting Agenda

Tuesday, March 18, 2025
3:00 pm – 6:00 pm
Morris Hall (17 HOB)

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bill(s):

- HB 365 Rent of Affordable Housing Dwelling Units by Tendrich
- HB 381 Issuance of Address and Individual Parcel Identification Numbers by Holcomb
- CS/HB 615 Electronic Delivery of Notices to Tenants by Civil Justice & Claims Subcommittee, Esposito
- HB 651 Department of Agriculture and Consumer Services by Tuck, Alvarez, D.
- HB 665 Local Government Impact Fees and Development Permits and Orders by Steele
- HB 1157 Verification of Reemployment Assistance Benefit Eligibility by Abbott

V. Closing Remarks

VI. Adjournment

214 House Office Building, 402 South Monroe Street, Tallahassee, Fl 32399-1300
(850) 717-4870

HB 365

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 365	**COMPANION BILL:** SB 382 (Bernard)
TITLE: Rent of Affordable Housing Dwelling Units	**LINKED BILLS:** None
SPONSOR(S): Tendrich	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism ➤ Civil Justice & Claims ➤ Commerce

SUMMARY

Effect of the Bill:

The bill prohibits a landlord from increasing the rent of a unit during the term of a rental agreement if:

- The unit qualifies as affordable housing; and
- The landlord has received federal, state, or local funding or tax incentives because of the unit's status as affordable housing.

However, the bill does not prohibit such landlords from increasing the rent when the tenant is renewing the rental agreement.

Fiscal or Economic Impact:

The bill has an indeterminate impact on the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Prohibition on Rent Increases

The bill amends the Florida Residential Landlord and Tenant Act. Under the bill, a landlord of a dwelling unit that qualifies as affordable housing, and who has received federal, state, or local funding or tax incentives because of the unit's status as affordable housing, may ***not*** increase the rent of such unit during the term of a rental agreement.

In effect, the bill protects tenants who live in affordable housing units, and whose landlords receive funding or incentives because of the unit's status as affordable housing, from any increases, whether anticipated or not, in the amount to pay for rent during the term of a rental agreement.

Scope of the Prohibition

The bill expressly provides that the prohibition on rent increases does not apply when the tenant is renewing his or her rental agreement. This means the landlord could only increase the rent for an affordable housing unit when the rental agreement is up for renewal. At that point, the landlord and tenant could enter into negotiations for any increase in rent.

The effective date of the bill is July 1, 2025.

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill has an indeterminate positive impact on the private sector. The bill eliminates the ability of a landlord that rents out an affordable housing unit, and who receives public assistance for the unit's status as affordable, to

increase the rent for such unit during the term of a rental agreement. Tenants who rent such units would be shielded from any increases in the amount to pay for rent during the term of a rental agreement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida's Residential Landlord and Tenant Act

The Residential Landlord and Tenant Act[1] (Act) governs the rental of dwelling units and the relationship between landlords[2] and tenants[3] in Florida.[4] Significant provisions in the Act include those relating to unconscionable rental agreements and provisions,[5] the duration of the rental agreement and the tenancy,[6] prohibited provisions in rental agreements,[7] maintenance obligations of landlords and tenants,[8] a landlord's access to a dwelling unit,[9] terminations of tenancies and rental agreements,[10] and actions for damages.[11]

The Act defines "dwelling unit" as:

- A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household;
- A mobile home rented by a tenant; or
- A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.[12]

Rent Regulation Policies

Rent regulation policies can protect tenants from dramatic, unforeseen increases in housing costs.[13] Jurisdictions adopt rent regulations for several reasons, one of which is ensuring stability for tenants in rent-stabilized[14] units and promoting the overall affordability of rental housing.[15]

The goals of rent regulation policies, however, can be met with other concerns.[16] Maintaining the affordability of existing housing might discourage new housing construction.[17] Meanwhile, protections for current tenants might make it harder for future tenants or those living in unregulated units to remain in and afford housing.[18]

With only a few exceptions, local governments in Florida are prohibited from imposing price controls upon a lawful business activity that is not franchised by, owned by, or under contract with, an agency of the local government.[19]

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[1] The Florida Residential Landlord and Tenant Act (Act) is codified in ch. 83, part II, F.S. Nonresidential tenancies and all tenancies not otherwise governed by the Act are governed by pt. I of ch. 83, F.S. *See* s. 83.001, F.S.
[2] "Landlord" means the owner or lessor of a dwelling unit. S. 83.43(9), F.S.
[3] "Tenant" means any person entitled to occupy a dwelling unit under a rental agreement. S. 83.43(17), F.S.
[4] S. 83.41, F.S.
[5] *See* s. 83.45, F.S.
[6] *See* s. 83.46, F.S.
[7] *See* s. 83.47, F.S.
[8] Landlords have an obligation to maintain the premises, whereas tenants have an obligation to maintain the dwelling unit. *See* ss. 83.51, F.S. and 83.52, F.S.
[9] *See* s. 83.53, F.S.
[10] For terminations of rental agreements, *see* s. 83.56, F.S. For terminations of tenancies without a specific term, *see* s. 83.57, F.S. For termination of tenancies with a specific duration, *see* s. 83.575, F.S.
[11] *See* s. 83.55, F.S.
[12] S. 83.43(5), F.S.
[13] Local Housing Solutions, *Rent Regulation*, Mar. 2021, https://localhousingsolutions.org/housing-policy-library/rent-regulation/ (last visited Mar. 2, 2025).
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] S. 166.043(1)(a), F.S. *See also* Hemlane, *Florida Rent Control Laws*, Mar. 2024, https://www.hemlane.com/resources/florida-rent-control-laws/ (last visited Mar. 2, 2025).

Any local government ordinance or rule that has the effect of imposing such price controls is preempted by the state.

Currently, Florida law does not impose any statewide limits on how much a landlord can raise the rent for a dwelling unit, provided the landlord:

- Does not increase the rent for discriminatory reasons; and[20]
- Provides the tenant proper notice under any applicable local regulations.[21]

Affordable Housing

Housing is considered affordable when monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of a family's gross income.[22] Over 2.4 million low-income Florida households pay more than 30% of their incomes towards housing, which is the maximum amount considered affordable by experts.[23] Over half of these households, or 1.3 million low-income households, spend more than 50% of their income towards housing costs.[24] This makes it difficult for those households to save for retirement or emergencies and difficult to afford other necessities such as food and childcare.[25]

Eligibility to participate in Florida's state and federally-funded housing programs is determined by area median income (AMI) or statewide median family income, which is published annually by the United States Department of Housing and Urban Development (HUD).[26] In Florida, the current statewide AMI for a family of four is $88,600 (as family size changes, the income range also varies):[27]

- Extremely-low-income – earning up to 30 percent AMI (at or below $26,600);[28]
- Very-low-income – earning from 30.01 to 50 percent AMI ($26,601 to $44,300);[29]
- Low-income – earning from 50.01 to 80 percent AMI ($44,301 to $70,900);[30] and
- Moderate-income – earning from 80.01 to 120 percent of AMI ($70,901 to $106,320).[31]

As of 2024, Florida had only 24 affordable and available rental units for every 100 extremely low-income renters.[32] In addition, there were little to no communities in Florida that could provide enough housing to support this group of renters, which is primarily made up of low-income workers, retirees, and people with disabilities.[33]

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[20] *See* s. 83.64(1), F.S. It is unlawful under Florida law for a landlord to discriminatorily increase a tenant's rent primarily because the landlord is retaliating against the tenant.

[21] *See, e.g.*, Miami-Dade County, Fla., Code of Ordinances, Sec. 17-03 (2024). Under the ordinance, a residential landlord that proposes to increase the rental rate by more than five percent at the end of a lease for a specific term, or during a tenancy without a specific duration in which the rent is payable on a monthly basis, must provide a minimum of 60 days' written fair notice to the tenant before the tenant must either: (1) accept the proposed amendment; (2) reach an acceptable compromise; or (3) reject the proposed amendment to their tenancy. If the required 60 days' written fair notice has been provided and the tenant has not agreed to the proposed amendment or an acceptable compromise, the landlord may impose the proposed amended terms or require the tenant to vacate, in accordance with applicable Florida law and other Miami-Dade County ordinances.

[22] S. 420.0004(3), F.S.

[23] Florida Housing Coalition, *2024 Home Matters Report*, p. 2. https://flhousing.org/wp-content/uploads/2024/08/FHC-2024-Home-Matters-Report.pdf (last visited Feb. 24, 2025).

[24] *Id.*

[25] *Id.*

[26] *See* U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *Income Limits*, https://www.huduser.gov/portal/datasets/il.html#documents_2024 (last visited Mar. 2, 2025).

[27] U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *FY 2024 State Income Limits: Florida*, https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?inputname=STTLT*1299999999%2BFlorida&selection_type=county&stname=Florida&statefp=12.0&year=2024 (last visited Mar. 2, 2025).

[28] *Id. See also* s. 420.0004(9), F.S.

[29] *Supra* note 26. *See also* s. 420.0004(17), F.S.

[30] *Supra* note 26. *See also* s. 420.0004(11), F.S.

[31] *Supra* note 26. *See also* s. 420.0004(12), F.S.

[32] Florida Housing Coalition, *2024 Home Matters Report*, p. 2. https://flhousing.org/wp-content/uploads/2024/08/FHC-2024-Home-Matters-Report.pdf (last visited Feb. 24, 2025).

[33] *Id.*

Public Assistance for Affordable Housing Rentals

The Section 8 housing choice voucher (HCV) program is the federal government's primary program for assisting very low-income families, the elderly, and persons with disabilities in affording decent, safe, and sanitary housing in the private market.[34] HVCs are administered locally by public housing agencies (PHAs) that receive federal funds from HUD.[35]

First, HUD provides the funds to allow PHAs to make housing assistance payments on behalf of the HCV tenant.[36] HUD also pays the PHA a fee for the costs of administering the program. HUD monitors PHA administration of the program to ensure program rules are properly followed.[37]

Then, the PHA administers the HCV program locally and provides the HCV tenant with the housing assistance.[38] The PHA must examine the tenant's income and household composition, and ensure that their housing unit meets minimum housing quality standards.[39] The PHA then enters into a contract with the landlord to provide housing assistance payments to the landlord on behalf of the family.[40]

Another federal program that indirectly provides support for landlords who provide affordable housing rental units include the U.S. Department of the Treasury's Emergency Rental Assistance (ERA) program, which has collectively provided communities over $46 billion to support housing stability for eligible renters throughout the COVID-19 pandemic.[41]

Florida Housing Finance Corporation

In addition to public assistance for landlords who rent out affordable housing units, the Florida Housing Finance Corporation (Corporation) administers federal and state resources that assist developers in financing the development of safe, decent affordable housing. Created in 1997 as a public-private entity,[42] the Corporation is held by the state and housed within the Department of Commerce.[43]

The following programs are administered by the Corporation:

- State Apartment Incentive Loan Program: This program provides developers with low-interest loans as gap financing to leverage mortgage revenue bonds or Low-Income Housing Tax Credit resources needed to construct or rehabilitate affordable rental units.
- Multifamily Mortgage Revenue Bonds: This program uses both taxable and tax-exempt bonds to provide below market rate loans to nonprofit and for-profit developers who set aside a certain percentage of their apartment units for low-income families.
- HOME Investment Partnerships Program: This program provides non-amortizing, low-interest rate loans to developers of affordable rental housing, particularly in more rural areas of the state.
- Low Income Housing Tax Credits: This program provides for-profit and nonprofit organizations with a dollar-for-dollar reduction in federal tax liability in exchange for the acquisition, substantial rehabilitation, or new construction of low- and very-low-income rental housing units.

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[34] U.S. Dept. of Housing and Urban Development, *Housing Choice Voucher Fact Sheet for Landlords*, May 2021, https://files.hudexchange.info/resources/documents/PIH-HCV-Landlord-Fact-Sheet.pdf (last visited Mar. 2, 2025).
[35] *Id.*
[36] *Id.*
[37] *Id.*
[38] *Id.*
[39] *Id.*
[40] *Id.*
[41] U.S. Dept. of the Treasury, *Emergency Rental Assistance Program*, https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program (last visited Mar. 2, 2025).
[42] *See* ch. 97-167, Laws of Fla.
[43] S. 420.504(1), F.S.

- Special Needs Housing: This program enhances the ability of extremely low-income households with special needs to access and retain affordable rental housing in their communities by offering incentives to developers who set aside a portion of their housing units for special needs households.[44]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	HB 31	Edmonds	Osgood	Among other things, the bill limited rent increases of certain residential tenancies to specified amount. Neither the House version nor the Senate version made it to a committee stop.
2023	HB 1261	Gantt	Jones	Among other things, the bill prohibited certain landlords from increasing rent in excess of certain percentage. Neither the House version nor the Senate version made it to a committee stop.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Fletcher
Civil Justice & Claims Subcommittee				
Commerce Committee				

[44] Florida Department of Commerce, *Affordable Housing Planning*, https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/affordable-housing-planning#:~:text=Low%20Income%20Housing%20Tax%20Credits%20%2D%20The,and%20very%20low%20income%20rental%20housing%20units (last visited Mar. 2, 2025).

A bill to be entitled

An act relating to rent of affordable housing dwelling units; amending s. 83.46, F.S.; prohibiting certain landlords of specified dwelling units from increasing rent during the term of a rental agreement; providing construction; defining the term "affordable"; providing an effective date.

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

Section 1. Subsection (4) is added to section 83.46, Florida Statutes, to read:

83.46 Rent; duration of tenancies.—

(4) A person who is a landlord of a dwelling unit that qualifies as affordable housing and who has received federal, state, or local funding or tax incentives because of the dwelling unit's status as an affordable housing unit, may not increase the rent of the dwelling unit during the term of a rental agreement. This subsection does not prohibit a landlord from increasing the rent of a dwelling unit that qualifies as affordable housing when a tenant is renewing his or her rental agreement. As used in this subsection, the term "affordable" has the same meaning as in s. 420.0004.

Section 2. This act shall take effect July 1, 2025.

CODING: Words stricken are deletions; words underlined are additions.

HOUSING, AGRICULTURE, AND TOURISM SUBCOMMITTEE

HB 365 by Rep. Tendrich
Relating to Rent of Affordable Housing Dwelling Units

AMENDMENT SUMMARY
March 18, 2025

Amendment 1 by Rep. Tendrich (Strike-All): The amendment narrows the scope of the bill's application to rental agreements with a term of 13 months or less that are entered into on or after July 1, 2026.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Tendrich offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (4) is added to section 83.46, Florida Statutes, to read:

83.46 Rent; duration of tenancies.—

(4)(a) As used in this subsection, the term "affordable" has the same meaning as in s. 420.0004.

(b) A person who is a landlord of a dwelling unit that qualifies as affordable housing and who has received federal, state, or local funding or tax incentives because of the dwelling unit's status as an affordable housing unit, may not

increase the rent of the dwelling unit during the term of a rental agreement.

(c) This subsection does not prohibit a landlord from increasing the rent of a dwelling unit that qualifies as affordable housing when a tenant is renewing his or her rental agreement.

(d) This subsection applies to rental agreements that have a term of 13 months or less and are entered into on or after July 1, 2026.

T I T L E A M E N D M E N T

Remove lines 3-7 and insert:

units; amending s. 83.46, F.S.; defining the term "affordable"; prohibiting certain landlords of specified dwelling units from increasing rent during the term of a rental agreement; providing construction; providing applicability; providing an effective date.

HB 381

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 381	**COMPANION BILL:** SB 784 (Ingoglia)
TITLE: Issuance of Address and Individual Parcel Identification Numbers	**LINKED BILLS:** None
SPONSOR(S): Holcomb	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism ➤ Intergovernmental Affairs ➤ Commerce

SUMMARY

Effect of the Bill:

Requires the local government responsible for reviewing and approving a plat to issue street and mailing addresses, along with individual parcel identification numbers, within two weeks after a final plat has been recorded; imposes a financial penalty on the local government for failing to meet the deadline.

Fiscal or Economic Impact:

None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires local governments to issue the street and mailing address, along with the individual parcel identification numbers within two weeks after a final plat is recorded by the circuit court clerk or other recording officer. (Section 1).

The bill imposes a penalty on a local government that fails to comply with the 2-week deadline; the building permit fee is reduced by 10% for each business day the local government fails to issue the street, mailing address and parcel identification number. (Section 1).

The effective date of the bill is July 1, 2025. (Section 2).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Platting

A "plat" is a map or detailed representation of the subdivision of lands, providing a complete and precise depiction of the subdivision, along with other information that complies with all applicable state requirements and local ordinances.[1] Platting ensures that when subdividing property into lots, all streets, alleys, easements, rights-of-way, public areas, utilities, and sewer and stormwater improvements are identified.[2]

While state laws provide the minimum requirements for the platting of lands, local governments may adopt additional requirements.[3]

[1] S. 177.031(14), F.S.
[2] S. 177.091, F.S.; LakelandLaw.com, *The Basics of Platting Property, (*May 28, 2020), LakelandLaw.com (last visited Feb. 19, 2025).
[3] S. 177.011, F.S.; Jimerson Birr, *Platting*, Jimerson Birr (last visited Feb. 21, 2025).

The authority for plat approval is designated as follows:[4]

- When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.
- When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.

Many local governments have a process to approve a preliminary plat before approving a final plat, and once a preliminary plat is approved, a developer may be allowed to commence construction before the plat is approved. For example, the City of Jacksonville, the Village of Royal Palm Beach, and the City of Tallahassee allow for a preliminary plat approval process.[5]

The fee to have a plat approved differs between local governments. For instance:

- The city of Orlando charges either $1,200 or $3,000, depending on the type of plat being submitted.[6]
- Madison County charges either $1500, $1700, or $2000, depending on whether it is a preliminary or final plat and whether improvements are required; additionally, Madison County charges a $50 fee per lot, along with consultant fees.[7]

Once a final plat is approved, it is submitted to the clerk of the circuit court for recording.[8]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 665	McClain	Ingoglia	The bill was laid on the table. SB 812, similar, was approved by the Governor.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Rodriguez
Intergovernmental Affairs Subcommittee				
Commerce Committee				

[4] S. 177.071(1), F.S.
[5] City of Jacksonville Code of Ordinances s. 654-109; Village of Royal Palm Beach Code of Ordinances s. 22-22; City of Tallahassee Code of Ordinances s. 9-92.
[6] City of Orlando, *Fees—Commercial Development*, City of Orlando (last visited Feb. 25, 2025).
[7] Madison County Florida, *Planning & Zoning Fees*, Madison County (last visited Feb. 25, 2025).
[8] S. 177.073(1)(b), F.S.

A bill to be entitled

An act relating to issuance of address and individual parcel identification numbers; creating s. 177.1115, F.S.; requiring the appropriate governing body to issue, within a specified time after the recording of the plat, certain information; providing a penalty; providing an effective date.

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

Section 1. Section 177.1115, Florida Statutes, is created to read:

177.1115 Issuance of address and individual parcel identification numbers after final plat is recorded; penalty.-

(1) Within 2 weeks after the recordation of a plat by the circuit court clerk or other recording officer, the appropriate governing body shall issue the street and mailing address, along with the individual parcel identification numbers, as contained in the plat offered for recording pursuant to s. 177.091.

(2) If the appropriate governing body does not issue the street and mailing address, along with the individual parcel identification numbers, within the 2-week period in subsection (1), the building permit fee shall be reduced by 10 percent for each business day that the body fails to issue such information.

Section 2. This act shall take effect July 1, 2025.

CODING: Words stricken are deletions; words underlined are additions.

HOUSING, AGRICULTURE, AND TOURISM SUBCOMMITTEE

HB 381 by Rep. Holcomb
Relating to Issuance of Address and Individual Parcel Identification

AMENDMENT SUMMARY
March 18, 2025

Amendment 1 by Rep. Holcomb (Lines 15-23): The amendment establishes a 20-business-day deadline, rather than a two week deadline, for local governments to issue certain information.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Holcomb offered the following:

Amendment

Remove lines 15-23 and insert:

(1) Within 20 business days after the recordation of a plat by the circuit court clerk or other recording officer, the appropriate governing body shall issue the street and mailing address, along with the individual parcel identification numbers, as contained in the plat offered for recording pursuant to s. 177.091.

(2) If the appropriate governing body does not issue the street and mailing address, along with the individual parcel identification numbers, within the 20 business day period in

subsection (1), the addressing fee shall be reduced by 10 percent for

CS/HB 615

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 615	**COMPANION BILL:** SB 1164 (Leek)
TITLE: Electronic Delivery of Notices to Tenants	**LINKED BILLS:** None
SPONSOR(S): Esposito	**RELATED BILLS:** None

Committee References

Civil Justice & Claims 12 Y, 4 N, As CS	➤ Housing, Agriculture & Tourism	➤ Judiciary

SUMMARY

Effect of the Bill:

CS/HB 615 authorizes a landlord to deliver required notices to tenants electronically via e-mail if the tenant agrees in writing to such electronic delivery and provides a valid e-mail address to his or her landlord for such purpose.

Fiscal or Economic Impact:

The bill may have an indeterminate positive fiscal impact on.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

CS/HB 615 authorizes a landlord to deliver any notices required under Part II, of ch. 83, F.S., relating to residential tenancies, to a tenant electronically via e-mail if the tenant agrees in writing, in an addendum to his or her rental agreement, to such electronic delivery of notices and provides a valid e-mail address to his or her landlord for such purpose. This newly-authorized method of delivery does not preclude delivery of notice by any other means permitted by law. (Section 1).

The bill provides that any notice sent via e-mail is deemed delivered at the time the e-mail is sent, unless the landlord receives notification that the e-mail was not successfully delivered. The bill requires the landlord to retain a copy of any notice sent via e-mail and evidence of transmission of such e-mail. (Section 1).

The bill makes other conforming and technical changes. (Sections 2, 3, 4, 5, and 6).

The bill provides an effective date of July 1, 2025. (Section 7).

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have an indeterminate positive fiscal impact on landlords to the extent that the newly-authorized method of delivering notice via e-mail reduces costs associated with methods of delivery of notice currently required, such as mail or certified mail.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Landlord Notice to Tenants

Current law prescribes several instances when a landlord must provide notice to a tenant and the method of delivery the landlord may use to affect such notice. Depending on the type of notice being delivered, a landlord generally may deliver notice in person, by mail, by certified mail, or by leaving a physical copy of the notice at the tenant's residence.[1]

Notice Regarding Security Deposits and Advanced Rent

Upon entering a rental agreement, a tenant may provide a security deposit or advanced rent to his or her landlord. The landlord is then required to hold the tenant's security deposit or advanced rent in either a separate non-interest bearing or an interest-bearing account in a Florida financial institution for the benefit of the tenant; or to post a surety bond in the total amount of the deposit or advance rent that he or she holds on behalf of his or her tenant.[2] The landlord is required to provide notice to the tenant either in the rental agreement or within 30 days after receipt of such deposit or advance rent regarding how the landlord will hold the deposit or rent. Subsequent to providing such notice, the landlord is required to provide additional notice if he or she changes the manner or location in which he or she is holding the tenant's security deposit or advanced rent. Such notice must, among other things, be in writing and be given in person or mailed to the tenant.[3]

At the conclusion of the rental agreement, once the tenant has vacated the residence, the landlord must either:

- Return the security deposit with interest to the tenant within 15 days if he or she does not intend to impose a claim on the deposit; or
- Provide written notice to the tenant of his or her intention to impose a claim on the deposit and the reason for such within 30 days by certified mail to the tenant's last known mailing address.[4]

Fee in Lieu of a Security Deposit

If a rental agreement requires a security deposit, a landlord may allow a tenant to pay a fee in lieu of the security deposit. Alternatively, a landlord may allow a tenant to pay a security deposit in monthly installments in an amount agreed upon between the tenant and landlord.[5]

If a tenant agrees to pay a fee in lieu of the security deposit, the landlord must notify the tenant within 30 days after the conclusion of the tenancy if there are any costs or fees due from unpaid rent, fees, or other obligations under the rental agreement, including, but not limited to, costs required for repairing damage to the premises beyond normal wear and tear.[6]

Disclosure of the Landlord's Address

Section 83.50, F.S., requires that a landlord disclose in writing to the tenant, at or before the commencement of the tenancy, the name and address of the landlord or a person authorized to receive notices and demands on the landlord's behalf. Such disclosure must be delivered either to the tenant's residence, or if specified in writing by the tenant, to another address.

Temporary Vacation of Premises for Extermination

Unless otherwise agreed in writing, a landlord of a dwelling unit, other than a single-family home or duplex, as part of his or her obligation to maintain the premises of such a dwelling, must make reasonable provisions for the extermination of rats, mice, roaches, ants, wood-destroying organisms, and bedbugs. Should the tenant need to vacate the premises for extermination, the landlord must provide written notice of such to the tenant seven days prior.[7]

Termination of Rental Agreement

[1] Ss. 83.49, 83.491, 83.50, 83.51, 83.56, and 83.575, F.S.
[2] S. 83.49(1), F.S.
[3] S. 83.49(2), F.S.
[4] S. 83.49(3)(a), F.S.
[5] S. 83.491(1), F.S.
[6] S. 83.491(2)(a), F.S.
[7] S. 83.51(2)(a)1., F.S.

A tenant is authorized to terminate a rental agreement if the tenant provides written notice to his or her landlord specifying noncompliance by the landlord in regards to the landlord's obligations to maintain the dwelling unit[8] and asserting his or her intent to terminate the agreement should the noncompliance not be remedied within seven days after receiving such notice.[9]

A landlord is authorized to terminate a rental agreement if the tenant materially fails to comply with his or her obligation to maintain the dwelling unit and the:

- Noncompliance is of a nature that the tenant should not be given an opportunity to cure it[10] or if the noncompliance constitutes a subsequent or continuing noncompliance and the landlord delivers written notice to the tenant specifying the noncompliance and the landlord's intent to terminate the rental agreement.
- Noncompliance is of a nature that the tenant should be given an opportunity to cure[11] and the landlord provides written notice to the tenant specifying the noncompliance and the landlord's intent to terminate the rental agreement if the tenant does not come into compliance within seven days of the notice.

The landlord is also authorized to terminate a rental agreement based on the tenant's failure to pay rent when due if the landlord has previously provided the tenant with a written demand for payment of rent within three days[12] and the tenant fails to comply with such demand.[13]

All such notices regarding the tenant or landlord's intention to terminate the rental agreement must be delivered by mail or by leaving a copy of the notice at the tenant's residence.[14]

If the landlord chooses to accept partial payment of rent after delivering the required notice to the tenant demanding payment, the landlord must:

- Provide the tenant with a receipt stating the date and amount received and the agreed upon date and balance of rent due before filing an action for possession;
- Place the amount of partial rent accepted from the tenant in the registry of the court upon filing an action for possession; or
- Provide a new three-day notice to the tenant reflecting the new amount due.[15]

Termination of Tenancy with Specific Duration

A rental agreement for a specific duration may contain a provision requiring the tenant to notify the landlord within a specified time period before vacating the premises at the end of the rental agreement if the agreement also requires the landlord to notify the tenant within such time period if the rental agreement will be renewed; however, a rental agreement may not require less than 30 days' notice or more than 60 days' notice from either the tenant or the landlord.[16]

Additionally, such a rental agreement may also contain a provision making the tenant liable for liquidated damages if the tenant fails to give the required notice before vacating the premises at the end of the rental agreement if the landlord provided written notice specifying the tenant's notice obligations, the end date of the rental agreement, and a list of all fees, penalties, and other charges applicable to the tenant if he or she vacates the premises without

[8] S. 83.51(1), F.S.
[9] S. 83.56(1), F.S.
[10] Examples of noncompliance which are of a nature that the tenant should not be given an opportunity to cure include, but are not limited to, destruction, damage, or misuse of the landlord's or other tenants' property by intentional act or a subsequent or continued unreasonable disturbance. S. 83.56(2)(a), F.S.
[11] Examples of such noncompliance which the tenant should be given an opportunity to cure include, but are not limited to, activities in contravention of the lease or this part such as having or permitting unauthorized pets, guests, or vehicles; parking in an unauthorized manner or permitting such parking; or failing to keep the premises clean and sanitary. S. 83.56(2)(b), F.S.
[12] Excluding Saturdays, Sundays, and legal holidays. S. 83.56(3), F.S.
[13] *Id.*
[14] S. 83.56(4), F.S.
[15] S. 83.56(5), F.S.
[16] S. 83.575(1), F.S.

providing the required notice. The landlord must provide such notice to the tenant within 15 days prior to the start of the notification period contained in the rental agreement.[17]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Civil Justice & Claims Subcommittee	12 Y, 4 N, As CS	3/13/2025	Jones	Leshko
THE CHANGES ADOPTED BY THE COMMITTEE:	• Clarified that delivery of notice by e-mail is only available to a landlord providing notice to a tenant. • Clarified that any notice required to be posted by a landlord may be delivered by e-mail in accord with s. 83.505, F.S.			
Housing, Agriculture & Tourism Subcommittee			Curtin	Rodriguez
Judiciary Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

[17] S. 83.575(2), F.S.

A bill to be entitled

An act relating to electronic delivery of notices to tenants; creating s. 83.505, F.S.; authorizing a landlord to electronically deliver notices to a tenant if certain conditions are met; providing that a notice delivered by e-mail is deemed delivered at the time the e-mail is sent; providing an exception; requiring a landlord to maintain certain information; providing construction; amending ss. 83.49, 83.50, 83.51, 83.56, and 83.575, F.S.; conforming provisions to changes made by the act; making technical changes; providing an effective date.

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

Section 1. Section 83.505, Florida Statutes, is created to read:

83.505 Electronic delivery of notices.—

(1) A landlord may electronically deliver via an e-mail address any notices required under this part, including any notices that are required to be posted, to a tenant if the tenant has signed an addendum to the rental agreement specifically agreeing to the electronic delivery of notices and has provided a valid e-mail address to the landlord for such purpose.

(2) A notice delivered by e-mail in accordance with this section is deemed delivered when sent, unless the e-mail is returned to the landlord as undeliverable.

(3) The landlord must maintain a copy of any notice sent by e-mail and evidence of the transmission of the e-mail.

(4) This section does not preclude service of notices by any other means permitted by law.

Section 2. Paragraphs (a) and (d) of subsection (2), paragraph (a) of subsection (3), and subsections (4), (5), (8), and (9) of section 83.49, Florida Statutes, are amended to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.—

(2) The landlord shall, in the lease agreement or within 30 days after receipt of advance rent or a security deposit, give written notice to the tenant which includes disclosure of the advance rent or security deposit. Subsequent to providing such written notice, if the landlord changes the manner or location in which he or she is holding the advance rent or security deposit, he or she must notify the tenant within 30 days after the change as provided in paragraphs (a)-(d). The landlord is not required to give new or additional notice solely because the depository has merged with another financial institution, changed its name, or transferred ownership to a different financial institution. This subsection does not apply to any landlord who rents fewer than five individual dwelling

units. Failure to give this notice is not a defense to the payment of rent when due. The written notice must:

(a) Be given in person or delivered by mail or e-mail in accordance with s. 83.505 to the tenant.

(d) Contain the following disclosure:

YOUR RENTAL AGREEMENT ~~LEASE~~ REQUIRES PAYMENT OF CERTAIN DEPOSITS. THE LANDLORD MAY TRANSFER ADVANCE RENTS TO THE LANDLORD'S ACCOUNT AS THEY ARE DUE AND WITHOUT NOTICE. WHEN YOU MOVE OUT, YOU MUST GIVE THE LANDLORD YOUR NEW ADDRESS SO THAT THE LANDLORD CAN SEND YOU NOTICES REGARDING YOUR DEPOSIT. THE LANDLORD MUST PROVIDE YOU WRITTEN ~~MAIL YOU~~ NOTICE IN PERSON, BY MAIL, OR BY E-MAIL IN ACCORDANCE WITH SECTION 83.505, FLORIDA STATUTES, WITHIN 30 DAYS AFTER YOU MOVE OUT, OF THE LANDLORD'S INTENT TO IMPOSE A CLAIM AGAINST THE DEPOSIT. IF YOU DO NOT REPLY TO THE LANDLORD STATING YOUR OBJECTION TO THE CLAIM WITHIN 15 DAYS AFTER RECEIPT OF THE LANDLORD'S WRITTEN NOTICE, THE LANDLORD WILL COLLECT THE CLAIM AND MUST MAIL YOU THE REMAINING DEPOSIT, IF ANY.

IF THE LANDLORD FAILS TO TIMELY PROVIDE ~~MAIL~~ YOU NOTICE, THE LANDLORD MUST RETURN THE DEPOSIT BUT MAY LATER FILE A LAWSUIT AGAINST YOU FOR DAMAGES. IF YOU FAIL TO TIMELY OBJECT TO A CLAIM, THE LANDLORD MAY COLLECT FROM THE DEPOSIT, BUT YOU MAY LATER FILE A LAWSUIT CLAIMING A REFUND.

YOU SHOULD ATTEMPT TO INFORMALLY RESOLVE ANY DISPUTE BEFORE FILING A LAWSUIT. GENERALLY, THE PARTY IN WHOSE FAVOR A JUDGMENT

IS RENDERED WILL BE AWARDED COSTS AND ATTORNEY FEES PAYABLE BY THE LOSING PARTY.

THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF CHAPTER 83, FLORIDA STATUTES, TO DETERMINE YOUR LEGAL RIGHTS AND OBLIGATIONS.

(3) The landlord or the landlord's agent may disburse advance rents from the deposit account to the landlord's benefit when the advance rental period commences and without notice to the tenant. For all other deposits:

(a) Upon the vacating of the premises for termination of the rental agreement ~~lease~~, if the landlord does not intend to impose a claim on the security deposit, the landlord must ~~shall have 15 days to~~ return the security deposit together with interest if otherwise required within 15 days after the termination of the rental agreement. If the landlord intends to impose a claim on the deposit, ~~or~~ the landlord must, within 30 days after the termination of the rental agreement, provide ~~shall have 30 days to give~~ the tenant written notice by certified mail to the tenant's last known mailing address or by e-mail in accordance with s. 83.505 of his or her intention to impose a claim on the deposit and the reason for imposing the claim. The written notice must ~~shall~~ contain a statement in substantially the following form:

This is a notice of my intention to impose a claim for damages in the amount of .... upon your security deposit, due to

..... It is sent to you as required by s. 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to this deduction from your security deposit within 15 days after ~~from~~ the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to ...(landlord's address)....
If the landlord fails to give the required written notice within the 30-day period, he or she forfeits the right to impose a claim upon the security deposit and may not seek a setoff against the deposit but may file an action for damages after returning ~~return of~~ the security deposit to the tenant.

(4) ~~The provisions of~~ This section does ~~do~~ not apply to transient rentals by hotels or motels as defined in chapter 509 or~~; nor do they apply~~ in those instances in which the amount of rent or deposit, or both, is regulated by law or by rules or regulations of a public body, including public housing authorities and federally administered or regulated housing programs including s. 202, s. 221(d)(3) and (4), s. 236, or s. 8 of the National Housing Act, as amended, other than for rent stabilization. With the exception of subsections (3), (5), and (6), this section is not applicable to housing authorities or public housing agencies created pursuant to chapter 421 or other statutes.

(5) Except when otherwise provided by the terms of a written rental agreement ~~lease~~, any tenant who vacates or

abandons the premises before ~~prior to~~ the expiration of the term specified in the rental agreement ~~written lease~~, or any tenant who vacates or abandons premises which are the subject of a tenancy from week to week, month to month, quarter to quarter, or year to year, must ~~shall~~ give at least 7 days' written notice by certified mail or personal delivery to the landlord before ~~prior to~~ vacating or abandoning the premises which notice must ~~shall~~ include the address where the tenant may be reached. Failure to give such notice relieves ~~shall relieve~~ the landlord of the notice requirement of paragraph (3)(a) but does ~~shall~~ not waive any right the tenant may have to the security deposit or any part of it.

(8) Any person licensed under ~~the provisions of~~ s. 509.241, unless excluded by the provisions of this part, who fails to comply with ~~the provisions of~~ this part is ~~shall be~~ subject to a fine or to the suspension or revocation of his or her license by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation in the manner provided in s. 509.261.

(9) In those cases in which interest is required to be paid to the tenant, the landlord must ~~shall~~ pay directly to the tenant, or credit against the current month's rent, the interest due to the tenant at least once annually. However, a landlord is not required to pay interest to ~~no interest shall be due~~ a tenant who wrongfully terminates his or her tenancy before ~~prior~~

~~to~~ the end of the rental term.

Section 3. Section 83.50, Florida Statutes, is amended to read:

83.50 Disclosure of landlord's address.—In addition to any other disclosure required by law, the landlord, or a person authorized to enter into a rental agreement on the landlord's behalf, shall disclose in writing to the tenant, at or before the commencement of the tenancy, the name and address of the landlord or a person authorized to receive notices and demands in the landlord's behalf. The person so authorized to receive notices and demands retains authority until the tenant is notified otherwise. All notices of such names and addresses or changes thereto must ~~shall~~ be delivered to the tenant's residence or, if specified in writing by the tenant, to any other address, or such notices may be sent by e-mail in accordance with s. 83.505.

Section 4. Paragraph (a) of subsection (2) of section 83.51, Florida Statutes, is amended to read:

83.51 Landlord's obligation to maintain premises.—

(2)(a) Unless otherwise agreed in writing, in addition to the requirements of subsection (1), the landlord of a dwelling unit other than a single-family home or duplex shall, at all times during the tenancy, make reasonable provisions for:

1. The extermination of rats, mice, roaches, ants, wood-destroying organisms, and bedbugs. If the tenant must vacate

~~When vacation of~~ the premises ~~is required~~ for such extermination, the landlord is not liable for damages but must ~~shall~~ abate the rent. The landlord must provide 7 days' written notice, in person, by mail, or by e-mail in accordance with s. 83.505, to the tenant if the tenant must temporarily vacate the premises ~~for a period of time not to exceed 4 days, on 7 days' written notice, if necessary,~~ for extermination pursuant to this subparagraph. A tenant is only required to vacate the premises for a period of time not to exceed 4 days.

2. Locks and keys.

3. The clean and safe condition of common areas.

4. Garbage removal and outside receptacles therefor.

5. Functioning facilities for heat during winter, running water, and hot water.

Section 5. Subsection (4) of section 83.56, Florida Statutes, are amended to read:

83.56 Termination of rental agreement.—

(4)(a) The delivery of the written notice ~~notices~~ required by subsection ~~subsections~~ (1)~~, (2), and (3)~~ shall be by mailing or delivering ~~delivery of~~ a true copy thereof.

(b) The delivery of the written notices required by subsections (2) and (3) shall be by mailing, delivering a true copy thereof, e-mailing in accordance with s. 83.505, or, if the tenant is absent from the premises, by leaving a copy thereof at the residence.

(c) The notice requirements of subsections (1), (2), and (3) may not be waived in the rental agreement ~~lease~~.

Section 6. Subsections (1) and (2) of section 83.575, Florida Statutes, are amended to read:

83.575 Termination of tenancy with specific duration.—

(1) A rental agreement with a specific duration may contain a provision requiring the tenant to notify the landlord within a specified period before vacating the premises at the end of the rental agreement, if such provision also requires the landlord to notify the tenant in a manner prescribed by s. 83.56(4) within such notice period if the rental agreement will not be renewed.~~; however,~~ A rental agreement may not require less than 30 days' notice or more than 60 days' notice from either the tenant or the landlord.

(2) A rental agreement with a specific duration may provide that if a tenant fails to give the required notice before vacating the premises at the end of the rental agreement, the tenant may be liable for liquidated damages as specified in the rental agreement if the landlord provides written notice to the tenant specifying the tenant's obligations under the notification provision contained in the rental agreement ~~lease~~ and the date the rental agreement is terminated. The landlord must provide such written notice to the tenant in a manner prescribed by s. 83.56(4) within 15 days before the start of the notification period contained in the rental agreement ~~lease~~. The

written notice must ~~shall~~ list all fees, penalties, and other charges applicable to the tenant under this subsection.

Section 7. This act shall take effect July 1, 2025.

HOUSING, AGRICULTURE, AND TOURISM SUBCOMMITTEE

HB 615 by Rep. Esposito
Relating to Electronic Delivery of Notices to Tenants

AMENDMENT SUMMARY
March 18, 2025

Amendment 1 by Rep. Esposito (Line 19): The amendment allows landlords and tenants to electronically deliver notices via email if the parties agree in writing and provide guidelines for delivery, receipt, and documentation of such notices.

Amendment 2 by Rep. Esposito (Line 32): The amendment prohibits the decision to opt-in or opt-out of the email notification addendum from being a determining factor in the landlord's decision to rent to a tenant.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Esposito offered the following:

Amendment (with title amendment)

Remove lines 19-30 and insert:

(1) A landlord or tenant may electronically deliver via an email address any notices required under this part to the other party if the parties have signed an addendum to the rental agreement specifically agreeing to the electronic delivery of notices and have provided a valid email address for such purpose.

(2) A notice delivered electronically pursuant to this section is deemed delivered at the time it is sent, unless the sender receives a notification that the email was not successfully delivered.

(3) The sender must maintain a copy of any notice sent electronically and evidence of the transmission of the email.

T I T L E A M E N D M E N T

Remove lines 4-8 and insert:
landlord or tenant to electronically deliver notices to ~~a tenant~~ the other party if certain conditions are met; providing that a notice delivered by e-mail is deemed delivered at the time the e-mail is sent; providing an exception; requiring ~~a landlord~~ the sender to maintain certain information; providing

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Esposito offered the following:

Amendment (with title amendment)

Between lines 32 and 33, insert:

(5) The decision to opt-in or opt-out of the email notification addendum must not be a determining factor in the landlord's decision to rent to that tenant.

T I T L E A M E N D M E N T

Remove line 9 and insert:

construction; prohibiting the decision to opt-in or opt-out of the email notification addendum from being a determining

factor in the decision to rent to that tenant; amending ss. 83.49, 83.50, 83.51, 83.56,

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 651 **TITLE:** Department of Agriculture and Consumer Services **SPONSOR(S):** Tuck, Alvarez, D.	**COMPANION BILL:** SB 700 (Truenow) **LINKED BILLS:** None **RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism ➤ Criminal Justice ➤ Agriculture & Natural Resources Budget ➤ Commerce

SUMMARY

Effect of the Bill:

The bill addresses numerous, distinct matters related to agriculture and matters under the jurisdiction of the Department of Agriculture and Consumer Services.

Fiscal or Economic Impact:

The bill has an indeterminate impact on local governments, state government, and the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill addresses numerous, distinct matters related to agriculture and other matters under the jurisdiction of the Department of Agriculture and Consumer Services (DACS), as discussed below.

Selected Exempt Service (SES) for DACS Captains and Majors

The bill exempts personnel which are assigned primary duties as captains or majors serving in the Office of Agricultural Law Enforcement from the Career Service category of the civil service system for state employees. Instead, such personnel will serve in the Select Exempt (SES) Service category. (Section 1.)

Use of Agricultural Lands for Electrical Power Plants

The bill requires counties to conduct suitability reviews for electric utilities' long-term power plant siting plans if any of the proposed sites involves the use of lands within the county that have been classified as agricultural lands at any time in the previous 5 years.

Specifically, the bill requires an electric utility to submit its annual ten-year site plan to the county commission of any county in which a proposed power plant site is located on land that has been classified at any time in the previous 5 years as agricultural lands under s. 193.461, F.S. A county commission that receives such a plan must follow the same processes and procedures that the Public Service Commission (PSC) is required by s. 186.801, F.S. to follow when it receives such plans. Upon completing a preliminary study pursuant to these processes and procedures, the county commission must provide the PSC with its findings. (Section 2.)

The bill further provides that lands must be classified for tax assessment purposes as agricultural lands by a property appraiser if the lands are:

- Owned or leased by an electric utility;
- The site of both solar energy systems and bona fide agricultural uses of the land; and
- Compliant with all other provisions of s. 193.461, F.S., which governs classification of agricultural land. (Section 3.)

The bill provides the state the opportunity to purchase the development rights of former agricultural lands owned or acquired by an electric utility as defined in s. 361.11(2), F.S. For lands acquired by an electric utility that have been classified as agricultural at any time in the 5 years before acquisition by the utility, the bill requires the utility to offer such lands for "less than fee simple" acquisition of development rights by the state. Similarly, for lands owned by an electric utility that were classified as agricultural at any time in the 5 years before acquisition by the utility, the bill requires the utility – before offering the lands for sale or transferring the lands to a private individual or entity –to offer such lands for less than fee simple acquisition of development rights by the state. The bill does not specify the purposes for which the state may acquire such development rights and does not establish criteria for such acquisitions. This bill makes these provisions retroactive to January 1, 2024. (Section 6.)

Use of Unmanned Aircraft (Drones)

The bill expands the prohibited uses of unmanned aircraft, or drones, to include specific uses on agricultural lands, private property, state wildlife management lands, and sport shooting and training ranges. (Section 5.)

Agricultural Lands

In particular, the bill makes it a criminal offense for a person to knowingly or willfully do any of the following on lands classified as agricultural lands under s. 193.461, F.S.:

- Operate a drone.
- Allow a drone to make contact with any person or object on the premises of or within the boundary of such lands.
- Allow a drone to come close enough to such lands to interfere with or cause a disturbance to agricultural production on such lands.

The bill provides that a violation of any of these prohibitions is a second degree misdemeanor and any subsequent violation is a first degree misdemeanor.[1]

The bill provides exceptions for actions of:

- The property owner or a person acting with prior written consent of the property owner.
- A law enforcement agency acting in compliance with Florida law related to search and seizure using a drone or a person under contract with or acting at the direction of the law enforcement agency.
- A federal, state, or other governmental entity or a person under contract with or acting at the direction of the governmental entity.

Private Property, State Hunting Lands, and Sport Shooting and Training Ranges

The bill also makes it a criminal offense for a person to knowingly or willfully do any of the following on private property,[2] state wildlife management lands, or sport shooting and training range[3]:

- Operate a drone.
- Allow a drone to make contact with such property or any person or object on the premises of or within the property with the intent to harass.

[1] The bill provides that such violations are punishable as provided in s. 775.082, F.S. or s. 775.083, F.S.

[2] The bill defines "private property" as "any residential or commercial property" and provides a definition for each of those terms.

[3] For purposes of the bill, a "sport shooting or training range" means any area that has been designed, or operated for the use of, firearms, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, BB guns, airguns, or similar devices, or any other type of sport or training shooting.

The bill provides that a violation of either prohibition is a second degree misdemeanor and any subsequent violation is a first degree misdemeanor.[4] Further, a person who violates one of these prohibitions and records video of the property or persons or objects on the premises of or within the property commits a first degree misdemeanor, and a subsequent violation is a third degree felony.[5]

The bill provides the same exceptions as listed above with regard to agricultural lands.

Emergency Recovery Loans to Agriculture and Aquaculture Producers

The bill expands the existing Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program to include loans to agriculture or aquaculture producers that have experienced damage or destruction from emergencies declared by the Commissioner of Agriculture.[6] Accordingly, the bill renames the program as the Agriculture and Aquaculture Producers Emergency Recovery Loan Program. (Sections 4 and 62.)

The bill also:

- Expands authorized uses of program loans to include restocking aquaculture.
- Permits DACS to renew loan applications after a determination from DACS and an active declared emergency.
- Permits DACS to defer or waive loan payments if, at any time during the repayment period of a loan, the approved applicant experiences a significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

Emergency Recovery Grants for Timber Landowners

The bill creates the Silviculture Emergency Recovery Program, which empowers DACS to administer grants to assist timber landowners whose timber land is damaged as a result of an emergency declared by the Governor[7] or the Commissioner of Agriculture.[8] Only timber land located on lands classified as agricultural lands are eligible to participate in the program. Grants provided to eligible timber owners may only be used for:

- Timber stand restoration, including downed tree removal on land which will retain the existing trees on site which are lightly damaged or completely undamaged.
- Site preparation and tree replanting.
- Road and trail clearing on private timber lands to provide emergency access and facilitate salvage operations.

The bill requires DACS to coordinate with state agencies and other entities to ensure that timber landowners have access to the maximum financial assistance available following a declared emergency. This coordination must attempt to ensure no duplication of financial assistance between the emergency recovery program grants and other federal or state funding sources, where such duplication would render an approved applicant ineligible for other financial assistance. (Section 63.)

Florida Wine

The bill recognizes wine products made from fruits other than grapes by changing the name of the Viticulture Advisory Council to the Florida Wine Advisory Council (Section 67), changing the name of the State Viticulture Plan to the State Wine Plan (Section 68), changing the name of the Viticulture Trust Fund to the Wine Trust Fund

[4] The bill provides that such violations are punishable as provided in s. 775.082, F.S. or s. 775.083, F.S.
[5] The bill provides that a third degree felony violation is punishable as provided in s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S.
[6] Pursuant to s. 570.07(21), F.S., DACS may declare an emergency when one exists in any matter related to agriculture, adopt rules that are in effect during the term of the emergency, and issue food safety information related to the emergency.
[7] S. 252.36, F.S., specifies the Governor's authority to declare a state of emergency. An emergency is defined as "any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property." S. 252.34, F.S.
[8] S. 570.07(21), F.S.

(Section 70), and making conforming changes to reflect these changes. The bill also reflects a change to the name of the Florida Grape Growers' Association to the Florida Wine and Grape Growers Association.

The bill also provides that a winery that fails to annually recertify with DACS and pay required licensing fees for participation in the Florida Farm Winery Program is subject to the removal of the program's logos, emblems, and directional signs previously installed by the Department of Transportation. (Section 69.)

Citrus Regulation

The bill repeals provisions established in 2006 to minimize the spread of citrus disease. In particular, the bill repeals provisions that:

- Prohibit persons from propagating citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by DACS and that is not at least one mile from commercial citrus groves.
- Require DACS to establish regulated areas of up to a one mile radius around the perimeter of certain commercial citrus groves, in which the planting of citrus is prohibited.
- Require DACS to require removal of infected or infested citrus, non-approved planted citrus, and citrus that has sprouted by natural means.
- Establishes a process by which DACS may issue an immediate final order and notify property owners of any required removal. (Section 64.)

Mosquito Control

The bill makes the following changes to Florida's laws governing mosquito control programs:

- Defines a "program" as any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality (Section 8), and replaces references to "mosquito control districts" and "districts" throughout chapter 388, F.S., to "mosquito control programs" and "programs." (Multiple sections.)
- Recognizes the participation of municipalities in mosquito control programs. (Section 8 and multiple sections thereafter.)
- Increases to $75,000 the annual cap on non-matching state funds available to a municipality, county, or mosquito control special district for a new program to control mosquitos and other arthropods.[9] (Section 13.)
- Clarifies references to "work plan" and "plan" by replacing such references with the term "integrated arthropod management plan."[10] (Section 14 and multiple sections therafter.)
- Removes the requirement that state funds be paid quarterly. (Section 17.)
- Requires that a record and inventory of certain property that was purchased with state funds for arthropod control use and is owned by a mosquito control program must be maintained in accordance with rules established by Florida's Chief Financial Officer under s. 274.02, F.S. (Section 20.)
- Requires that any serviceable equipment that was purchased with state funds for arthropod control use but is no longer needed must be offered to any or all other programs engaged in arthropod control at a price established by the board of commissioners owning the equipment. (Section 21.)
- Requires that the proceeds from the sale of any real or tangible personal property owned by a mosquito control program and purchased using state funds must be deposited in the program's state fund account. (Section 21.)
- Requires each mosquito control program receiving state aid to submit to DACS a monthly expenditure report for the preceding month and requires each program participating under ch. 388, F.S., to provide reports of activities and accomplishments. (Section 22.)

[9] Arthropods are defined in s. 388.011, F.S., as "insects of public health or nuisance importance, including all mosquitoes, midges, sand flies, dog flies, yellow flies, and house flies."
[10] S. 388.011(6), F.S., defines "integrated arthropod control" as the implementation of arthropod control measures, including, but not limited to, the use of pesticides and biological control agents and source reduction, to control arthropods without an unreasonable adverse effect on the environment."

- Extends DACS' enforcement authority to authorize issuance of written warnings, imposition of fines, and denial of program participation for specified violations and authorizes probation in lieu of a fine if DACS finds that a fine would be detrimental to the public. (Section 25.)
- Adds a representative from the Center of Medical, Agricultural, and Veterinary Entomology to the Florida Coordinating Council on Mosquito Control, increases the number of mosquito control directors to serve on the council from two to four, and permits members of the council to serve until a successor is appointed. (Section 29.)

Basin Management Action Plans

The bill grants DACS rulemaking authority to establish an enrollment by rule process for best management practices (BMPs) that agricultural pollutant sources and agricultural producers may use instead of certain other DACS' BMPs. Accordingly, DACS is authorized to identify BMPs for landowners of parcels that meet the following requirements:

- The parcel is not greater than 25 acres in size.
- The parcel is designated as agricultural land use by the county in which it is located, or the parcel is granted agricultural tax classification by the county property appraiser.
- The water use on the parcel does not 100,000 gallons per day on average, unless the entire use is from using recycled water from wet detention treatment ponds or reuse water.
- The agricultural activity on the parcel does not include a vegetable crop, agronomic crop, nursey, or dairy operation.
- The parcel is not abutted by an impaired water body; and
- The parcel is not part of a larger operation that is enrolled in other DACS BMPs or conducts water quality monitoring prescribed by DACS or a water management district. (Section 30.)

Under the bill, DACS must also specify design or performance criteria that, if applied, would result in compliance with appropriate water quality standards. The bill authorizes DACS to adopt additional eligibility criteria for landowners or producers to use enrollment by rule and to revoke enrollment by rule. (Section 30.)

The bill requires DACS to annually perform onsite inspections of 20 percent of all enrollments that meet the qualifications described above within basin management action plan areas, to ensure that practices are being properly implemented. The inspection must include a collection and review of certain BMP documentation from the previous two years. (Section 30.)

The bill also requires all agricultural producers enrolled by rule in a BMP to annually submit to DACS all nutrient records, including nitrogen and phosphorus fertilizer application records for the previous calendar year, as DACS may require by rule. The bill requires DACS to collect and retain those nutrient records pursuant to certain other requirements. (Section 30.)

Water Quality Additives

The bill defines the term "water quality additive" to mean any chemical or additive which is used in a public water system for the purpose of removing contaminants or increasing water quality. The term does not, however, include additives used for health-related purposes. (Section 31.)

The bill prohibits the use of any additives in a public water system which do not meet the definition of a water quality additive, as defined above, or the use of any additives included primarily for health-related purposes. (Section 32.)

Pest Control and Pesticide Licensing and Certification

The bill authorizes DACS to offer examinations for various pest control and pesticide applicator certifications both in person and remotely through a third-party vendor and authorizes the third-party vendor to impose a

convenience fee for this service. The bill eliminates provisions that specify the frequency with which these examinations must be offered. (Sections 33, 34, 35, 36, 37, 39.)

The bill authorizes DACS to take disciplinary action against a pest control or pesticide licensee or certificate holder if the licensee or certificate holder is subject to civil penalties issued by final order under the Federal Insecticide, Fungicide, and Rodenticide Act or a criminal conviction under that act. (Sections 38, 40.)

Florida Solicitation of Contributions Act

Registration Statement

The bill requires a charitable organization or sponsor, unless exempted, to file certain attestation statements with its initial registration statement when registering under the Solicitation of Contributions Act. The bill requires each attestation to be submitted on a form prescribed by DACS and signed by an authorized official of the charitable organization. In the attestation statements, the authorized official must certify and attest that:

- The charitable organization, if engaged in activities that would require registration under ch. 106, F.S., is properly registered with the Department of State.
- The charitable organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration with the Department of State under ch. 106, F.S. (Section 42.)

The bill prohibits a charitable organization or sponsor, whose registration is denied or revoked for submitting a false attestation, from registering as a charitable organization or sponsor for 5 years for an initial violation, and a lifetime ban for any subsequent violation. (Section 45.)

The bill authorizes DACS to investigate and refer a charitable organization or sponsor that has registered or attempted to register under the Florida Solicitation of Contributions Act to the Florida Elections Commission for investigation of violations pursuant to chs. 104 and 106, F.S. (Sections 42 and 44.)

Honest Services Registry

The bill requires DACS to create the Honest Services Registry (Registry) to provide the residents of Florida with the information necessary to make an informed decision when deciding which charitable organizations to support. To be included on the Registry, the bill requires a charitable organization to, at a minimum, submit to DACS an attestation, on a form prescribed by DACS and verified according to s. 92.525, F.S., attesting to all of the following:

- That the organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern; and
- That the organization's messaging and content are not directly or indirectly produced or influenced by a foreign source of concern. (Section 46.)

The bill requires DACS to publish the Registry on its website, and grants DACS rulemaking authority to implement these provisions. (Section 46.)

The bill makes it unlawful for any person, in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion, to solicit or accept contributions or anything of value from a foreign source of concern. (Section 43.)

For purposes of the Honest Services Registry, as well as the Solicitations of Contributions Act, the bill defines "foreign country of concern" as the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern. The bill defines "foreign source of concern" as any of the following:

- The government or any official of the government of a foreign country of concern;
- A political party or member of a political party or any subdivision of a political party in a foreign country of concern;

- A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity;
- Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;
- An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or
- An entity in which a person, entity, or collection of persons or entities described above has a controlling interest. [11] (Section 41.)

Florida Food Safety Act

The bill amends the definition of "cottage food product" under the Florida Food Safety Act (FFS Act) to mean food that is ***not time or temperature controlled for safety***, and that is not a potentially hazardous food as defined by DACS rule which is sold by a cottage food operation in accordance with Florida's laws governing such operations. (Section 47.)

The bill clarifies that a food permit from DACS is required of any person ***or business*** that operates a food establishment, except certain persons ***or businesses*** that operate minor food outlets and sell commercially prepackaged, not potentially hazardous, ***not age restricted***, and not time or temperature controlled for safety, provided the shelf space for those items do not exceed 12 linear feet and no other food is sold by the person ***or business***. (Section 48.)

The bill also:
- Makes a food permit issued to a new food establishment valid for 1 calendar year after the date of issuance, not just food permits issued on or after September 1, 2023.
- Authorizes DACS to establish a single permit renewal date for multiple food establishments owned by the same entity.
- Eliminates the FFS Act's provision that authorizes the owner of 100 or more permitted food establishment locations to elect to set the expiration of food permits for such establishments as December 31 of each calendar year. (Section 48.)

For purposes of enforcing the FFS Act, the bill requires carriers engaged in interstate commerce and persons receiving food in interstate commerce to retain all records for 3 years from the date of the record showing the movement in interstate commerce of any food, and the quantity, and consignee thereof. (Section 49.)

The bill also authorizes DACS to enter into a written agreement with the owner of a food processing equipment, food processing area, or food storage area to facilitate the destruction of any article found or suspected by DACS to be in violation of the FFS Act. (Section 50.)

Mushroom Spores and Mycelium

The bill makes it unlawful under the FFS Act to transport, import, sell, offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material that contains a controlled substance, including psilocybin or psilocyn, during its lifecycle. Under the bill, any person who transports, imports into Florida, sells, offers for sale, furnishes, or gives away mycelium capable of producing mushrooms or other material which will contain a controlled substance, commits a first-degree misdemeanor. (Section 51.)

Plant-Based Products Labeled as "Milk," "Meat," or "Poultry"

[11] Controlling interest means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest. (Section 41.)

The bill requires DACS to adopt rules to enforce the U.S. Food and Drug Administration's (FDA) standard of identity for milk, as adopted in Florida law, to prohibit the sale of plant-based products labeled as milk in Florida. This section in the bill is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products labeled as milk by any of the following states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. (Section 52.)

Similarly, the bill requires DACS to adopt rules to enforce the FDA's standard of identity for meat, poultry, and poultry products to prohibit the sale of plant-based products labeled as meat, poultry, or poultry products in Florida. This section in the bill is also effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products labeled as meat, poultry, or poultry products by any of the states listed in the group above. (Section 52.)

The bill requires DACS to notify the Division of Law Revision upon the enactment into law by any of the states in the group above of the mandatory labeling requirements. DACS is authorized to adopt rules to implement these provisions. The bill provides that these provisions may not be construed to limit DACS' authority to enforce its other laws and regulations. (Section 52.)

For purposes of the above provisions, the bill provides that:

- "Meat" has the same meaning as in 9 C.F.R. § 301.2 and the Federal Meat Inspection Act.[12]
- "Milk" has the same meaning as in 21 C.F.R. § 31.110 and the Grade "A" pasteurized milk ordinance.[13]
- "Poultry" or "Poultry Product" has the same meaning as in 9 C.F.R. § 381.1 and the Poultry Products Inspection Act.[14] (Section 52.)

Consumer Unit Pricing Act

The bill repeals Florida's Consumer Unit Pricing Act. (Section 53.)

Veterinary Pathologists

The bill grants DACS the power and duty to foster and encourage the development and retention of veterinary pathologists. The bill authorizes DACS to reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with DACS to retain employment for a specified time. DACS is granted rulemaking authority in the bill to administer these provisions. (Section 59.)

The bill also grants DACS the power and duty, subject to appropriations, to:

- Extend state and national Future Farmers of American (FFFA) opportunities to any public school student enrolled in agricultural education, at little or no cost; and
- Support statewide FFA programming that helps those students develop their potential for premier leadership, personal growth, and career success. (Section 59.)

Bulk Renewal of Licenses

The bill authorizes DACS to:

- Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.
- Create a process that will allow licensees, upon request, to align the expiration date of licenses within a statutory program.

[12] 21 U.S.C. § 601 *et seq.*
[13] *See* U.S. Food and Drug Administration, Grade "A" Pasteurized Milk Ordinance: 2023 Revision (Feb. 2025), https://www.fda.gov/media/180975/download?attachment (last visited Mar. 16, 2025).
[14] 21 U.S.C. § 451 *et seq.*

- Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month. (Section 61.)

Under the bill, DACS must prorate any licensing fee for which the term of the license was reduced for the purposes of alignment. The bill authorizes DACS to adopt rules to implement these provisions. (Section 61.)

Boll Weevil Eradication

The bill repeals the Florida Boll Weevil Eradication Law. (Section 65.)

Retail Fuel Transfer Switch Modernization Grant Program

The bill creates a grant program within DACS to provide funds to retail fuel facilities for installing or modernizing transfer switches that allow for use of backup power generation to ensure continuous fueling operations during a power outage. The program is named the Florida Retail Fuel Transfer Switch Modernization Grant Program and is subject to funding by the Legislature. (Section 56.)

The bill provides that grant funds may be used for installation and equipment costs. Retail fuel facilities in fiscally constrained counties[15] are eligible for up to $10,000 to cover costs for transfer switch purchase and installation. Retail fuel facilities in all other counties are eligible for up to $5,000 to cover these costs. Prior to being awarded funding, a retail fuel facility must provide DACS with documentation on transfer switch installation and required generator sizing. Facilities that are awarded grants must comply with requirements in Florida law for maintaining alternate generated power capacity and must install a transfer switch capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment.

The following retail fuel facilities are not eligible for grant funding under this program:
- Marinas and facilities with fewer than 4 fueling positions.
- Newly constructed or substantially renovated retail fuel facilities, as described in s. 526.143(2), F.S.

Registration of Petroleum Transportation

The bill requires DACS to create an annual registration program for owners and operators of vehicles used to transport petroleum products. The bill requires DACS to adopt registration requirements by rule. The registration must be free for all participants.

The bill authorizes DACS to require registrants to provide updates on the status of infrastructure, inventory, amd delivery information during a state of emergency declared by the Governor. (Section 55.)

Packaging Information

The bill requires that each package that is one of a lot containing random weights of the same commodity must bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by DACS rule. (Section 57.)

The bill also makes technical changes to the drafting of an existing law related to advertising packages for sale. (Section 58.)

Regulation of Antifreeze

[15] A fiscally constrained county, as defined in s. 218.67, F.S., is a "county that is entirely within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than $5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1."

The bill expands DACS' jurisdiction over the registration, labelling, and inspection of antifreeze by modifying the definition of antifreeze to include coolants used to cool components of any motor vehicles, including electric vehicles. (Section 54.)

Accordingly, each brand of a substance or preparation distributed in the state for use in cooling any component of a motor vehicle, regardless of vehicle technology, must be registered with DACS and is subject to DACS' authority to inspect such products and verify their proper labelling. In addition to traditional antifreeze/engine coolant products, the revised definition in the bill appears to include EV battery coolants. However, it may also be interpreted to include transmission fluids and brake fluids, as such products aid in preventing overheating of motor vehicle components.[16]

Electric Vehicle Charging Station Regulation

The regulation of electric vehicle charging stations is preempted to the state pursuant to s. 366.94, F.S. and such regulation is under DACS jurisdiction. The bill clarifies the definition of "electric vehicle charging station" to be the area in the immediate vicinity of electric vehicle supply equipment, other supporting equipment, and associated parking spaces. The bill allows DACS to adopt additional rules to protect the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations. (Section 7.)

The bill creates the following requirements and enforcement authority:

- Local governmental entities shall issue permits for electric vehicle charging stations based solely upon standards in rule and state law.
- Before a charger is placed into service for use by the public, the charger must be registered with DACS on a DACS form.
- DACS has the authority to inspect electric vehicle charging stations, conduct investigations, and enforce laws and rules by imposing one or more of the following penalties against a person by:
    - Issuing of a warning letter.
    - Imposing an administrative fine in the Class II category pursuant to s. 570.971, F.S. for each violation.
- If DACS determines that an electric vehicle charging station or any associated equipment presents a threat to the public health, safety, or welfare, DACS may issue an immediate final order prohibiting the use of the electric vehicle charging station or any portion thereof.
- DACS may bring a legal action to enjoin a violation (prevent a violation) in the circuit court. The court may immediately issue the temporary or permanent injunction upon demonstration of certain evidence by DACS. (Section 7.)

Licenses for Certain Shows

The bill eliminates the reference to "minstrel" shows in current Florida law. (Section 71.)

Florida Farmer Financial Protection Act

The bill creates the Florida Farmer Financial Protection Act (FFFP Act), which prohibits a financial institution from denying or restricting services to an agriculture producer where the denial or restriction is based, in whole or in part, on an ESG factor. (Section 72.)

A financial institution, including any affiliate or subsidiary thereof, is subject to the FFFP Act if the institution:

[16] *See, e.g.*, Mister Transmission, *The Essential Guide To Cooling Transmission Fluid: Keeping Your Car Healthy*, (Mar. 22, 2024), https://www.mistertransmission.com/the-essential-guide-to-cooling-transmission-fluid-keeping-your-car-healthy/#:~:text=Transmission%20fluid%20does%20more%20than,smooth%20operation%20of%20your%20vehicle (last visited Mar. 16, 2025); Romeoville Toyota, *Stop Right There: Understanding the Importance of Brake Fluid*, (Feb. 12, 2021), https://www.romeovilletoyota.com/stop-right-there-understanding-the-importance-of-brake-fluid/ (last visited Mar. 16, 2025).

- Is authorized to do business in Florida;
- Has total assets of more than $100 million; and
- Offers financial services, which is defined in the bill as any product or service that is of a financial nature and offered by a financial institution. (Section 72.)

Under the bill, if a financial institution has made ***any*** ESG commitment related to agriculture, there is an inference that the financial institution has violated the FFFP Act. A financial institution may overcome that inference, however, by demonstrating that its denial or restriction of financial services was based solely on documented risk analysis, and not on an ESG factor. (Section 72.)

For purposes of the FFFP Act, the bill creates definitions for the following terms:
- "Agriculture producer" means a person or company that is:
  - Authorized to do business in Florida, and
  - Engaged in the production of goods derived from plants or animals, which includes, but is not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.
- "Denies or restricts" means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.
- "ESG factor" means:
  - Any factor or consideration that is collateral to (or not reasonably likely to affect or impact) financial risk, and
  - Includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer's greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery. (Section 72.)

The bill authorizes the Attorney General, in consultation with the Office of Financial Regulation, to enforce the FFFP Act. Further, any violation of the FFFP Act constitutes an unfair trade practice under the Florida Deceptive and Unfair Trade Practices Act. Under the bill, the Attorney General is authorized to investigate and seek remedies as provided in general law. (Section 72.)

The bill also provides that actions for damages may be sought by an aggrieved party, which creates a private right of action for a violation of the FFFP Act. (Section 72.)

Concealed Weapons and Preemption of Firearm Regulations

The bill requires DACS to, upon notification by a law enforcement agency, court, clerk's office, or the Florida Department of Law Enforcement (FDLE), ***temporarily*** suspend a firearm license or the processing of an application for a firearm license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a firearm license under current law, until final disposition of the case. (Section 74.)

The bill also requires DACS to notify a firearm licensee or applicant suspended under current law of his or her right to a hearing pursuant to ch. 120, F.S. The bill requires a hearing conducted regarding the temporary suspension to be for the limited purpose of determining whether the licensee has been arrested or charged with a disqualifying crime or issued an injunction or court order. If the criminal case or injunction results in a non-disqualifying disposition, DACS must issue an order lifting the suspension upon the applicant or licensee's submission to DACS of a certified copy of the final resolution. If the criminal case results in a disqualifying disposition, the suspension remains in effect and DACS must proceed with denial or revocation proceedings pursuant to ch. 120, F.S. (Section 74.)

The bill provides the above provisions must not be construed to limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state; finds that it is a matter of public policy and public safety to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a

timely manner by DACS; and charges DACS with making an eligibility determination and issuing a license in the particular time frames prescribed by the bill. (Section 74.)

The bill provides that civil fines assessed pursuant to s. 790.33(3)(c), F.S., and any attorney fees and costs must be assessed only upon a finding that the entity received notice of the local ordinance or administrative rule or regulation impinging upon such exclusive occupation of the field of regulation of firearms and ammunition at least 30 days before a suit under s. 790.33(3)(f), F.S., was filed and that the entity failed to change the ordinance, regulation, measure, directive, rule, enactment, order, or policy within that 30-day period. (Section 75.)

Fuel Theft

The bill makes it a *third-degree* felony to willfully, knowingly, and without authorization:

- Possess any form of a payment instrument that can be used, alone or in conjunction with another device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or chip encoded with account information;
- With the intent to defraud the fuel retailer, authorized payment instrument account holder, or the banking institution that issued the payment instrument financial account. (Section 76.)

The bill also makes it a *second-degree* felony to willfully, knowingly, and without authorization, uses any such payment instrument with the requisite intent described above. (Section 76.)

Mail Theft

The bill provides that the following acts constitute mail theft:

- Removing mail from a mail depository or taking mail from a mail carrier of a postal service with an intent to steal.
- Obtaining custody of mail by fraud or deception with an intent to steal.
- Selling, receiving, possessing, transferring, buying, or concealing mail obtained by either of the two methods described above, while knowing or having reason to know the mail was obtained illegally. (Section 77.)

The bill also provides that the following acts constitute theft of, or unauthorized reproduction of, a mail depository key or lock:

- Stealing, or obtaining by false pretense, any key or lock adopted by a postal service for a mail depository or other authorized receptacle for the deposit or delivery of mail.
- Knowingly and unlawfully making, forging, or counterfeiting any key described above or possessing any such key or lock adopted by a postal service, with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock, or to cause the key or lock to be unlawfully or improperly used, sold, or otherwise disposed. (Section 77.)

Under the bill, the first violation of the above provisions constitutes a first-degree misdemeanor, punishable by a term of imprisonment not exceeding 1 year, a fine up to $1,000, or both. The second or subsequent violation constitutes a third-degree felony, punishable by a term of imprisonment not exceeding 5 years, a fine up to $5,000, or both. (Section 77.)

Facilities for Agricultural Education

The bill prohibits a local government from adopting any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animals or equipment. (Section 78.)

The bill also provides that lands used for agricultural education or for Future Farmers of America or 4-H activities shall be considered agricultural lands. (Section 78.)

The bill reenacts several provisions of existing law to incorporate the amendments made by the bill. (Sections 79-116.)

Unless otherwise provided, the bill has an effective date of July 1, 2025. (Section 117.)

RULEMAKING:

The bill authorizes DACS to adopt rules related to electric vehicle charging stations. (Section 7.)

The bill authorizes DACS to adopt rules to implement the Florida Retail Fuel Transfer Switch Modernization Grant Program created by the bill, including rules that establish an application process, deadlines, and required supporting documentation.

The bill grants DACS rulemaking authority to establish an enrollment by rule process for best management practices (BMPs) that agricultural pollutant sources and agricultural producers may use instead of certain other DACS' BMPs.

Under the bill, the attestation statements required under the Florida Solicitations of Contributions Act and Honest Services Registry must be submitted on a form prescribed by DACS. The bill also grants DACS general rulemaking authority to implement the provisions in the bill relating to the Florida Solicitations of Contributions Act and Honest Services Registry.

The bill authorizes DACS to adopt rules to administer the bill's requirement that DACS foster and encourage the employment and retention of qualified veterinary pathologists in the state.

The bill authorizes DACS to adopt rules for bulk licensing renewal processes.

The bill authorizes DACS to adopt rules, including emergency rules, to implement a Silviculture Emergency Recovery Program. The bill provides that emergency rules adopted under this authority are effective for six months and may be renewed during the process of adopting permanent rules addressing the same subject.

The bill requires DACS to adopt rules establishing registration requirements for the annual petroleum registration program created by the bill.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

Benefit costs for the reclassification of certain DACS personnel will have an indeterminate fiscal impact on DACS.

The bill creates new misdemeanors for illegal activities relating to drones on agricultural land, the distribution of certain mushroom spores, and mail theft. The bill also creates felonies for possession of any form of payment used to defraud fuel retailers or tamper with components of retail fuel dispensers. This may have an indeterminate impact on the Florida Department of Law Enforcement and the Florida Department of Corrections.

Overall, the bill may have an indeterminate negative impact on state expenditures due to the cost of implementing new and expanded regulatory programs and grant programs.

LOCAL GOVERNMENT:

The bill may have a negative impact on county governments that are required by the bill to conduct reviews of electric utilities' ten-year site plans. Such reviews will require county resources, and many counties may not have the expertise to conduct the required reviews with existing resources.

The bill may also have a negative impact on local government revenues by providing that all lands used for agricultural education or for Future Farmers of America or 4-H activities must be considered agricultural lands, which may be subject to lower ad valorem tax rates.

PRIVATE SECTOR:

The bill may encourage private investment in the co-development of lands for both agricultural and solar energy production purposes.

By requiring electric utilities to offer the state the opportunity to acquire less than fee simple development rights to certain lands acquired or owned by the electric utility, the bill may diminish the market value of lands for which the state chooses to make such an acquisition. Though the bill is silent as to the means of compensation for these rights, the electric utility may receive compensation in the near term. Ultimately, the impacts of the bill on electric utility costs and the value of electric utility investment may affect rates charged to the utility's customers.

Food distributors may incur costs associated with the proper labeling of plant-based products that currently have the words "meat," "milk," "poultry," or "poultry product" in their labels.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Electric Utility Ten-Year Site Plans

Every year, each electric utility in the state submits to the Public Service Commission (PSC) a ten-year site plan that provides an estimate of the utility's power-generating needs and the general location of its proposed power plant sites over the next 10 years. These plans are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon written notification to the PSC. The PSC must conduct a preliminary study of each plan, in which it must review:

- The need, including the need as determined by the commission, for electrical power in the area to be served;
- The effect on fuel diversity within the state;
- The anticipated environmental impact of each proposed electrical power plant site;
- Possible alternatives to the proposed plan;
- The views of appropriate local, state, and federal agencies, including the views of the appropriate water management district as to the availability of water and its recommendation as to the use by the proposed plant of salt water or fresh water for cooling purposes;
- The extent to which the plan is consistent with the state comprehensive plan;
- The plan with respect to the information of the state on energy availability and consumption;
- The amount of renewable energy resources that the utility produces or purchases;
- The amount of renewable energy resources the utility plans to produce or purchase over the 10-year planning horizon and the means by which the production or purchases will be achieved; and
- A statement describing how the production and purchase of renewable energy resources impact the utility's present and future capacity and energy needs.

Based on its preliminary study of a plan, the PSC must classify each plan as "suitable" or "unsuitable" and submit its findings to the Department of Environmental Protection for consideration in subsequent power plant site certification proceedings.[17]

[17] S. 186.801, F.S.

Based on each electric utility's most recent ten-year site plans, approximately 30 counties are listed as the location of preferred sites for power plant development, including solar farms, over the ten year planning period.

Classification of Agricultural Lands

A property appraiser classifies all lands as either agricultural or nonagricultural. Agricultural lands are those used primarily for bona fide agricultural purposes[18] such as horticulture, viticulture, forestry, and farming.[19] Only the area of the land used for agricultural purposes benefits from the agricultural classification.

A property appraiser must reclassify lands as nonagricultural if the lands are diverted from an agricultural to a nonagricultural use or are no longer used for agricultural purposes. There are certain protections for agricultural classifications when land is temporarily not being used for agriculture due to a natural disaster or in compliance with certain state agriculture programs.[20]

Agricultural lands are taxed at a value based solely on their agricultural use,[21] which requires a property appraiser to use a different analysis to value the land than that used to determine the just value of land.[22] Lands classified as agricultural also enjoy certain benefits and protections, such as a preemption on local government restrictions of farming on those lands[23] and limits on nuisance complaints related to farming activities.[24]

State Acquisition of Development Rights

In property law, a fee simple acquisition is an outright purchase of land. A "less than fee simple" acquisition refers to the purchase of limited property rights, often for purposes of conserving and protecting resources on the property at less cost than purchasing the land outright.[25]

As an example of less than fee simple acquisitions, DACS, through the Rural and Family Lands Protection Program, is authorized to acquire permanent agricultural land conservation easements.[26] Under this program, DACS, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, is authorized to allocate funds to acquire perpetual, less than fee simple interests in land and enter into agricultural protection agreements and resource conservation agreements.[27] These arrangements compensate property owners for restrictions on the future development of their land in perpetuity while allowing them to continue agricultural activities.[28] Property owners may apply to DACS to be included in the program's approved acquisition list.[29] To qualify for acquisition under the program, the agricultural land must protect the integrity and function of working landscapes, ensure opportunities for viable agricultural activities on working lands threatened by conversion to other uses, and meet certain public purposes.[30] The program is voluntary; upon written request from a property owner, DACS must remove the owner's property from any lists or maps developed to implement the program.[31]

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[18] "Bona fide agricultural purposes" means good faith commercial agricultural use of the land. S. 193.461(3)(b), F.S.
[19] S. 193.461(5), F.S.
[20] S. 193.461(7), F.S.
[21] Art. VII, s. 4(a), Fla. Const.
[22] S. 193.461(6)(c), F.S.
[23] S. 163.3162, F.S.
[24] *See* s. 823.14, F.S.
[25] The Florida Senate, Committee on Environmental Preservation and Conservation, Issue Brief 2011-217, *Florida Forever's Land Acquisition Using Less-Than-Fee Methods*, October 2010, https://www.flsenate.gov/UserContent/Session/2011/Publications/InterimReports/pdf/2011-217ep.pdf (last visited March 6, 2025).
[26] Department of Agriculture and Consumer Services (DACS), Rural and Family Lands Protection Program, https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program (last visited March 6, 2025).
[27] S. 570.71, F.S.
[28] *Id. See also* DACS, *supra* note 10.
[29] DACS, *supra* note 10.
[30] S. 570.71, F.S.
[31] *Id.*

Prohibited Uses of Unmanned Aircraft

Under Florida law, a person may not knowingly or willfully operate a drone over specified critical infrastructure facilities,[32] allow a drone to contact these facilities or persons or objects on the premises, or allow a drone to come within a distance close enough to interfere with operation of these facilities or cause a disturbance. Similarly, a person may not knowingly or willfully operate a drone over a public or private school or make contact with a school or persons or objects on the premises. First time violations of these prohibitions are second degree misdemeanors, while subsequent violations are first degree misdemeanors, though these charges are upgraded if the drone operator also records video of a school or persons or objects on the school's premises.[33]

For purposes of these prohibitions, a drone is defined as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.[34]

Exceptions to these prohibitions are provided for owners or operators of critical infrastructure facilities, persons acting with prior written consent, law enforcement acting in compliance with Florida law related to search and seizure using a drone, and governmental entities.[35]

Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program

Following the devastation of Hurricane Idalia in 2023, the Florida legislature passed CS/HB 1-C to provide relief to those affected by the hurricane.[36] Among other things, the law established the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program within DACS to make loans to agriculture and aquaculture producers who experience damage or destruction from a declared natural disaster. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property.[37]

Under the program, DACS is authorized to make low-interest or interest-free loans of up to $500,000 to eligible applicants. An approved applicant may receive no more than one loan per declared disaster, two loans per year, and five loans within any 3-year period. The term of each loan is 10 years.[38] To be eligible, an applicant must:

- Own or lease a bona fide farm operation that is located in a county that experienced a declared natural disaster and that was damaged or destroyed as a result of the declared natural disaster; and
- Maintain complete and acceptable farm records, pursuant to criteria published by DACS, and present them as proof of production levels and bona fide farm operations.[39]

The loan program expires on July 1, 2043, unless reviewed and saved from repeal by the Legislature.[40]

In the same bill, the Legislature appropriated $37.5 million in nonrecurring funds to administer a cost-sharing grant program to assist timber landowners in specified counties whose timber land was damaged as a result of Hurricane Idalia. Grants made to eligible timber landowners must be for up to 75 percent of the costs for site preparation and tree replanting on lands classified as agricultural lands under s. 193.461, Florida Statutes. The

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[32] For purposes of this law, "critical infrastructure facilities" are defined in s. 330.41(2)(a), F.S.
[33] S. 330.41, F.S.
[34] S. 330.41(b), F.S., cross-referencing the definition provided in s. 934.50(2)(a), F.S.
[35] S. 330.41, F.S.
[36] Ch. 2023-349, Laws of Fla., codified at s. 570.822, F.S.
[37] *Id.*
[38] *Id.*
[39] "Bona fide farm operations" are defined in s. 570.822(1)(a), F.S.
[40] S. 570.822(10), F.S.

maximum grant award is $250,000. Site preparation work may include downed tree removal by a variety of methods, including mechanical harvesting or prescribed burns authorized by the Florida Forest Service.[41]

Viticulture

"Wine" is defined in Florida law as all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added.[42] "Viticulture" refers only to the production and utilization of grapes.[43]

Florida law creates a Viticulture Advisory Council (Council) within DACS. The primary responsibility of the Cuncil is to provide annually industry recommendations for viticultural research, promotion, and education to the Commissioner of Agriculture.[44] The Commissioner, in consultation with the Council, develop and coordinate the implementation of the State Viticulture Plan, which identifies problems in the viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for orderly growth of the industry.[45]

DACS also administers the Florida Farm Winery Program, under which a winery may qualify as a tourist attraction if it is registered with and certified by DACS as a Florida Farm Winery. Upon request of a certified Florida Farm Winery, the Department of Transportation must acquire and place Florida Farm Winery logo, emblem, and directional signs on the rights-of-way of interstate highways and primary and secondary roads, with the costs for placing each sign paid by the winery.[46]

Citrus Regulation

In 2006, the Legislature replaced DACS' citrus canker eradication program with a comprehensive citrus health plan aimed at minimizing the impact of exotic citrus pests and diseases.[47] As a result of these changes, Florida law prohibits any person from propagating for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by DACS and that is not at least one mile from commercial citrus groves.

The law requires DACS to establish regulated areas around the perimeter of commercial citrus groves established after April 1, 2006, not to exceed a one mile radius, in which planting of citrus is prohibited. For groves established before April 1, 2006, planting within a one mile radius must be approved by DACS. In regulated areas, DACS must require removal of infected or infested citrus, non-approved planted citrus, and citrus that has sprouted by natural means. The law establishes a process by which DACS may issue an immediate final order and notify property owners of any required removal.[48]

Mosquito Control

By the mid-1920s, mosquito control programs were beginning to form in the state to locally control mosquitoes and protect public health in their regions. Today, Florida has over 60 state-approved mosquito control programs.[49] Mosquito control programs work to suppress populations of mosquitoes by implementing "integrated mosquito management." This process involves crucial methods for mosquito abatement, including population surveillance, source reduction, and various types of treatments for immature and adult mosquitoes. As licensed pesticide applicators, mosquito control programs are regulated by DACS.[50]

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[41] Ch. 2023-349, s. 24, Laws of Fla.
[42] S. 564.01, F.S.
[43] S. 599.001, F.S.
[44] S. 599.002, F.S.
[45] S. 599.003, F.S.
[46] S. 599.004, F.S.
[47] Ch. 2006-45, Laws of Fla.
[48] S. 581.1843, F.S.
[49] Department of Agriculture and Consumer Services, Florida Mosquito Control, available at https://www.fdacs.gov/Business-Services/Mosquito-Control/Mosquitoes-General-Information (last visited Mar.14, 2025).
[50] *See* ch. 388, F.S.

Florida's Water Resources

All groundwater and surface water in Florida is a public resource.[51] It is this state's policy to promote the conservation and proper utilization of surface and groundwater;[52] "promote the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems;"[53] and "to protect, maintain, and improve the quality [of the waters of the state] for public water supplies, for the propagation of wildlife and fish and other aquatic life, and for domestic, agricultural, industrial, recreational, and other beneficial uses and to provide that no wastes be discharged into any waters of the state without first being given the degree of treatment necessary to protect the beneficial uses of such water."[54]

Total Maximum Daily Load

If Florida's Department of Environmental Protection (DEP) determines that any waters are impaired,[55] the waterbody or segment must be placed on the verified list of impaired waters (Verified List) and a total maximum daily load (TMDL) must be calculated.[56] A TMDL is the science-backed maximum amount of a pollutant that a waterbody or segment may take in and still maintain water quality standards.[57] DEP is the lead agency that coordinates the development and implementation of TMDLs.[58]

The Florida Watershed Restoration Act[59] guides the development and implementation of TMDLs.[60] TMDLs must include reasonable and equitable pollutant load allocations between or among point sources (e.g., pipes and culverts discharging from a permitted facility, such as a domestic wastewater treatment facility) and nonpoint sources (e.g., agriculture, septic tanks, golf courses) that will alone, or in conjunction with other management and restoration activities, reduce pollutants and achieve water quality standards.[61] As of December 2023, 459 TMDLs had been established for impaired waters in Florida.[62]

Basin Management Action Plans

Once a TMDL is adopted,[63] DEP may develop and implement a basin management action plan (BMAP), which is a restoration plan for the watersheds and basins connected to the impaired waterbody[64] that is included on DEP's

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[51] Ch. 373, F.S.
[52] S. 373.016(3)(b), F.S.
[53] S. 373.016(3)(d), F.S.
[54] Ss. 373.016(3)(h) and 403.021(2), F.S.
[55] A body of water is considered impaired if its contaminated by pollutants. California Office of Environmental Health Hazard, *Impaired Water Bodies*, https://oehha.ca.gov/calenviroscreen/indicator/impaired-water-bodies#:~:text=When%20water%20is%20contaminated%20by,or%20near%20the%20water%20body. (last visited Mar. 15, 2025).
[56] S. 403.067(1), F.S.; Department of Environmental Protection, *Verified List Waterbody* Ids (WBIDs), https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about (last visited Mar. 15, 2025); and s. 403.067(4), F.S.
[57] S. 403.031(20), F.S.
[58] S. 403.061, F.S. The Department of Environmental Protection (DEP) has the power and duty to control and prohibit the pollution of air and water in accordance with the law and rules adopted and promulgated by it. Florida law allows DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, and certain other parties. S. 403.061(22), F.S.
[59] Ch. 99-223, Laws of Fla.
[60] S. 403.067, F.S.
[61] S. 403.067(6)(b), F.S.
[62] Office of Economic & Demographic Research, *Annual Assessment of Florida's Water Resources: Quality*, p. 5 (2024 Edition), http://edr.state.fl.us/Content/natural-resources/2023_AnnualAssessmentWaterResources_Chapter4.pdf (last visited Mar. 15, 2025).
[63] S. 403.067(6)(c), F.S.
[64] S. 403.067(7)(a)1., F.S.

Verified List. BMAPs are one of the primary mechanisms DEP utilizes to achieve TMDLs, and a BMAP addresses the pollutant causing the impairment.[65]

Each new or revised BMAP must include:

- The appropriate management strategies available through existing water quality protection programs to achieve TMDLs;
- A description of best management practices adopted by rule;
- For the applicable 5-year milestone, a list of projects that will achieve the pollutant load reductions needed to meet the TMDL or established load allocations with a planning-level cost estimate and estimated date of completion for each listed project;
- The source and amount of financial assistance to be made available by DEP, a water management district, or other entity for each listed project, if applicable; and
- A planning-level estimate of each listed project's expected load reduction, if applicable.[66]

BMAPs must include 5-year milestones for implementation and water quality improvement, as well as a water quality monitoring component to evaluate whether reasonable progress is being achieved over time.[67] An assessment of progress must be conducted every 5 years, and revisions to the BMAP must be made as appropriate.[68]

Best Management Practices

A best management practice (BMP) is a means, practice or combination of practices determined by the coordinating agencies, that is based on research, field testing and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges.[69] BMPs for agricultural discharges must reflect a balance between water quality improvements and agricultural productivity.[70]

Categories of practices include:

- Nutrient management to determine nutrient needs and sources and manage nutrient applications to minimize impacts to water resources.
- Irrigation management to address the method and scheduling of irrigation to reduce water and nutrient losses to the environment.
- Water resource protection using buffers, setbacks and swales to reduce or prevent the transport of sediments and nutrients from production areas to water bodies.[71]

DACS' Office of Agricultural Water Policy (Office) develops and adopts BMPs by rule for different types of agricultural commodities.[72] Through the implementation of applicable BMPs adopted by DACS, agricultural producers in Florida reduce their impacts to water quality.[73] At least every 2 years, DACS must perform onsite inspections of each agricultural producer that enrolls in a BMP to ensure that such practice is being properly implemented.[74] Such verification must include a collection and review of the BMP documentation from the

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[65] Department of Environmental Protection: Division of Environmental Assessment and Restoration, *Guidance on Developing Restoration Plans as Alternatives to TMDLs – Assessment Category 4b and 4e Plans*, p. 2 (June 2015) https://floridadep.gov/sites/default/files/4b4ePlansGuidance.pdf (last visited Mar. 15, 2025).
[66] S. 403.067(7)(a)4., F.S.
[67] S. 403.067(7)(a)6., F.S.
[68] *Id.*
[69] S. 403.4595(2)(a), F.S.
[70] *Id.*
[71] Department of Agriculture and Consumer Services, *Agricultural Best Management Practices*, https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices (last visited Mar. 14, 2025).
[72] *Id.*
[73] *Id.*
[74] S. 403.607(7)(d)3., F.S.

previous 2 years required by rule, including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained.[75]

Safe Drinking Water Act

The federal Safe Drinking Water Act[76] (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply.[77] The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources, such as rivers, lakes, reservoirs, springs, and ground water wells.[78] However, the SDWA does not regulate private wells which serve fewer than 25 individuals. The SDWA authorizes the U.S. Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water.[79]

Originally, the EPA primarily enforced compliance with the SDWA, but now the EPA primarily oversees the state programs approved to take its place.[80] The SWDA requires all states to adopt all new and revised regulations under the SWDA.[81] Florida's codification of the SWDA can be found in ch. 403, F.S. In Florida, DEP is the primary agency for enforcing compliance with the SDWA.[82] However, the Florida Department of Health oversees SDWA programs in six Florida counties, which include Hillsborough, Miami-Dade, Palm Beach, Polk, Sarasota, and Volusia.[83]

Water Treatment

Water utilities often use a series of water treatment steps to remove harmful germs and chemicals and meet safety standards, which ensures the tap water in a community is safe to drink.[84] Different utilities will use different treatment steps depending on the initial quality of the water being treated.[85] Typically, the water treatment steps are, in this order, coagulation, flocculation, sedimentation, filtration, and disinfection.[86] Water treatment plants commonly adjust water pH after the disinfection step.[87] Adjusting the pH improves taste, reduces corrosion (breakdown) of pipes, and helps chemical disinfectants continue killing germs as the water travels through pipes.[88]

Fluoride in Drinking Water

In addition to adjusting water pH, water treatment plans also add fluoride to the water after the disinfection step in the water treatment process.[89] Almost all water contains some naturally occurring fluoride, but usually at levels too

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[75] *Id.*
[76] 42 U.S.C. § 300f et seq.
[77] U.S. Environmental Protection Agency, *Overview of the Safe Drinking Water Act* (Jan. 2025), https://www.epa.gov/sdwa/overview-safe-drinking-water-act (last visited Mar. 14, 2025).
[78] 42 U.S.C. § 300f(4)(C). *See also* U.S. Environmental Protection Agency, *Overview of the Safe Drinking Water Act* (Jan. 2025), https://www.epa.gov/sdwa/overview-safe-drinking-water-act (last visited Mar. 14, 2025).
[79] U.S. Environmental Protection Agency, *Overview of the Safe Drinking Water Act* (Jan. 2025), https://www.epa.gov/sdwa/overview-safe-drinking-water-act (last visited Mar. 14, 2025).
[80] Olexa, Michael T., Borisova, Caracciolo, *2021 Handbook of Florida Water Regulation: Safe Drinking Water Act* (June 21, 2021), p. University of Florida Institute of Food and Agricultural Sciences: Publication #FE587, https://edis.ifas.ufl.edu/publication/FE587 (last visited Mar. 14, 2025).
[81] *Id.*
[82] *Id.*
[83] *Id.*
[84] U.S. Centers for Disease Control and Prevention, *Drinking Water: How Water Treatment Works*, https://www.cdc.gov/drinking-water/about/how-water-treatment-works.html (last visited Mar. 14, 2025).
[85] *Id.*
[86] For more information on the different steps in the water treatment process, *see* U.S. Centers for Disease Control and Prevention, *Drinking Water: How Water Treatment Works*, https://www.cdc.gov/drinking-water/about/how-water-treatment-works.html (last visited Mar. 14, 2025).
[87] *Id.*
[88] *Id.*
[89] U.S. Centers for Disease Control and Prevention, *About Community Water Fluoridation*, https://www.cdc.gov/fluoridation/about/index.html#cdc_health_safety_special_topic_how-how-it-works (last visited Mar. 14, 2025).

low to prevent cavities.[90] The recommended fluoride concentration in drinking water, also called the optimal level, is 0.7 milligrams of fluoride per liter of water.[91] Tooth decay is one of the most common health problems affecting children today.[92] Studies show that widespread community water fluoridation can help prevent cavities and save money, both for families and the health care system.[93] In fact, drinking fluoridated water reduces cavities by about 25% in children and adults.[94]

Pest Control and Pesticide Licensing and Certification

For structural pest control (pest control provided to homes or other structures), Florida law requires that each pest control business location must:

- Be licensed by DACS;
- Carry the required insurance coverage ($250,000 per person and $500,000 per occurrence for bodily injury and $250,000 per occurrence and $500,000 in the aggregate for property damage, or a combined single limit coverage of $500,000 in the aggregate); and
- Employ full-time a Florida-certified operator in charge of the pest control operations of the business location. This operator must be certified in the categories in which the business operates, which may include one or more of the following:
    - General Household Pest and Rodent Control.
    - Termite and Other Wood-Destroying Organisms Control.
    - Lawn and Ornamental Pest Control.
    - Fumigation.[95]

A certified operator is an individual who has passed an examination administered by DACS in any of four certification categories listed above. A person can be certified in one or more of these categories.

A company's pest control operations are the responsibility of the certified operator in charge and the business operations are limited to the category (or categories) of certification possessed by the operator (or operators) in charge at the business location.[96]

DACS also administers four Limited Certification Categories:

- Commercial Landscape Maintenance applicators.
- Governmental or Private applicators.
- Commercial Urban Fertilizer applicators.
- Commercial Wildlife Management.[97]

None of these certifications allows the operation of a commercial pest control business.

DACS also administers the Florida Pesticide Law[98] (FPL) for purposes of regulating the distribution, sale, and use of pesticides in the state. Among other things, the FPL requires that each brand of pesticide distributed or sold in the state must be registered with DACS.[99] The FPL also requires DACS to issue certified applicator licenses for public,

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[90] *Id.*
[91] *Id.*
[92] Medical News Today, *Why do we have fluoride in our water?* (Feb. 21 2018), https://www.medicalnewstoday.com/articles/154164#uses (last visited Mar. 14, 2025)
[93] U.S. Centers for Disease Control and Prevention, *About Community Water Fluoridation*, https://www.cdc.gov/fluoridation/about/index.html#cdc_health_safety_special_topic_how-how-it-works (last visited Mar. 14, 2025).
[94] U.S. Centers for Disease Control and Prevention, *Community Water Fluoridation Fast Facts*, https://www.cdc.gov/fluoridation/about/index.html#cdc_health_safety_special_topic_how-how-it-works (last visited Mar. 14, 2025).
[95] DACS, Pest Control Licensing and Certification, https://www.fdacs.gov/Business-Services/Pest-Control/Licensing-and-Certification (last visited Mar. 15, 2025).
[96] DACS, Pest Control FAQ, https://www.fdacs.gov/Business-Services/Pest-Control/Pest-Control-FAQ (last visited Mar. 15, 2025).
[97] DACS, *supra* note 41.
[98] Part I, ch. 487, F.S.
[99] S. 487.031, F.S.

private, commercial, and specially designated classes of restricted-use pesticide[100] applicators, subject to examination by DACS.[101] DACS is authorized to impose specified penalties for violations of the FPL.[102]

Solicitations of Contributions Act

Organizations intending to solicit donations in Florida are required to register with DACS pursuant to the Solicitation of Contributions Act (SCA).[103] The SCA contains basic registration, financial disclosure, and notification requirements for charitable organizations[104] and sponsors,[105] fundraising consultants, and solicitors.

Charitable organizations must submit an initial registration statement to DACS and include a financial report, a statement of the purpose of the charity, how donations will be used, names of individuals in charge of solicitation activities, and proof of federal tax-exempt status. The charity must also identify any professional solicitors and fundraising consultants the charity will use, along with the terms of the arrangements for compensation to be paid to the consultant and solicitor.[106]

The registration must include a statement related to the charity's activities in other states, including whether the charity is authorized to operate in another state; whether the charity's registration has been denied, suspended, or revoked in another state; and whether the charity or any person associated with the charity has been subject to any adverse administrative actions or criminal convictions in any state.[107]

A charitable organization or sponsor that is required to register or renew registration must file an annual financial statement for the immediately preceding year with DACS. The statement must include:

- A balance sheet;
- A statement of support, revenue and expenses;
- Names and addresses of any charities, professional fundraising consultants, professional solicitors, and commercial co-ventures used and the amounts received from each of them; and
- A statement of functional expenses that must include program service costs, management and general costs, and fundraising costs.[108]

Anyone who willfully violates the SCA commits a third-degree felony[109] and, for any subsequent violation, a second-degree felony.[110] Additionally, DACS may enter an order imposing a range of administrative penalties, including

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[100] As defined for purposes of the Florida Pesticide Law, "restricted-use pesticide" means a pesticide which, when applied in accordance with its directions for use, warnings, and cautions and for uses for which it is registered or for one or more such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, or injury to the applicator or other persons, and which has been classified as a restricted-use pesticide by the department or the administrator of the United States Environmental Protection Agency."

[101] S. 487.0435, F.S., and s. 487.044, F.S.

[102] S. 487.175, F.S.

[103] S. 496.401, F.S.

[104] Charitable organization means a person who is or holds herself or himself out to be established for any benevolent, educational, philanthropic, humane, scientific, artistic, patriotic, social welfare or advocacy, public health, environmental conservation, civic, or other eleemosynary purpose, or a person who in any manner employs a charitable appeal as the basis for any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. The term includes a chapter, branch, area office, or similar affiliate soliciting contributions within the state for a charitable organization that has its principal place of business outside the state. S. 496.404(1), F.S.

[105] A sponsor is a group or person who is, or holds itself out to be, soliciting contributions by the use of a name that implies that the group or person is in any way affiliated with, or organized for the benefit of, emergency service employees or law enforcement officers and the group or person is not a charitable organization. The term includes a chapter, branch, or affiliate that has its principal place of business outside the state if the chapter, branch, or affiliate solicits or holds itself out to be soliciting contributions in the state. S. 496.404(25), F.S.

[106] S. 496.405(2), F.S.

[107] *Id.*

[108] S. 496.407(1), F.S.

[109] A third-degree felony is punishable by up to 5 years imprisonment and a $5,000 fine. Ss. 775.082, F.S. and 775.083, F.S.

[110] A second-degree felony is punishable by up to 15 years imprisonment and a $10,000 fine. Ss. 775.082 and 775.083, F.S.

imposing an administrative fine up to $5,000 for each act or omission as well as a fine up to $10,000 for any violation that involves fraud or deception.[111]

Florida Food Safety Act

The Florida Food Safety Act[112] (FFS Act) is intended to "safeguard the public health and promote the public welfare by protecting the consuming public from injury by product use and the purchasing public from injury by merchandising deceit, flowing from intrastate commerce in food."[113] DACS administers and enforces compliance with the FFS Act "in order to prevent fraud, harm, adulteration, misbranding, or false advertising in the preparation, manufacture, storage, or sale of articles of food."[114] DACS is also charged with enforcing compliance with the FFS Act as it relates to "the production, manufacture, transportation, storage, and sale of food, as well as articles entering into, and intended for use as ingredients in the preparation of, food."[115]

The FFS Act regulates the state's cottage food[116] industry, and provides that the regulation of cottage food operations[117] is preempted to the state.[118] Under the FFS Act, a cottage food operation is exempt from the FFS Act's permitting requirements if the cottage food operation complies with the FFS Act and has annual gross sales of cottage food products that do not exceed $250,000.[119] In Florida, a cottage food operation may only sell cottage food products which are packaged with a label affixed that contains the following information:

- The name and address of the cottage food operation.
- The name of the cottage food product.
- The ingredients of the cottage food product, in descending order of predominance by weight.
- The net weight or net volume of the cottage food product.
- Allergen information as specified by federal labeling requirements.
- If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.
- The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: "Made in a cottage food operation that is not subject to Florida's food safety regulations."[120]

Under the FFS Act, a food permit issued by DACS is required of any person who operates a food establishment in the state, unless an exemption applies.[121] In fact, a food permit must be applied for and received before any operation may begin at a food establishment.[122] An application for a permit from DACS must be accompanied by a fee in an amount determined by DACS rule.[123] A food permit issued to a new food establishment on or after September 1, 2023, is valid for 1 calendar year after the date of issuance and must be renewed annually on or before that date.[124] Effective January 1, 2024, a food permit issued before September 1, 2023, expires on the month and day the initial permit was issued to the food establishment and must be renewed annually on or before that date thereafter.[125]

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[111] S. 496.419, F.S.
[112] Ch. 500, F.S.
[113] S. 500.02(1), F.S.
[114] S. 500.032(1), F.S.
[115] *Id.*
[116] Cottage food is food that is not a potentially hazardous food, as defined by DACS rule, which is sold by a cottage food operation. S. 500.03(1)(j), F.S.
[117] A cottage food operation means a natural person or entity that produces or packages cottage food products at the residence of the natural person or at the residence of a natural person who has an ownership interest in the entity and sells such products in accordance with s. 500.80, F.S. S. 500.03(1)(i), F.S.
[118] S. 500.80(6), F.S.
[119] S. 500.80(1)(a), F.S.
[120] S. 500.80(3), F.S.
[121] S. 500.12(1)(a), F.S.
[122] S. 500.12(1)(b), F.S.
[123] *Id.*
[124] S. 500.12(1)(b)1., F.S.
[125] S. 500.12(1)(b)2., F.S.

For purposes of enforcing the FFS Act, current law requires carriers engaged in interstate commerce and persons receiving food in interstate commerce, upon request by a DACS officer or employee, to permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.[126]

Under the FFS Act, when DACS or its duly authorized agent finds or has probable cause to believe that any food, food processing equipment, food processing area, or food storage area is in violation of the FFS Act or any rule adopted thereunder so as to be dangerous, unwholesome, mislabeled, fraudulent, or unsanitary, a DACS agent may issue and enforce a stop-sale, stop-use, removal, or hold order.[127] The order must give notice that the article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed, and must warn all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by DACS or the court.[128] A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise without such permission.[129]

Legal Status of Psilocybin in Florida

Psilocybin, also known as "magic mushrooms," are naturally occurring and consumed for their hallucinogenic effects.[130] Under Florida law, psilocybin and psilocyn[131] is currently classified as a Schedule I substance.[132] Possession of psilocybin in Florida is a third-degree felony, which carries severe legal penalties including up to 5 years in prison and substantial fines.[133] Certain mushroom spores and mycelium, which is a type of fungi, can be propagated and grown into mushrooms that have psilocybin properties. But the spores do not contain any psilocybin properties themselves and therefore could be considered legal under current law.[134]

Plant-Based Products Labeled as "Milk," "Meat," or "Poultry"

There has been an increase in availability in the marketplace and consumption of plant-based milk alternatives:

- In 2010, one-fifth of U.S. households purchased or consumed plant-based milk alternatives.
- By 2016, one-third of U.S. households purchased plant-based milk alternatives, totaling $1.5 billion in sales that year.
- From 2017 to 2019, sales of plant-based milk alternatives increased nearly 15 percent reaching $2 billion.
- In 2020, retail sales continued to increase, rising to approximately $2.4 billion.[135]

While some plant-based milk alternative products have "beverage" or "drink" in their labeling, the majority of products have the word "milk" in their names.[136] Consumers purchase plant-based milk alternatives for various reasons, such as allergies, intolerances, religious practices, and lifestyle choices (e.g., vegan diet). The FDA has issued guidance that, for purposes of compliance with its rules and regulations, a plant-based milk alternative may be labeled with the term "beverage," "drink," or "milk."[137]

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[126] S. 500.166, F.S.
[127] S. 500.172(1), F.S.
[128] *Id.*
[129] *Id.*
[130] Alcohol and Drug Foundation, *Psilocybin* (Mar. 7, 2025), https://adf.org.au/drug-facts/psilocybin/ (last visited Mar. 15, 2025).
[131] When psilocybin is taken, it's converted in the body to psilocin, which a the chemical with the psychoactive properties. Alcohol and Drug Foundation, *Psilocybin* (Mar. 7, 2025), https://adf.org.au/drug-facts/psilocybin/ (last visited Mar. 15, 2025).
[132] S. 893.03(1)33., 34., F.S.
[133] Ss. 775.082(3)(e) and 775.083(1)(c), F.S.
[134] Freeman, S., and Chandler, N. *How Magic Mushrooms Work*, https://science.howstuffworks.com/magic-mushroom.htm (last visited Mar. 15, 2025).
[135] U.S. Food and Drug Administration, *Labeling of Plant-Based Milk Alternatives and Voluntary Nutrient Statements: Guidance for Industry* (Feb. 2023), p. 4, https://www.fda.gov/media/165420/download (last visited Mar. 15, 2025).
[136] *Id.* at p. 5
[137] *Id.* at p. 13.

Under federal law, the terms below are defined as follows:

- "Milk" is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultra pasteurized, and shall contain not less than 81/4 percent milk solids not fat and not less than 31/4 percent milkfat. Milk may have been adjusted by separating part of the milkfat therefrom, or by adding thereto cream, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Milk may be homogenized.[138]
- "Meat" means the part of the muscle of any cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, diaphragm, heart, or esophagus, with or without the accompanying and overlying fat, and the portions of bone (in bone-in product such as T-bone or porterhouse steak), skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and that are not separated from it in the process of dressing.[139]
- "Poultry" means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs, also termed young pigeons from one to about thirty days of age), whether live or dead.[140]

Consumer Unit Pricing Act

The purposes of Florida's Consumer Unit Pricing Act (CUP Act) include:

- Protecting the interests of consumers and encourage constructive and useful competition in the sale of consumer commodities.
- Encouraging, to the extent that it will facilitate the consumer's choice of consumer commodities, the development and use of a method of unit pricing for consumer commodities.
- Prohibiting the use of unit pricing of consumer commodities when it would tend to mislead or deceive consumers.[141]

DACS has the authority, duty and responsibility of administering and enforcing the CUP Act.[142] Under the CUP Act, the price of all consumer commodities offered for sale or sold by a seller shall be expressed as the price per approved unit of quantity.[143] The CUP Act requires a seller to conspicuously and clearly display the price per package or unit and the unit price in close proximity to the display of the commodity in such manner as may be established by DACS rule.[144] Any person who offers for sale, or sells, any consumer commodity in violation of the CUP Act is guilty of a second-degree misdemeanor.[145]

Veterinary Pathology

Veterinary pathologists work in animal disease surveillance, prevention, diagnosis and treatment.[146] They investigate disease (in both humans and animals), conduct research, and develop medicines. They play a key role in the development of safe and effective medicines, agrochemicals and chemicals, and contribute to animal conservation and protection.[147]

Veterinary pathologists work in academic and government research institutions, public and private diagnostic labs (including those at zoos), government regulatory agencies (such as the U.S. Food and Drug Administration, U.S. Department of Agriculture, U.S. Centers for Disease Control and Prevention, and U.S. Environmental Protection

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[138] 21 C.F.R. § 31.110
[139] 9 C.F.R. § 301.2
[140] 9 C.F.R. § 381.1
[141] S. 501.135(2)(a)-(c), F.S.
[142] S. 501.135(4), F.S.
[143] S. 501.135(5)(a), F.S.
[144] S. 501.135(6), F.S.
[145] S. 501.135(7), F.S.
[146] The Royal College of Pathologists, *Become a Veterinary Pathologist*, https://www.rcpath.org/discover-pathology/careers-in-pathology/become-a-veterinary-pathologist.html (last visited Mar. 16, 2025).
[147] *Id.*

Agency), industry (pharmaceutical and biotech companies, chemical companies, contract research organizations), and in the military (U.S. Army Veterinary Corps and Joint Pathology Center).[148]

Boll Weevil Eradication

In the late 1800s, a small beetle native to Central or South America entered the United States near Brownsville, Texas and spread rapidly across the country's cotton growing regions. By the 1920s, Anthonomus grandis, the boll weevil, was causing more economic damage than any agricultural pest in U.S. history.[149] For much of the 20th century, the boll weevil caused tens of millions of dollars in damage to cotton producers, reduced land values, and greatly disrupted local economies.[150] The ubiquitous boll weevil adapted to several efforts by man to control it, including the use of arsenic and DDT as pesticides, and worked its way into American culture through folk music[151] and an Alabama monument.[152]

In the late 1970s, the National Boll Weevil Eradication Program was launched by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service along the Virginia-North Carolina border. The program later expanded into other Southeastern states then westward.[153] In 1987, the Florida Legislature passed the Florida Boll Weevil Eradication Law, empowering DACS to lead the state's efforts to contain the pests and protect cotton crops.[154]

It worked. Through a combination of strategies, including pheromone traps in the spring, hand picking infected cotton buds during the growing season, plowing under the cotton stalks after harvest, and low levels of pesticides in the fall, boll weevils have been eradicated in all states except Texas. Cotton can now be grown in many areas with little or no need for pesticides, and the National Boll Weevil Eradication Program is considered one of the greatest success stories of American agriculture.[155]

Backup Power Requirements for Motor Fuel Retail Outlets

Certain motor fuel retail outlets[156] in Florida that are located within one-half mile of an interstate highway or a state or federally designated evacuation route must be prewired with an appropriate transfer switch and be capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternate generated power source.[157] This requirement applies to each motor fuel retail outlet:

- Located in a county having a population of 300,000 or more and which has 16 or more fueling positions.
- Located in a county having a population of 100,000 or more, but fewer than 300,000, and which has 12 or more fueling positions.

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[148] American College of Veterinary Pathologists, *What is Veterinary Pathology?* https://www.acvp.org/page/What_is_Vet_Path (last visited Mar. 16, 2025).
[149] Stephanie Hall, *The Life and Times of Boll Weevil*, Library of Congress Blogs, Folklife Today (Dec. 11, 2013), https://blogs.loc.gov/folklife/2013/12/the-life-and-times-of-boll-weevil/ (last visited Mar. 14, 2025).
[150] USDA Animal and Plant Health Inspection Service, *Cotton Pests*, https://www.aphis.usda.gov/plant-pests-diseases/cotton-pests (last visited Mar. 13, 2025).
[151] Buster "Bus" Ezell's 1941 classic, *The Boll Weevil*, starts: "The first time I saw Boll Weevil, He was sitting on a cotton square. The next time I saw Boll Weevil, He had his whole family there." The full recording can be found on the Library of Congress website at https://www.loc.gov/item/ftvbib000046/?loclr=blogflt (last visited Mar. 14, 2025). *See also* note 43.
[152] In December 1919, the City of Enterprise, Alabama, in response to the successful conversion of agricultural production in the area from cotton to peanuts and other crops, raised a monument to the boll weevil and holds an annual Boll Weevil Fall Festival. Hall, *supra* note 36.
[153] National Cotton Council of America, *History of the Eradication Program*, https://www.cotton.org/tech/pest/bollweevil/eradication2.cfm (last visited Mar. 13, 2025)..
[154] Ch. 87-55, Laws of Fla., codified at Part I of Chapter 593, F.S.
[155] National Cotton Council of America, *supra* note 40; Hall, *supra* note 36.
[156] A "motor fuel retail outlet" is a facility where motor fuel is offered for sale at retail to the motoring public. S. 526.303(14), F.S. "Motor fuel" means any petroleum product, including any special fuel, which is used for the propulsion of motor vehicles. S. 526.303(5), F.S.
[157] S. 526.143(3), F.S.

- Located in a county having a population of fewer than 100,000 and which has eight or more fueling positions.[158]

Each retail outlet subject to these requirements must keep documentation of these installations on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.[159]

Further, each newly constructed or substantially renovated[160] motor fuel retail outlet for which a certificate of occupancy is issued on or after July 1, 2006, must be prewired with an appropriate transfer switch and capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternate generated power source. As used in this subsection, the term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet.

Packaging Information

DACS' Bureau of Standards is responsible for establishing standards of weight, measure, or count and reasonable standards of fill[161] for any commodity in package form, as necessary.[162] Any package that is one of a lot containing random weights of the same commodity and bearing the total selling price of the package must bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.[163] Further, when a packaged commodity is advertised in any manner with the retail price stated, there must be closely and conspicuously associated with the retail price a declaration of quantity as required by law or rule to appear on the package.[164]

Regulation of Antifreeze

Under current law, DACS administers the Antifreeze Act of 1978. This Act requires that each brand of antifreeze distributed in the state must be registered with DACS before distribution. If DACS finds, upon analysis and inspection, that the antifreeze meets minimum standards established by DACS, is not adulterated, and meets its labeling claims, DACS must issue a certificate of registration authorizing distribution of the antifreeze in the state for a period of either 12 or 24 months.

As defined for purpose of DACS' regulation, "antifreeze" means any substance or preparation, that is sold, distributed, or intended for use as the cooling liquid in the cooling system of internal combustion engines of motor vehicles to preventing freezing or to raise the boiling point of water for the prevention of engine overheating.[165]

Regulation of Electric Vehicle Charging Stations

Regulation of electric vehicle charging stations is preempted to the state. Local governments are prohibited from enacting or enforcing an ordinance or regulation related to these charging stations. The law requires DACS to adopt rules to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.[166]

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[158] *Id.*
[159] *Id.*
[160] The term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. S. 526.143(2), F.S.
[161] A "standard of fill" refers to the amount of liquid in a container rather than the size or capacity of the container itself.
[162] S. 531.41(4), F.S.
[163] S. 531.48, F.S.
[164] S. 531.49, F.S.
[165] S. 501.912, F.S.
[166] S. 366.94, F.S.

Minstrel Shows

Florida has an antiquated law that requires each person who operates any traveling show, exhibition, amusement enterprise, carnival, ***minstrel***, rodeo, or other show or amusement, within the grounds of any annual public fair to pay license taxes provided by law.[167]

Dual Oversight over Financial Institutions

To accept deposits, an institution must have a federal or state charter. Banks are chartered and regulated as national banks under the authority of the Office of the Comptroller of the Currency within the U.S. Department of the Treasury or as state banks under the authority of a state regulator.[168]

Due to federal preemption, a state's regulatory authority over federally chartered institutions is limited. Once a financial institution obtains a charter, the regulator's primary task is to ensure solvency. The regulator accomplishes this by conducting financial exams of its licensed entities. Financial institutions also need approval from their regulator to make changes in their upper management, merge with another company, pay dividends to shareholders, engage in material transactions with subsidiaries and affiliates, or make significant changes to their business operations.[169]

Banks chartered in Florida must become a member of the Federal Reserve or obtain insurance from the Federal Deposit Insurance Corporation.[170] Credit Unions chartered in Florida must insure their accounts by becoming a member of the National Credit Union Administration.[171] Thus, state-chartered banks and credit unions are subject to a dual-regulatory system.

Financial Institutions Codes

Florida's Financial Institutions Codes (Codes) are codified under Title XXXVIII of the Florida Statutes. A primary purpose of the Codes is to provide for and promote the safe and sound conduct of the financial services industry in Florida.[172] The Codes apply to all state-authorized and state-chartered financial institutions and to the enforcement of all laws relating to state-authorized and state-chartered financial institutions.[173] The Codes define the term "financial institution" as a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, and certain other corporations.[174]

Office of Financial Regulation

The Office of Financial Regulation (OFR) is the regulatory authority for Florida's financial services industry.[175] OFR reports to the Financial Services Commission (Commission) which is made up of the Governor and the members of the Florida Cabinet: the Chief Financial Officer, Attorney General, and Agriculture Commissioner.[176] OFR enforces

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[167] S. 616.12(1), F.S.
[168] Congressional Research Service, *Introduction to Financial Services: Banking*, January 5, 2023, https://crsreports.congress.gov/product/pdf/IF/IF10035 (last visited Mar. 12, 2025).
[169] For a detailed discussion of the regulatory framework, see, Congressional Research Service, *Who Regulates Whom? An Overview of the U.S. Financial Regulatory Framework*, March 10, 2020, https://crsreports.congress.gov/product/pdf/R/R44918/7 (last visited Mar. 12, 2025). Also see ss. 655.037, 655.0385, 655.0386, 655.03855, and 655.412, F.S.
[170] Ss. s. 658.22, F.S. and 658.38, F.S.
[171] Ss. s. 657.005, F.S. and 657.008, F.S.
[172] S. 655.001(2), F.S.
[173] S. 655.001(1), F.S.
[174] S. 655.005(1)(i), F.S.
[175] Florida Office of Financial Regulation, *About Our Agency*, https://flofr.gov/sitePages/AboutOFR.htm (last visited Mar. 12, 2025).
[176] *Id.*

and administers the Financial Institutions Codes; is responsible for supervising banks, credit unions, savings associations, and international bank agencies; and licenses and regulates non-depository finance companies and the securities industry.[177]

OFR must examine the condition of each state-chartered financial institution at least every 18 months, and may conduct more frequent examinations as needed, based on risks associated with a licensee, like prior examination results or significant operational changes.[178] When a state-chartered financial institution also has a federal regulator, OFR may accept an examination performed by the federal regulator or the regulators may conduct a joint examination.[179]

Unsafe and Unsound Practices

The Codes require financial institutions to make determinations about the provision or denial of services based on an analysis of risk factors unique to each current or prospective customer or member.[180] Financial institutions are prohibited from engaging in an unsafe and unsound practice, which means a financial institution may not deny, cancel, suspend, or terminate its services to a person, or to otherwise discriminate against a person in making available such services, on the basis of:[181]

- The person's political opinions, speech, or affiliations;
- Except as otherwise provided, the person's religious beliefs, religious exercise, or religious affiliations;
- Any factor if it is not a quantitative, impartial, and risk-based standard, including any such factor related to the person's business sector; or
- The use of any rating, scoring, analysis, tabulation, or action that considers a social credit score based on factors including, but not limited to, certain environmental, social, and governance factors.[182]

Engaging in an unsafe or unsound practice is a violation of the Codes and subjects the violator to sanctions and penalties provided in the Codes.[183] Such acts also constitute a violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), which codifies laws relating to the protection of consumers from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair practices in commerce.[184] A financial institution that engages in an unsafe or unsound practice is also subject to sanctions and penalties provided in FDUTPA.[185]

Further, if a customer or member of a financial institution suspects that the institution has engaged in an unsafe or unsound practice, the aggrieved customer or member may submit a complaint to OFR within 30 days of the act that gave rise to the suspicion.[186] OFR must then investigate the financial institution to determine whether a violation occurred.[187] If OFR determines that a violation occurred, and unless otherwise prohibited by law, OFR must notify the customer or member, the financial institution, and the Department of Financial Services of the violation.[188]

Firearm Licensing

[177] Florida Department of Financial Services, *Financial Services Commission*, https://www.myfloridacfo.com/about/about-dfs/commission (last visited Mar. 12, 2025). *See also*, s. 655.012, F.S.
[178] S. 655.045(1), F.S.
[179] S. 655.045(1)(a), F.S.
[180] S. 655.0323(1), F.S.
[181] S. 655.0323(2), F.S.
[182] *See* s. 655.0323(2)(d)1.-8., F.S., for a list of such factors.
[183] S. 655.0323(4), F.S.
[184] S. 501.202(2), F.S.
[185] S. 655.0323(7), F.S.
[186] S. 655.0323(4), F.S.
[187] S. 655.0323(5), F.S.
[188] S. 655.0323(5)(e), F.S.

DACS is statutorily authorized to issue concealed weapon and concealed firearm licenses to qualifying applicants.[189] For purposes of the concealed carry licensure law, "concealed weapons or concealed firearms" means a handgun, electronic weapon or device, tear gas gun, knife, or billie, but not a machine gun.[190]

To obtain a concealed weapon or concealed firearm license, a person must complete, under oath, an application that includes:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A color photograph of the applicant which must be taken within the preceding 30 days;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapons and firearms and is knowledgeable about the provisions in ch. 790, F.S..;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents;
- A statement that the applicant desires a concealed weapon or firearm license as a means of lawful self-defense;
- A full set of fingerprints;
- Documented proof of completion of a firearm safety and training course; and
- A nonrefundable license fee.[191]

DACS must issue a license to carry a concealed weapon or concealed firearm if all other requirements are met and the applicant:

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government;[192]
- Is 21 years of age or older;[193]
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;[194]
- Desires a legal means to carry a concealed weapon or concealed firearm for lawful self- defense;
- Demonstrates competence with a firearm;
- Has not been adjudicated an incapacitated person, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of a sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;

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[189] S. 790.06(1), F.S.
[190] *Id.*
[191] S. 790.06(4)-(5) F.S.
[192] Such consular security official must maintain diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country.
[193] Pursuant to s. 790.062, F.S., the department must issue a license to carry a concealed weapon or concealed firearm to a servicemember or veteran who does not meet the 21 years of age threshold if he or she is otherwise qualified.
[194] It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted. Section 790.06(2), F.S.

- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.[195]

DACS must:

- Revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.[196]
- Upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement (FDLE) and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.[197]
- Suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.[198]

Fuel Theft

DACS regularly inspects petroleum distribution systems and retail gas stations to ensure fuel dispensers are working properly.[199] A fuel pulser is a plastic device connected to the fuel pump dispenser meter, which is within the fuel pump.[200] The pulser converts the mechanical movement of the fuel meter and then sends electrical pulses to control the dispenser's electronic display.[201] The pulsers can be replaced by an altered pulser that interrupts the electrical signal, which enables the ability to obtain large amounts of gas for a small percentage of the cost.[202] Florida law does not specifically address crimes committed with fuel pulsers.[203]

Mail Theft

Mail theft is a federal crime that involves the unauthorized taking or destruction of mail belonging to another, which can include any mail, packages, or letters left in or near mailboxes for pickup or delivery.[204] The offense of stealing mail carries severe penalties under federal law, including fines and imprisonment for up to five years, or both, for each offense.[205] The penalties can also increase if the theft occurs under certain circumstances, such as stealing mail containing financial instruments or stealing mail committed during a natural disaster.[206]

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[195] S. 790.06(2), F.S.
[196] *Id.*
[197] *Id.*
[198] *Id.*
[199] Florida Department of Agriculture and Consumer Services, *Petroleum Inspection*, https://www.fdacs.gov/Business-Services/Petroleum-Inspection (last visited March 14, 2025).
[200] Florida Department of Agriculture and Consumer Services, Agency Analysis of 2023 Senate Bill 1150, p. 3 (Mar. 8, 2023).
[201] *Id.*
[202] *Id.*
[203] Florida Department of Agriculture and Consumer Services, Agency Analysis of 2023 Senate Bill 1150, p. 3, 4 (Mar. 8, 2023).
[204] 18 U.S.C. § 1701-1710. *See also*, Hager & Schwartz, P.A., *What Happens When You Steal Mail in Florida?* (July 28, 2023), https://www.defendyourcase.com/criminal-defense-blog/2023/july/what-happens-when-you-steal-mail-in-florida/ (last visited Mar. 14, 2025).
[205] 18 U.S.C. § 1708. *See also*, Hager & Schwartz, P.A., *What Happens When You Steal Mail in Florida?* (July 28, 2023), https://www.defendyourcase.com/criminal-defense-blog/2023/july/what-happens-when-you-steal-mail-in-florida/ (last visited Mar. 14, 2025).
[206] Hager & Schwartz, P.A., *What Happens When You Steal Mail in Florida?* (July 28, 2023), https://www.defendyourcase.com/criminal-defense-blog/2023/july/what-happens-when-you-steal-mail-in-florida/ (last visited Mar. 14, 2025).

In Florida, mail and package theft are typically classified as petty theft or grand theft, depending on the value of the stolen items. Petty theft involves the theft of property valued at less than $750, while grand theft applies to items valued at $750 or more.[207] The following are the penalties for petty theft in Florida:

- Value under $100: A misdemeanor that carries a maximum jail sentence of six months and a fine of up to $500.
- Value between $100 and less than $750: A misdemeanor punishable by a jail term of up to one year and a maximum fine of $1,000.[208]

The following are the penalties for grand theft in Florida:

- Value between $750 and $20,000: A third-degree felony, punishable by up to five years in prison and a fine of up to $5,000.
- Value between $20,000 and $100,000: A second-degree felony, resulting in a maximum sentence of 15 years in prison and a fine of up to $10,000.
- Value exceeding $100,000: A first-degree felony, carrying a potential sentence of up to 30 years in prison and a fine of up to $10,000.[209]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Keating
Criminal Justice Subcommittee				
Agriculture & Natural Resources Budget Subcommittee				
Commerce Committee				

[207] S. 812.014, F.S. See also, Hager & Schwartz, P.A., *What Happens When You Steal Mail in Florida?* (July 28, 2023), https://www.defendyourcase.com/criminal-defense-blog/2023/july/what-happens-when-you-steal-mail-in-florida/ (last visited Mar. 14, 2025).
[208] *Id.*
[209] *Id.*

A bill to be entitled

An act relating to Department of Agriculture and Consumer Services; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from the Career Service system; amending s. 186.801, F.S.; requiring an electric utility to submit a 10-year site plan for a proposed power plant on certain lands to the county commission where such proposed power plant is located; requiring a county commission receiving such site plans to fulfill certain requirements; amending s. 193.461, F.S.; revising requirements for land to be classified as agricultural; amending s. 201.25, F.S.; conforming a provision to changes made by the act; amending s. 330.41, F.S.; defining terms; prohibiting a person from knowingly or willfully performing certain actions on lands classified as agricultural; providing criminal penalties; providing applicability; prohibiting a person from knowingly or willfully performing certain actions on private property, state wildlife management lands, or a sport shooting and training range; providing criminal penalties; providing applicability; creating s. 366.20, F.S.; requiring that certain lands acquired by an electric utility be offered for sale for less than fee simple

acquisition of development rights by the state; requiring that certain lands owned by an electric utility be offered for sale for less than fee simple acquisition of development rights by this state before certain circumstances; providing retroactive applicability; amending s. 366.94, F.S.; defining the term "electric vehicle charging station"; authorizing the department to adopt rules; requiring local governmental entities to issue permits for electric vehicle charging stations based on specified standards and provisions of law; requiring an electric vehicle charger to register with the department before being placed into service for use by the public; providing the department with certain authority relating to electric vehicle charging stations; providing a penalty; authorizing the department to issue an immediate final order to an electric vehicle charging station under certain circumstances; providing that the department may bring an action to enjoin a violation of specified provisions or rules; requiring the court to issue a temporary or permanent injunction under certain circumstances; amending s. 388.011, F.S.; revising the definition of "board of commissioners"; defining the term "program"; amending s. 388.021, F.S.; making a technical change; amending

s. 388.181, F.S.; authorizing programs to perform specified actions; amending s. 388.201, F.S.; conforming provisions to changes made by the act; requiring that the tentative work plan budget covering the proposed operations and requirements for arthropod control measures show the estimated amount to be raised by county, municipality, or district taxes; requiring that county commissioners' or a similar governing body's mosquito control budget be made and adopted pursuant to specified provisions and requiring that summary figures be incorporated into the county budgets as prescribed by the department; amending s. 388.241, F.S.; providing that certain rights, powers, and duties be vested in the board of county commissioners or similar governing body of a county, city, or town; amending s. 388.261, F.S.; increasing the amount of state funds, supplies, services, or equipment for a certain number of years for any new program for the control of mosquitos and other arthropods which serves an area not previously served by a county, municipality, or district; conforming a provision to changes made by the act; amending s. 388.271, F.S.; requiring each program participating in arthropod control activities to file a tentative integrated arthropod management plan with the

department by a specified date; conforming provisions with changes made by the act; amending s. 388.281, F.S.; requiring that all funds, supplies, and services released to programs be used in accordance with the integrated arthropod management plan and certified budget; requiring that such integrated arthropod management plan and certified budget be approved by both the board of county commissioners and appropriate representative; conforming provisions to changes made by the act; amending s. 388.291, F.S.; providing that a program may perform certain source reduction measures in any area providing that the department has approved the operating or construction plan as outlined in the integrated arthropod management plan; conforming provisions to changes made by the act; amending s. 388.301, F.S.; revising the schedule by which state funds for the control of mosquitos and other arthropods may be paid; conforming provisions to changes made by the act; amending s. 388.311, F.S.; conforming provisions to changes made by the act; amending s. 388.321, F.S.; conforming provisions to changes made by the act; amending s. 388.322, F.S.; requiring the department to maintain a record and inventory of certain property purchased with state funds for arthropod control use; conforming provisions

to changes made by the act; amending s. 388.323, F.S.; providing that certain equipment no longer needed by a program be first offered for sale to other programs engaged in arthropod control at a specified price; requiring that all proceeds from the sale of certain property owned by a program and purchased using state funds be deposited in the program's state fund account; conforming provisions to changes made by the act; amending s. 388.341, F.S.; requiring a program receiving state aid to submit a monthly report of all expenditures from all funds for arthropod control by a specified timeframe as may be required by the department; conforming provisions to changes made by the act; amending s. 388.351, F.S.; conforming provisions to changes made by the act; amending s. 388.361, F.S.; conforming provisions to changes made by the act; amending s. 388.3711, F.S.; revising the department's enforcement powers; amending s. 388.381, F.S.; conforming provisions to changes made by the act; amending s. 388.391, F.S.; conforming provisions to changes made by the act; amending s. 388.401, F.S.; conforming provisions to changes made by the act; amending s. 388.46, F.S.; revising the composition of the Florida Coordinating Council on Mosquito Control; amending s. 403.067, F.S.; providing an exception for

which agricultural producers the department must perform onsite inspections for; authorizing the department to adopt rules establishing an enrollment in best management practices by rule process; authorizing the department to identify best management practices for specified landowners; requiring the department to annually perform onsite inspections of a certain percentage of all enrollments that meet specified qualifications within a specified area; providing requirements for such inspections; requiring agricultural producers enrolled by rule in a best management practice to annually submit nutrient records to the department; requiring the department to collect and retain such records; amending s. 403.852, F.S.; defining the term, "water quality additive"; amending s. 403.859, F.S.; providing that the use of certain additives in a water system which do not meet the definition of water quality additive or certain other additives is prohibited and violates specified provisions; amending s. 482.111, F.S.; revising requirements for the renewal of a pest control operator's certificate; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.141, F.S.; requiring the department to provide in-person and remote testing for the

examination through a third-party vendor for an individual seeking pest control operator certification; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.155, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking limited certification for a governmental pesticide applicator or a private applicator; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.156, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking a limited certification for commercial landscape maintenance; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.157, F.S.; revising requirements for issuance of a limited certification for commercial wildlife management personnel; authorizing a third-party vendor

to collect and retain a convenience fee; deleting provisions requiring the department to make an examination readily accessible and available to all applicants on a specified schedule; amending s. 482.161, F.S.; authorizing the department to take specified disciplinary action upon the issuance of a final order imposing civil penalties or a criminal conviction pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 487.044, F.S.; requiring the department to provide in-person and remote testing through a third-party vendor for the examination of an individual seeking a limited certification for pesticide application; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 487.175, F.S.; providing that the department may suspend, revoke, or deny licensure of a pesticide applicator upon issuance of a final order to a licensee which imposes civil penalties or a criminal conviction under the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 496.404, F.S.; defining the terms "foreign country of concern" and "foreign source of concern"; amending s. 496.405, F.S.; revising which documents a charitable organization or sponsor must file before engaging in specified activities; requiring that any changes to

such documents be reported to the department on a specified form in a specified timeframe; revising the requirements of the charitable organization's initial registration statement; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of the charitable organization or sponsor; amending s. 496.415, F.S.; prohibiting specified persons from soliciting or accepting anything of value from a foreign source of concern; amending s. 496.417, F.S.; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of a charitable organization or sponsor; amending s. 496.419, F.S.; prohibiting a charitable organization or sponsor from registering as a charitable organization for a specified timeframe if the charitable organization or sponsor submits a false attestation; prohibiting specified persons from serving in any capacity in the charitable organization for a specified timeframe if such person was serving in such charitable organization at the time the charitable organization submitted a false attestation; creating s. 496.431, F.S.; requiring the department to create the Honest Service Registry to provide residents with information relating to charitable

organizations; requiring a charitable organization included in the Honest Services Registry to submit an attestation statement to the department; requiring the department to publish the Honest Services Registry on the department's website; requiring the department to adopt rules; amending s. 500.03, F.S.; revising the definition of the term "cottage food product"; amending s. 500.12, F.S.; providing that the department requires a food permit from any person or business that operates a food establishment; revising exceptions; revising the schedule for renewing certain food permits; authorizing the department to establish a single permit renewal date for certain food establishments; amending s. 500.166, F.S.; requiring certain persons engaged in interstate commerce to retain all records that show certain information for a specified timeframe; amending s. 500.172, F.S.; authorizing the department to facilitate the destruction of certain articles that violate specified provisions; prohibiting certain persons from certain actions without permission from, or in accord with a written agreement with, the department; creating s. 500.75, F.S.; providing that it is unlawful to import, sell, offer for sale, furnish, or give away certain spores or mycelium; providing a penalty for

violations; creating s. 500.93, F.S.; defining terms; requiring the department to adopt rules to enforce the Food and Drug Administration's (FDA's) standard of identity for milk to prohibit the sale of plant-based product mislabeled as milk; providing a contingent effective date; requiring the department to adopt rules to enforce the FDA's standard of identity for meat, poultry, and poultry products to prohibit the sale of plant-based product mislabeled as meat; providing a contingent effective date; requiring the department to adopt rules; providing construction; repealing s. 501.135, F.S., relating to consumer unit pricing; amending s. 501.912, F.S.; revising the definition of "antifreeze"; creating s. 525.19, F.S.; requiring the department to create an annual petroleum registration program for petroleum owners or operators who own and operate vehicles for transporting petroleum; requiring the department to adopt rules for such registration which include specified information; requiring that the registration program be free for all registrants; authorizing the department to require registrants to provide certain information during a state of emergency; creating s. 526.147, F.S.; creating the Florida Retail Fuel Transfer Switch Modernization Grant Program within the department;

requiring the grant program to provide funds up to a certain amount to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities; requiring the department to award funds based on specified criteria; requiring retail fuel facilities awarded grant funds to comply with specified provisions; requiring such facilities to install a transfer switch with specified capabilities; requiring retail fuel facilities to provide specified documentation before being awarded funding; prohibiting certain facilities from being awarded funding; requiring the department, in consultation with the Division of Emergency Management, to adopt rules; requiring that such rules include specified information; amending s. 531.48, F.S.; requiring that certain packages bear specified information on the outside of the package; amending s. 531.49, F.S.; revising requirements for the advertising of a packaged commodity; amending s. 570.07, F.S.; requiring the department to foster and encourage the employment and retention of qualified veterinary pathologists; providing that the department may reimburse the educational expenses of certain veterinary pathologists who enter into a certain

agreement with the department; requiring the department to administer rules; requiring the department to extend certain opportunities to public school students enrolled in agricultural education to support Future Farmers of America programming; amending s. 570.544, F.S.; revising which provisions the director of the Division of Consumer Services must enforce; creating s. 570.546, F.S.; authorizing the department to create a process for the bulk renewal of licenses; authorizing the department to create a process that will allow licensees to align the expiration dates of licenses within a specified program; authorizing the department to change the expiration date for current licenses for a certain purpose; requiring the department to pro-rate the licensing fee for certain licenses; requiring the department to adopt rules; amending s. 570.822, F.S.; defining the term "declared emergency"; revising the definition of the term "program"; providing that loan funds from the department may be used restock aquaculture; authorizing the department to renew a loan application under certain circumstances; authorizing the department to defer or waive loan payments under certain circumstances; conforming provisions to changes made by the act; creating s.

570.823, F.S.; defining terms; establishing the silviculture emergency recovery program within the department to administer a grant program to assist certain timber landowners; requiring that such grants be used for certain purposes; requiring that only timber lands located on agricultural property are eligible for the program; requiring the department to coordinate with state agencies to provide financial assistance to timber landowners after a specified declared emergency; providing construction; authorizing the department to adopt rules to implement this section; providing construction; amending s. 581.1843, F.S.; deleting provisions that exclude certain citrus nurseries from certain requirements; deleting provisions relating to regulated areas around the perimeter of commercial citrus nurseries; repealing ss. 593.101, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, 593.117, F.S., relating to the Florida Boll Weevil Eradication Law; definitions; powers and duties of Department of Agriculture and Consumer Services; the entry of premises to carry out boll weevil eradication activities and inspections; reports by persons growing cotton; quarantine areas

and the regulation of articles within a boll weevil eradication zone; the regulation of collection, transportation, distribution, and movement of cotton; cooperative programs for persons engaged in growing, processing, marketing, or handling cotton; the department's authority to designate eradication zones, prohibit planting of cotton, and require participation in eradication program; regulation of the pasturage of livestock, entry by persons, and location of honeybee colonies in eradication zones and other areas; eligibility for certification of cotton growers' organization; the certification of cotton growers' organization; a referendum; an assessment; the department's authority to enter agreements with the Farm Service Agency; liens; mandamus or injunction; penalty for violation; and the handling of moneys received, respectively; amending s. 595.404, F.S.; revising the department's powers and duties regarding school nutrition programs; amending s. 599.002, F.S.; renaming the Viticulture Advisory Council as the Florida Wine Advisory Council; revising the membership of the Florida Wine Advisory council; conforming provisions to changes made by the act; amending s. 599.003, F.S.; renaming the State Viticulture Plan as the State Wine Plan; conforming provisions to changes

made by the act; amending s. 599.004, F.S.; making technical changes; providing that wineries that fail to recertify annually or pay a specified licensing fee are subject to certain actions and costs; conforming provisions to changes made by the act; amending s. 599.012, F.S.; conforming provisions to changes made by the act; amending s. 616.12, F.S.; deleting provisions requiring a person who operates a minstrel show in connection with any certain public fairs to pay specified license taxes; deleting a provision that exempts such person from paying specified taxes; creating s. 687.16, F.S.; providing a short tile; defining terms; prohibiting a financial institution from discriminating in the provision of financial services to an agricultural producer based on an ESG factor; providing an inference with regard to a certain violation; providing that the financial institution may overcome the inference by making certain demonstrations regarding its denial or restriction of financial services to an agricultural producer; authorizing the Attorney General to enforce specified provisions; providing that a violation of specified provisions constitutes an unfair and deceptive trade practice; authorizing the Attorney General to investigate and seek remedies for such

unfair trade practices; authorizing an aggrieved party to seek an action for damages; amending s. 741.0305, F.S.; conforming a cross-reference; amending s. 790.06, F.S.; revising the circumstances under which the department may temporarily suspend a person's license to carry a concealed weapon or concealed firearm or the processing of an application for such license; requiring the department to notify certain licensees or applicants of his or her right to a hearing; requiring that the hearing regarding such suspension of license be for a limited purpose; requiring the department to issue a court an order lifting the suspension of an applicant's license upon a certain disposition of the criminal case; requiring that the suspension remain in effect upon a certain disposition of the criminal case; providing construction; providing legislative findings; revising the duties of the department after the date of receipt of a completed application for a license to carry a concealed weapon or concealed firearm; requiring that a license issued under this section be temporarily suspended or revoked if the license was issued in error or if the licensee commits certain actions; amending s. 790.33, F.S.; specifying requirements for the assessment of certain civil fines and attorney

fees and costs; amending s. 812.0151, F.S.; revising the elements of third degree and second degree felony retail fuel theft; creating s. 812.136, F.S.; defining terms; providing elements for the crime of mail theft; providing elements of theft of or unauthorized reproduction of a mail depository key or lock; providing criminal penalties; creating s. 1013.373, F.S.; prohibiting a local government from adopting any measure to limit the activities of public educational facilities or auxiliary facilities constructed by certain organizations; requiring that lands used for agricultural education or for the Future Farmers of America or 4-H activities be considered agricultural lands; reenacting s. 295.07(5)(a), F.S., relating to preference in appointment and retention, to incorporate the amendment made to s. 110.205, F.S., in references thereto; reenacting ss. 125.01(1)(r), 163.3162(3)(a)-(d), 163.3163(3)(c), 163.3164(4), 163.3194(5), 170.01(4), 193.052(2), 193.4615, 212.08(5)(a) and (19)(a), 373.406(2), 403.182(11)(a), 403.9337(4), 472.029(2)(d), 474.2021(5), 474.2165(4)(d), 487.081(6), 570.85(1), 570.87(1), 570.94(3), 582.19(1)(a), 586.055, 604.50(2)(d), 604.73(3)(b), 692.201(1), 741.30(5)(a) and (6)(a), 810.011(5)(a), 823.14(6), and 604.50(2)(a), F.S.,

relating to powers and duties; agricultural lands and practices; applications for development permits; community planning act; legal status of comprehensive plan; authority for providing improvements and levying and collecting special assessments against property benefited; preparation and serving of returns; assessment of obsolete agricultural equipment; storage tax; exemptions; local pollution control programs; the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; authorization to enter lands of third parties; veterinary telehealth; ownership and control of veterinary medical patient records; exemptions; agritourism; agritourism participation impact on land classification; best management practices for wildlife; qualifications and tenure of supervisors; location of apiaries; nonresidential farm buildings; urban agriculture pilot projects; definitions; definitions; domestic violence; and the Florida Right to Farm Act, respectively, to incorporate the amendment made to s. 193.461, F.S., in references thereto; reenacting ss. 189.062(1)(a) and 388.261(7), F.S., relating to special procedures for inactive districts and state aid to counties and districts for arthropod control, respectively, to incorporate the amendment made to s. 388.271, F.S., in

references thereto; reenacting ss. 482.072(3)(b) and 482.163, relating to pest control customer contact centers and responsibility for pest control activities of employee, respectively, to incorporate the amendment made to s. 482.161, F.S., in references thereto; reenacting s. 487.156, F.S., relating to governmental agencies, to incorporate the amendment made to s. 487.044, F.S., in a reference thereto; reenacting ss. 496.4055(2) and 496.406(2) and (4), F.S, relating to charitable organization or sponsor board duties and exemption from registration, respectively, to incorporate the amendment made to s. 496.405, F.S., in references thereto; reenacting s. 500.80(1)(a), F.S., relating to cottage food operations, to incorporate the amendment made to s. 500.12, F.S., in a reference thereto; reenacting s. 500.121(6), F.S., relating to disciplinary procedures, to incorporate the amendment made to s. 500.172, F.S., in a reference thereto; reenacting s. 790.061, F.S., relating to judges and justices, to incorporate the amendment made to s. 790.06, F.S., in a reference thereto; providing an effective date.

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

Section 1. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

4. Positions in the Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in the Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

7. Positions in the Department of Agriculture and Consumer Services which are assigned primary duties of serving as captains or majors in the Office of Agricultural Law Enforcement.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 2. Present subsections (3) and (4) of section 186.801, Florida Statutes, are redesignated as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and subsection (1) of that section is amended, to read:

186.801 Ten-year site plans.—

(1) Each electric utility shall submit to the Public Service Commission a 10-year site plan which shall estimate its power-generating needs and the general location of its proposed power plant sites. If the proposed power plant site is located

on land that has, at any time during the previous 5 years, been classified as agricultural lands pursuant to s. 193.461, the electric utility must submit the plan to the county commission of the county in which the proposed site is located. The county commission shall comply with subsection (3). The 10-year plan shall be reviewed and submitted not less frequently than every 2 years.

(3) A county commission that receives 10-year site plans from electric utilities pursuant to subsection (1) must do all of the following:

(a) Adhere to the same processes and procedures provided in this section for the Public Service Commission.

(b) Provide the Public Service Commission with the county commission's findings upon completion of the preliminary study of the proposed plan.

Section 3. Paragraph (b) of subsection (3) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

(3)

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term "bona fide agricultural purposes" means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

a. The length of time the land has been so used.

b. Whether the use has been continuous.

c. The purchase price paid.

d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.

e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.

f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.

g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

3. Lands owned or leased by an electric utility as defined in s. 361.11(2) which may also be the site of solar energy systems as defined in s. 212.02(26) and bona fide agricultural uses of the land, and which comply with all other provisions of

this section, must be classified agricultural by the property appraiser.

Section 4. Subsection (3) of section 201.25, Florida Statutes, is amended to read:

201.25 Tax exemptions for certain loans.—There shall be exempt from all taxes imposed by this chapter:

(3) Any loan made by the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program pursuant to s. 570.822.

Section 5. Present paragraphs (a) through (d) and (e) of subsection (2) and subsection (6) of section 330.41, Florida Statutes, are redesignated as paragraphs (b) through (e) and (j) of subsection (2) and subsection (8), respectively, new paragraphs (a) and (f) and paragraphs (g), (h), and (i) are added to subsection (2) and new subsection (6) and subsection (7) are added to that section, and paragraph (d) of subsection (4) of that section is amended, to read:

330.41 Unmanned Aircraft Systems Act.—

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

(a) "Commercial property" means real property other than residential property. The term includes, but is not limited to, a property zoned multifamily residential which is composed of five or more dwelling units, and real property used for commercial, industrial, or agricultural purposes.

(f) "Private property" means any residential or commercial

property.

(g) "Property owner" means the owner or owners of record of real property. The term includes real property held in trust for the benefit of one or more individuals, in which case the individual or individuals may be considered as the property owner or owners, provided that the trustee provides written consent. The term does not include persons renting, using, living, or otherwise occupying real property.

(h) "Residential property" means real property zoned as residential or multifamily residential and composed of four or fewer dwelling units.

(i) "Sport shooting and training range" has the same meaning as s. 790.333(3)(h).

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(d) This subsection and paragraph (2)(b) ~~paragraph (2)(a)~~ shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

(6) PROTECTION OF AGRICULTURAL LANDS.—

(a) A person may not knowingly or willfully do any of the following on lands classified as agricultural lands pursuant to s. 193.461:

1. Operate a drone.

2. Allow a drone to make contact with any person or object on the premises of or within the boundaries of such lands.

3. Allow a drone to come within close enough distance of such lands to interfere with or cause a disturbance to agricultural production.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The owner of the agricultural lands, or a person acting under the prior written consent of the owner of the agricultural lands.

2. A law enforcement agency that is in compliance with s. 934.50 or a person under contract with or otherwise acting under the direction of such law enforcement agency.

3. A federal, state, or other governmental entity, or a person under contract with or otherwise acting under the direction of a federal, state, or other governmental entity.

(7) PROTECTION OF PRIVATE PROPERTY AND STATE HUNTING LANDS.—

(a) A person may not knowingly or willfully do any of the following on private property, state wildlife management lands, or a sport shooting and training range:

1. Operate a drone.

2. Allow a drone to make contact with such property or any person or object on the premises of or within such property with the intent to harass.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who violates paragraph (a) and records video of the private property, state wildlife management lands, or sport shooting and training range, including any person or object on the premises of or within the private property, state wildlife management lands, or sport shooting and training range, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The property owner of the private property or sport shooting and training range, or a person acting under the prior written consent of the property owner.

2. A law enforcement agency that is in compliance with s. 934.50 or a person under contract with or otherwise acting under

the direction of such law enforcement agency.

3. A federal, state, or other governmental entity, or a person under contract with or otherwise acting under the direction of a federal, state, or other governmental entity.

Section 6. Section 366.20, Florida Statutes, is created to read:

366.20 Sale and management of lands owned by electric utilities.—

(1) Lands acquired by an electric utility as defined in s. 361.11(2) which have been classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the acquisition of the land by the electric utility, must be offered for less than fee simple acquisition of development rights by the state.

(2) Lands owned by an electric utility as defined in s. 361.11(2) which were classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the date of acquisition of the land by the electric utility must be offered for less than fee simple acquisition of development rights by this state before offering for sale or transferring the land to a private individual or entity.

(3) This section is retroactive to January 1, 2024.

Section 7. Present paragraphs (3) and (4) of section 366.94, Florida Statutes, are redesignated as subsections (4) and (5), respectively, a new subsection (3) is added to that

section, and subsection (2) of that section is amended, to read:

366.94 Electric vehicle charging.—

(2)(a) As used in this section, the term "electric vehicle charging station" means the area in the immediate vicinity of electric vehicle supply equipment and includes the electric vehicle supply equipment, supporting equipment, and associated parking spaces. The regulation of electric vehicle charging stations is preempted to the state.

(b) ~~(a)~~ A local governmental entity may not enact or enforce an ordinance or regulation related to electric vehicle charging stations.

(3)(a) ~~(b)~~ The Department of Agriculture and Consumer Services shall adopt rules to implement this subsection and to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.

(b) The department may adopt rules to protect the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations.

(c) Local governmental entities shall issue permits for electric vehicle charging stations based solely upon standards established by department rule and other applicable provisions of state law. The department shall prescribe by rule the time period for approving or denying permit applications.

(d) Before a charger at an electric vehicle charging

station is placed into service for use by the public, the charger must be registered with the department on a form prescribed by department rule.

(e) The department shall have the authority to inspect electric vehicle charging stations, conduct investigations, and enforce the provisions of this subsection and any rules adopted under this subsection. The department may impose one or more of the following penalties against a person who violates this subsection or any rule adopted under this subsection:

1. Issuance of a warning letter.

2. Imposition of an administrative fine in the Class II category pursuant to s. 570.971 for each violation.

(f) If the department determines that an electric vehicle charging station or any associated equipment presents a threat to the public health, safety, or welfare, the department may issue an immediate final order prohibiting the use of the electric vehicle charging station or any portion thereof.

(g) In addition to the remedies provided in this subsection, and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin a violation of this subsection or rules adopted under this subsection in the circuit court of the county in which the violation occurs or is about to occur. Upon demonstration of competent and substantial evidence by the department to the court of the violation or threatened violation, the court shall

immediately issue the temporary or permanent injunction sought by the department. The injunction shall be issued without bond.

Section 8. Present subsections (10) and (11) of section 388.011, Florida Statutes, are redesignated as subsections (11) and (12), respectively, a new subsection (10) is added to that section, and subsections (2) and (5) of that section are amended, to read:

388.011 Definitions.—As used in this chapter:

(2) "Board of commissioners" means the governing body of any mosquito control programs ~~district~~, and may include boards of county commissioners, city councils, municipalities, or other similar governing bodies when context so indicates.

(5) "District" means any mosquito control special district established in this state by law for the express purpose of controlling arthropods within boundaries of said districts.

(10) "Program" means any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality.

Section 9. Section 388.021, Florida Statutes, is amended to read:

388.021 Creation of mosquito control special districts.—

(1) The abatement or suppression of arthropods, whether disease-bearing or merely pestiferous, within any or all counties of this state is advisable and necessary for the maintenance and betterment of the comfort, health, and welfare

of the people thereof and is found and declared to be for public purposes. Areas where arthropods incubate, hatch, or occur in significant numbers so as to constitute a public health, welfare, or nuisance problem may be controlled or abated as provided in this chapter or the rules promulgated hereunder. Therefore, any municipality ~~city~~, town, or county, or any portion or portions thereof, whether such portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of arthropods under the provisions of this chapter.

(2) It is the legislative intent that those mosquito control districts established prior to July 1, 1980, pursuant to the petition process contained in former s. 388.031, may continue to operate as outlined in this chapter. However, on and after that date, no mosquito control districts may be created except pursuant to s. 125.01.

Section 10. Section 388.181, Florida Statutes, is amended to read:

388.181 Power to do all things necessary.—The respective programs ~~districts~~ of the state are hereby fully authorized to do and perform all things necessary to carry out the intent and purposes of this law.

Section 11. Subsections (1), (2), (4), and (5) of section 388.201, Florida Statutes, are amended to read:

388.201 Program ~~District~~ budgets; hearing.—

(1) The fiscal year of programs ~~districts~~ operating under the provisions of this chapter shall be the 12-month period extending from October 1 of one year through September 30 of the following year. The governing board of the programs ~~district~~ shall before July 15 of each year complete the preparation of a tentative detailed work plan budget covering its proposed operations and requirements for arthropod control measures during the ensuing fiscal year and, for the purpose of determining eligibility for state aid, shall submit copies as may be required to the department for review and approval. The tentative detailed work plan budget shall set forth, classified by account number, title and program items, and by fund from which to be paid, the proposed expenditures of the program ~~district~~ for construction, for acquisition of land, and other purposes, for the operation and maintenance of the program's ~~district's~~ works, the conduct of the program ~~district~~ generally, to which may be added an amount to be held as a reserve.

(2) The tentative detailed work plan budget shall also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted. There shall be shown the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year and the estimated amount to be raised by county, municipality, or district taxes and from any and all other

sources for meeting the program's ~~the district's~~ requirements.

(4) The governing board:

(a) Shall consider objections filed against adoption of the tentative detailed work plan budget and in its discretion may amend, modify, or change such budget; and

(b) Shall by September 30 adopt and execute on a form furnished by the department a certified budget for the programs ~~district~~ which shall be the operating and fiscal guide for the program ~~district~~. Certified copies of this budget shall be submitted by September 30 to the department for approval.

(5) County commissioners' mosquito and arthropod control budgets or the budgets of or similar governing body of said county, city, or town's shall be made and adopted as prescribed by subsections (1) and (2); summary figures shall be incorporated into the county budgets as prescribed by the Department of Financial Services.

Section 12. Section 388.241, Florida Statutes, is amended to read:

388.241 Board of county commissioners vested with powers and duties of board of commissioners in certain counties.—In those counties or cities where there has been no formation of a separate or special board of commissioners, all the rights, powers, and duties of a board of commissioners as conferred in this chapter shall be vested in the board of county commissioners or similar governing body of said county or city.

Section 13. Subsections (1), (2), and (5) through (8) of section 388.261, Florida Statutes, are amended to read:

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

(1) A county or district may, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount of no more than $75,000 ~~$50,000~~ per year for up to 3 years for any new program for the control of mosquitoes and other arthropods which serves an area not previously served by the county, municipality, or district. These funds may be expended for any and all types of control measures approved by the department.

(2) Every county, municipality, or district budgeting local funds to be used exclusively for the control of mosquitoes and other arthropods, under a plan submitted by the county, municipality, or district and approved by the department, is eligible to receive state funds and supplies, services, and equipment on a dollar-for-dollar matching basis to the amount of local funds budgeted. If state funds appropriated by the Legislature are insufficient to grant each county, municipality, or district state funds on a dollar-for-dollar matching basis to the amount budgeted in local funds, the department shall distribute the funds as prescribed by rule. Such rules shall provide for up to 80 percent of the funds to be distributed to

programs with local funds for mosquito control budgets of less than $1 million, if the county, municipality, or district meets the eligibility requirements. The funds shall be distributed as equally as possible within the category of counties pursuant to this section. The remaining funds shall be distributed as prescribed by rule among the remaining counties to support mosquito control and to support research, education, and outreach.

(5) If more than one program ~~local mosquito control agency~~ exists in a county or municipality, the funds shall be prorated between the programs ~~agencies~~ based on the population served by each program ~~agency~~.

(6) The Commissioner of Agriculture may exempt counties, municipalities, or districts from the requirements in subsection (1), subsection (2), or subsection (3) when the department determines state funds, supplies, services, or equipment are necessary for the immediate control of mosquitoes and other arthropods that pose a threat to human or animal health.

(7) The department may use state funds appropriated for a county, municipality, or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a county, municipality, or district eligible to receive state funds under s. 388.271.

(8) The department is authorized to use up to 5 percent of

the funds appropriated annually by the Legislature under this section to provide technical assistance to the counties, municipalities, or districts, or to purchase equipment, supplies, or services necessary to administer the provisions of this chapter.

Section 14. Subsections (1) and (2) of section 388.271, Florida Statutes, are amended to read:

388.271 Prerequisites to participation.—

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

Office of the Governor.

(2) All purchases of supplies, materials, and equipment by programs ~~counties or districts~~ shall be made in accordance with the laws governing purchases by boards of county commissioners or similar governing bodies, except that programs ~~districts~~ with special laws relative to competitive bidding shall make purchases in accordance therewith.

Section 15. Subsections (1) and (3) of section 388.281, Florida Statutes, are amended to read:

388.281 Use of state matching funds.—

(1) All funds, supplies, and services released to programs ~~counties and districts~~ hereunder shall be used in accordance with the integrated arthropod management ~~detailed work~~ plan and certified budget approved by both the board of commissioners and appropriate representative ~~department and the county or district~~. The integrated arthropod management plan and budget may be amended at any time upon prior approval of the department.

(3) In any program ~~county or district~~ where the arthropod problem has been eliminated, or reduced to such an extent that it does not constitute a health, comfort, or economic problem as determined by the department, the maximum amount of state funds available under this chapter shall be reduced to the amount necessary to meet actual need.

Section 16. Subsections (1) and (2) of section 388.291,

Florida Statutes, are amended to read:

388.291 Source reduction measures; supervision by department.—

(1) Any program ~~county or district~~ may perform source reduction measures in conformity with good engineering practices in any area, provided that the department cooperating with the county, municipality, or district has approved the operating or construction plan as outlined in the integrated arthropod management plan and it has been determined by criteria contained in rule that the area or areas to be controlled would produce arthropods in significant numbers to constitute a health or nuisance problem.

(2) The program ~~county or district~~ shall manage the detailed business affairs and supervise said work, and the department shall advise the programs ~~districts~~ as to the best and most effective measures to be used in bringing about better temporary control and the permanent elimination of breeding conditions. The department may at its discretion discontinue any state aid provided hereunder in the event it finds the jointly agreed upon program is not being followed or is not efficiently and effectively administered.

Section 17. Section 388.301, Florida Statutes, is amended to read:

388.301 Payment of state funds; supplies and services.—State funds shall be payable ~~quarterly~~, in accordance with the

rules of the department, upon requisition by the department to the Chief Financial Officer. The department is authorized to furnish insecticides, chemicals, materials, equipment, vehicles, and personnel in lieu of state funds where mass purchasing may save funds for the state, or where it would be more practical and economical to use equipment, supplies, and services between two or more programs ~~counties or districts~~.

Section 18. Section 388.311, Florida Statutes, is amended to read:

388.311 Carry over of state funds and local funds.—State and local funds budgeted for the control of mosquitoes and other arthropods shall be carried over at the end of the program's ~~county or district's~~ fiscal year, and rebudgeted for such control measures the following fiscal year.

Section 19. Section 388.321, Florida Statutes, is amended to read:

388.321 Equipment to become property of a program ~~the county or district~~.—All equipment purchased under this chapter with state funds made available directly to a program ~~the county or district~~ shall become the property of the program ~~county or district~~ unless otherwise provided, and may be traded in on other equipment, or sold, when no longer needed by the program ~~county or district~~.

Section 20. Section 388.322, Florida Statutes, is amended to read:

388.322 Record and inventory of certain property.—A record and inventory of certain property purchased with state funds for arthropod control use owned by the program ~~district~~ shall be maintained in accordance with s. 274.02.

Section 21. Section 388.323, Florida Statutes, is amended to read:

388.323 Disposal of surplus property.—Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions:

(1) Serviceable equipment purchased using state funds for arthropod control use no longer needed by a program ~~county or district~~ shall first be offered to any or all other programs ~~counties or districts~~ engaged in arthropod control at a price established by the board of commissioners owning the equipment.

(2) The alternative procedure for disposal of surplus property, as prescribed in s. 274.06, shall be followed if it is determined that no other programs ~~county or district~~ engaged in arthropod control has need for the equipment.

(3) All proceeds from the sale of any real or tangible personal property owned by the program ~~county or district~~ and purchased using state funds shall be deposited in the program's ~~county's or district's~~ state fund account unless otherwise specifically designated by the department.

Section 22. Section 388.341, Florida Statutes, is amended to read:

388.341 Reports of expenditures and accomplishments.—Each program receiving state aid ~~county and district participating~~ under the provisions of this chapter shall within 30 days after the end of each month submit to the department a monthly report for the preceding month of expenditures from all funds for arthropod control, and each program participating under this chapter shall provide such reports of activities and accomplishments as may be required by the department.

Section 23. Section 388.351, Florida Statutes, is amended to read:

388.351 Transfer of equipment, personnel, and supplies during an emergency.—The department, upon notifying a program ~~county or district~~ and obtaining its approval, is authorized to transfer equipment, materials, and personnel from one program ~~district~~ to another in the event of an emergency brought about by an arthropod-borne epidemic or other disaster requiring emergency control.

Section 24. Subsection (7) of section 388.361, Florida Statutes, is amended to read:

388.361 Department authority and rules; administration.—

(7) The department shall have the authority to collect, detect, suppress, and control mosquitoes and other arthropods that are determined by the State Health Officer to pose a threat to public health, or determined by the Commissioner of Agriculture to pose a threat to animal health, wherever they may

occur on public or private land in this state, and to do all things necessary in the exercise of such authority. Prior to the start of treatments for the control of mosquitoes or other arthropods, the department shall consult with the mosquito control programs ~~districts~~ in the proposed treatment areas, the Department of Health, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission regarding the proposed locations, dates, and methods to be used.

Section 25. Subsections (2) and (3) of section 388.3711, Florida Statutes, are amended to read:

388.3711 Enforcement.—

(2) The department may issue a written warning, impose a fine; deny, suspend, or revoke any license or certification~~,~~ or the disbursal of state aid; or deny participation, in accordance with the provisions of chapter 120, upon any one or more of the following grounds as may be applicable:

(a) Violation of any rule of the department or provision of this chapter.

(b) Violation of FIFRA or any relevant EPA rule or regulation pertaining to the use of arthropod control pesticides by the licensee.

(c) Failure to give the department, or any authorized representative thereof, true information upon request regarding methods and materials used, work performed, or other information essential to the administration of this chapter.

(3) The department may, if it finds a violation is of such nature or circumstances that imposition of a fine, denial, revocation, or suspension of a certification or license or disbursal of state aid would be detrimental to the public or be unnecessarily harsh under the circumstances, in its discretion, place the offending party on probation for a period of not more than 2 years. If the department determines that the terms of such probation have been violated, it may reinstitute license or certification or state aid denial, suspension, or revocation proceedings.

Section 26. Section 388.381, Florida Statutes, is amended to read:

388.381 Cooperation by programs ~~counties and district~~.—Any program conducting ~~county or district carrying on an~~ arthropod control ~~program~~ may cooperate with another county, district, or municipality in carrying out work ~~a program~~ for the control of mosquitoes and other arthropods, by agreement as to the program and reimbursement thereof, when approved by the department.

Section 27. Section 388.391, Florida Statutes, is amended to read:

388.391 Control measures in municipalities and portions of counties located outside boundaries of programs ~~districts~~.—Any program ~~district~~ whose operation is limited to a portion of the county in which it is located may perform any control measures authorized by this chapter in any municipality located in the

same county or in any portions of the same county, where there is no established program ~~district~~, when requested to do so by the municipality or county, pursuant to s. 388.381.

Section 28. Section 388.401, Florida Statutes, is amended to read:

388.401 Penalty for damage to property or operations.—Whoever ~~shall~~ willfully damages ~~damage~~ any of the property of any program ~~county or district~~ created under this or other chapters, or any works constructed, maintained, or controlled by such program ~~county or district~~, or who ~~shall~~ obstructs ~~obstruct~~ or causes ~~cause~~ to be obstructed any of the operations of such program ~~county or district~~, or who ~~shall~~ knowingly or willfully violates ~~violate~~ any provisions of this chapter or any rule or regulation promulgated by any board of commissioners of any program, commits ~~county or district shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 29. Paragraph (a) of subsection (2) of section 388.46, Florida Statutes, is amended to read:

388.46 Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.—

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(a) *Membership.*—The Florida Coordinating Council on Mosquito Control shall be comprised of the following representatives or their authorized designees:

1. The Secretary of Environmental Protection.

2. The State Surgeon General.

3. The executive director of the Fish and Wildlife Conservation Commission.

4. The state epidemiologist.

5. The Commissioner of Agriculture.

6. The Board of Trustees of the Internal Improvement Trust Fund.

7. Representatives from:

a. The University of Florida, Institute of Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory.

b. The United States Environmental Protection Agency.

c. The United States Department of Agriculture, Center of Medical, Agricultural, and Veterinary Entomology ~~Insects Affecting Man Laboratory~~.

d. The United States Fish and Wildlife Service.

8. Four ~~Two~~ mosquito control directors to be nominated by the Florida Mosquito Control Association, two representatives of Florida environmental groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 4-year terms by the Commissioner of Agriculture and serve until his or her successor is appointed.

Section 30. Paragraph (d) of subsection (7) of section

403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(d) *Enforcement and verification of basin management action plans and management strategies.*—

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in

consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice, except those enrolled by rule in subparagraph 4., to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the

Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

4. The Department of Agriculture and Consumer Services is authorized to adopt rules establishing an enrollment in best management practices by rule process that agricultural pollutant sources and agricultural producers may utilize in lieu of the best management practices adopted in paragraph (c) and identify best management practices for landowners of parcels which meet the following requirements:

a. A parcel not be more than 25 acres in size;

b. A parcel designated as agricultural land use by the county in which it is located or the parcel is granted agricultural tax classification by the county property appraiser of the county in which it is located;

c. A parcel with water use not exceeding 100,000 gallons per day on average unless the entire use is met using recycled water from wet detention treatment ponds or reuse water;

d. A parcel where the agricultural activity on the parcel is not vegetable crop, agronomic crop, a nursery, or a dairy operation;

e. A parcel not abutting an impaired water body identified in subsection (4); and

f. A parcel not part of a larger operation that is enrolled in Department of Agriculture and Consumer Services best management practices or conducting water quality monitoring

prescribed by the department or a water management district.

Such requirements shall specify design or performance criteria that, if applied, would result in compliance with appropriate water quality standards. The Department of Agriculture and Consumer Services is authorized to adopt additional eligibility criteria for landowners or producers to utilize enrollment by rule and to revoke enrollment by rule.

5. The Department of Agriculture and Consumer Services shall annually perform onsite inspections of twenty percent for all enrollments that meet the qualifications pursuant to subparagraph 4. by rule within basin management action plan areas, to ensure that practices are being properly implemented. Such inspection must include a collection and review of the identified best management practice documentation from the previous two years required by rules adopted pursuant to subparagraph (c)2. All agricultural producers enrolled by rule in a best management practice must annually submit nutrient records, including nitrogen and phosphorus fertilizer application records for the previous calendar year, to the Department of Agriculture and Consumer Services as required by rules adopted pursuant to subparagraph (c)2. The Department of Agriculture and Consumer Services shall collect and retain these nutrient records pursuant to subparagraphs (c)3., 4., and 6.

Section 31. Subsection (19) is added to section 403.852,

Florida Statutes, to read:

403.852 Definitions; ss. 403.850-403.864.—As used in ss. 403.850-403.864:

(19) "Water quality additive" means any chemical or additive which is used in a public water system for the purpose of removing contaminants or increasing water quality. The term does not include additives used for health-related purposes.

Section 32. Subsection (8) is added to section 403.859, Florida Statutes, to read:

403.859 Prohibited acts.—The following acts and the causing thereof are prohibited and are violations of this act:

(8) The use of any additives in a public water system which do not meet the definition of a water quality additive as defined in s. 403.852, or the use of any additives included primarily for health-related purposes.

Section 33. Subsection (10) of section 482.111, Florida Statutes, is amended to read:

482.111 Pest control operator's certificate.—

(10) In order to renew a certificate, the certificateholder must complete 2 hours of approved continuing education on legislation, safety, pesticide labeling, and integrated pest management and 2 hours of approved continuing education in each category of her or his certificate or must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party

vendor may collect and retain a convenience fee ~~given by the department~~. The department may not renew a certificate if the continuing education or examination requirement is not met.

(a) Courses or programs, to be considered for credit, must include one or more of the following topics:

1. The law and rules of this state pertaining to pest control.

2. Precautions necessary to safeguard life, health, and property in the conducting of pest control and the application of pesticides.

3. Pests, their habits, recognition of the damage they cause, and identification of them by accepted common name.

4. Current accepted industry practices in the conducting of fumigation, termites and other wood-destroying organisms pest control, lawn and ornamental pest control, and household pest control.

5. How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels used in pest control.

6. Integrated pest management.

(b) The certificateholder must submit with her or his application for renewal a statement certifying that she or he has completed the required number of hours of continuing education. The statement must be on a form prescribed by the department and must identify at least the date, location,

provider, and subject of the training and must provide such other information as required by the department.

(c) The department shall charge the same fee for examination as provided in s. 482.141(2).

Section 34. Subsection (1) of section 482.141, Florida Statutes, is amended to read:

482.141 Examinations.—

(1) Each individual seeking certification must satisfactorily pass an examination which must be written but which may include practical demonstration. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~hold at least two examinations each year~~. An applicant may seek certification in one or more categories.

Section 35. Paragraph (b) of subsection (1) of section 482.155, Florida Statutes, is amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)

(b) A person seeking limited certification under this subsection must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given or approved by the department~~. Each application for examination must be accompanied by an examination fee set by the

department, in an amount of not more than $150 or less than $50; and a recertification fee of $25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is $50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The limited certificate expires 4 years after the date of issuance. If the certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. The department shall make available ~~provide~~ the appropriate reference material ~~and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county~~.

Section 36. Subsection (2) of section 482.156, Florida Statutes, is amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.—

(2)(a) A person seeking limited certification under this section must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than $150 or less than $50.

Before the department issues a limited certification under this section, each person applying for the certification must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

(b) The department shall make available ~~provide~~ the appropriate reference materials for the examination and provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~make the examination readily accessible and available to applicants at least quarterly or as necessary in each county~~.

Section 37. Subsection (2) of section 482.157, Florida Statutes, is amended to read:

482.157 Limited certification for commercial wildlife management personnel.—

(2) The department shall issue a limited certificate to an applicant who:

(a) Submits an application and examination fee of at least $150, but not more than $300, as prescribed by the department by rule;

(b) Passes an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~administered by the department~~. The department shall make

available ~~provide~~ the appropriate study materials for the examination ~~and make the examination readily available to applicants in each county as necessary, but not less frequently than quarterly~~; and

(c) Provides proof, including a certificate of insurance, that the applicant has met the minimum bodily injury and property damage insurance requirements in s. 482.071(4).

Section 38. Paragraph (m) is added to subsection (1) of section 482.161, Florida Statutes, to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(1) The department may issue a written warning to or impose a fine against, or deny the application for licensure or licensure renewal of, a licensee, certified operator, limited certificateholder, identification cardholder, or special identification cardholder or any other person, or may suspend, revoke, or deny the issuance or renewal of any license, certificate, limited certificate, identification card, or special identification card that is within the scope of this chapter, in accordance with chapter 120, upon any of the following grounds:

(m) Upon the issuance of a final order imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b), of FIFRA.

Section 39. Subsection (2) of section 487.044, Florida

Statutes, is amended to read:

487.044 Certification; examination.—

(2) The department shall require each applicant for a certified applicator's license to demonstrate competence by a written or oral examination in which the applicant must demonstrate adequate knowledge concerning the proper use and application of restricted-use pesticides in each classification for which application for license is made. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee. The examination may be prepared, administered, and evaluated by the department. Each applicant for a certified applicator's license shall demonstrate minimum competence as to:

(a) The proper use of the equipment.

(b) The environmental hazards that may be involved in applying restricted-use pesticides.

(c) Calculating the concentration of restricted-use pesticides to be used in particular circumstances.

(d) Identification of common pests to be controlled and the damages caused by such pests.

(e) Protective clothing and respiratory equipment required during the handling and application of restricted-use pesticides.

(f) General precautions to be followed in the disposal of containers, as well as the cleaning and decontamination of the

equipment which the applicant proposes to use.

(g) Applicable state and federal pesticide laws, rules, and regulations.

(h) General safety precautions.

Section 40. Subsection (6) is added to section 487.175, Florida Statutes, to read:

487.175 Penalties; administrative fine; injunction.—

(6) Licensure may be suspended, revoked, or denied by the department, upon the issuance of a final order to a licensee imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 41. Subsections (13) through (28) of section 496.404, Florida Statutes, are redesignated as subsections (15) through (30), respectively, and subsections (13) and (14) are added to that section, to read:

496.404 Definitions.—As used in ss. 496.401-496.424, the term:

(13) "Foreign country of concern" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.

(14) "Foreign source of concern" means any of the following:

(a) The government or any official of the government of a foreign country of concern;

(b) A political party or member of a political party or any subdivision of a political party in a foreign country of concern;

(c) A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity;

(d) Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;

(e) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or

(f) An entity in which a person, entity, or collection of persons or entities described in paragraphs (a)-(e) has a controlling interest. As used in this paragraph, the term "controlling interest" means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.

Section 42. Present paragraphs (d) through (g) of subsection (2) of section 496.405, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, new paragraphs (d) and (e) are added to that subsection, subsection (11) is added to that section, and paragraph (b) of subsection (1) and paragraph (b) of subsection (7) of that section are amended, to read:

496.405 Registration statements by charitable organizations and sponsors.—

(1) A charitable organization or sponsor, unless exempted pursuant to s. 496.406, which intends to solicit contributions in or from this state by any means or have funds solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor, or that participates in a charitable sales promotion or sponsor sales promotion, must, before engaging in any of these activities, file an initial registration statement, which includes an attestation statement, and a renewal statement annually thereafter, with the department.

(b) Any changes to the information submitted to the department pursuant to paragraph (2)(f) ~~(2)(d)~~ on the initial registration statement, which includes an attestation statement, or the last renewal statement must be reported to the department on a form prescribed by the department within 10 days after the change occurs.

(2) The initial registration statement must be submitted on a form prescribed by the department, signed by an authorized official of the charitable organization or sponsor who shall certify that the registration statement is true and correct, and include the following information or material:

(d) An attestation statement, which must be submitted on a form prescribed by the department and signed by an authorized official of the charitable organization, who shall certify and attest that the charitable organization, if engaged in activities that would require registration pursuant to chapter 106 is registered with the Department of State, pursuant to chapter 106.

(e) An attestation statement on a form prescribed by the department, signed by an authorized official of the charitable organization, who shall certify and attest that the charitable organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration with the Department of State pursuant to chapter 106.

(7)

(b) If a charitable organization or sponsor discloses information specified in subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ in the initial registration statement or annual renewal statement, the time limits set forth in paragraph (a) are waived, and the department shall process such initial registration statement or annual renewal statement in accordance

with the time limits set forth in chapter 120. The registration of a charitable organization or sponsor shall be automatically suspended for failure to disclose any information specified in subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ until such time as the required information is submitted to the department.

(11) The department may investigate and refer the charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 43. Subsection (20) is added to section 496.415, Florida Statutes, to read:

496.415 Prohibited acts.—It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:

(20) Solicit or accept contributions or anything of value from a foreign source of concern.

Section 44. Section 496.417, Florida Statutes, is amended to read:

496.417 Criminal penalties.—Except as otherwise provided in ss. 496.401-496.424, and in addition to any administrative or civil penalties, any person who willfully and knowingly violates ss. 496.401-496.424 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For a second or subsequent conviction, such violation constitutes a felony of the second degree, punishable as

provided in s. 775.082, s. 775.083, or s. 775.084. The department may also investigate and refer the charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 45. Subsection (11) is added to section 496.419, Florida Statutes, to read:

496.419 Powers of the department.—

(11)(a) A charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation required pursuant to s. 496.405(2)(d) or s. 496.405(2)(e) may not register as a charitable organization or sponsor for 5 years for an initial violation, and may not register as a charitable organization or sponsor following any subsequent violations.

(b) A person serving as a board member, executive leadership team member, or registering agent of a charitable organization at the time in which the charitable organization is found to have submitted a false attestation as required by s. 496.405(2)(d) or (e) may not serve in any capacity with a charitable organization required to comply with the requirements of ss. 496.405 and 496.406 for 5 years after the date of the violation of this subsection.

Section 46. Section 496.431, Florida Statutes, is created to read:

496.431 Honest Service Registry.—

(1) The department shall create the Honest Services Registry to provide the residents of this state with the information necessary to make an informed choice when deciding which charitable organizations to support.

(2) To be included on the Honest Services Registry, a charitable organization must, at a minimum, submit to the department an attestation statement on a form prescribed by the department, verified as provided in s. 92.525, attesting to all of the following:

(a) That the organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern.

(b) That the organization's messaging and content are not directly or indirectly produced or influenced by a foreign source of concern.

(3) The department shall publish the Honest Services Registry on the department's website.

(4) The department shall adopt rules to implement this section.

Section 47. Paragraph (j) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) "Cottage food product" means food that is not time or temperature controlled for safety, a potentially hazardous food

as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

Section 48. Paragraphs (a) and (b) of subsection (1) of section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.—

(1)(a) A food permit from the department is required of any person or business that ~~who~~ operates a food establishment, except:

1. Persons or businesses operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, not age restricted, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the person or business minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within this state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of the product, and a statement that reads, "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

(b) Each food establishment regulated under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment as a condition of issuance or renewal of a food permit. Such fees may not exceed $650 and must be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant must be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed in accordance with subparagraphs 1.-3. If an application for renewal of a food permit is not received by the department on or before its due date, a late fee not exceeding $100 must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected must be deposited in the General Inspection Trust Fund.

1. A food permit issued to a new food establishment ~~on or after September 1, 2023,~~ is valid for 1 calendar year after the date of issuance and must be renewed annually on or before that

date thereafter.

2. ~~Effective January 1, 2024,~~ A food permit issued before September 1, 2023, expires on the month and day the initial permit was issued to the food establishment and must be renewed annually on or before that date thereafter. The department may charge a prorated permit fee for purposes of this subparagraph.

3. The department may establish a single permit renewal date for multiple food establishments owned by the same entity ~~The owner of 100 or more permitted food establishment locations may elect to set the expiration of food permits for such establishments as December 31 of each calendar year~~.

Section 49. Section 500.166, Florida Statutes, is amended to read:

500.166 Records of interstate shipment.—For the purpose of enforcing this chapter, carriers engaged in interstate commerce and persons receiving food in interstate commerce shall retain all records for 3 years from the date of the record showing the movement in interstate commerce of any food, and the quantity, shipper and consignee thereof and, upon the request by an officer or employee duly designated by the department, permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.

Section 50. Subsection (1) of section 500.172, Florida Statutes, is amended to read:

500.172 Embargoing, detaining, destroying of food, food processing equipment, or areas that are in violation.—

(1) When the department, or its duly authorized agent who has received appropriate education and training regarding the legal requirements of this chapter, finds or has probable cause to believe that any food, food processing equipment, food processing area, or food storage area is in violation of this chapter or any rule adopted under this chapter so as to be dangerous, unwholesome, mislabeled, fraudulent, or insanitary within the meaning of this chapter, an agent of the department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. The department is authorized to enter into a written agreement with the owner of such food, food processing equipment, food processing area, or food storage area, or otherwise facilitate the destruction of any article found or suspected by the department to be in violation of this section. A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise

without such permission from or in accordance with a written agreement with the department.

Section 51. Section 500.75, Florida Statutes, is created to read:

500.75 Mushrooms spores and mycelium; offenses.—It is unlawful to transport, import, sell, offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle. Every person who transports, imports into this state, sells, offers for sale, furnishes, gives away, or offers to transport, import into this state, sell, furnish, or give away any spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. Section 500.93, Florida Statutes, is created to read:

500.93 Mislabeling of plant-based products as milk, meat, or poultry.—

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

(a) "FDA" means the United States Food and Drug Administration.

(b) "Meat" has the same meaning as in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act.

(c) "Milk" has the same meaning as in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance.

(d) "Poultry" or "Poultry Product" has the same meaning as in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act.

(2)(a) In accordance with the established standard of identity for milk defined in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance, the department shall adopt rules to enforce the FDA's standard of identity for milk, as adopted in state law, to prohibit the sale of plant-based products mislabeled as milk in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3)(a) In accordance with the established standard of identity for meat defined in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act, and both poultry and poultry products defined in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for meat, poultry, and poultry products as adopted in this section, to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products in

this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products which is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(4) The Department of Agriculture and Consumer Services shall notify the Division of Law Revision upon the enactment into law by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia of the mandatory labeling requirements pursuant to subsections (2) and (3).

(5) The department shall adopt rules to implement this section.

(6) This section may not be construed to limit the department's authority to enforce its laws and regulations.

Section 53. Section 501.135, Florida Statutes, is repealed.

Section 54. Subsection (1) of section 501.912, Florida Statutes, is amended to read:

501.912 Definitions.—As used in ss. 501.91-501.923:

(1) "Antifreeze" means any substance or preparation,

including, but not limited to, coolant, antifreeze-coolant, antifreeze and summer coolant, or summer coolant, that is sold, distributed, or intended for use:

(a) As the cooling liquid, or to be added to the cooling liquid, in the cooling system of ~~internal combustion engines of~~ motor vehicles to prevent freezing of the cooling liquid or to lower its freezing point; or

(b) To raise the boiling point of water, aid in vehicle component cooling, or for the prevention of engine overheating, whether or not the liquid is used as a year-round cooling system fluid.

Section 55. Section 525.19, Florida Statutes, is created to read:

525.19 Petroleum registration.—

(1) The department shall create an annual petroleum registration program for petroleum owners or operators that own and operate vehicles for transporting petroleum product and shall adopt rules detailing the requirements for such registration that include, at minimum:

(a) Name of the petroleum owner or operator;

(b) Address of the petroleum owner or operator;

(c) Phone number of the petroleum owner or operator;

(d) E-mail address of the petroleum owner or operator;

(e) Requirements for the transfer switch;

(f) Fuel and petroleum infrastructure; and

(g) Fuel and petroleum inventory and delivery information.

(2) The registration program must be free for all registrants.

(3) The department has the authority to require registrants to provide updates related to the status of infrastructure, inventory, and delivery information during a state of emergency as declared by an executive order issued by the Governor.

Section 56. Section 526.147, Florida Statutes, is created to read:

526.147 Florida Retail Fuel Transfer Switch Modernization Grant Program.—

(1)(a) There is created, subject to appropriation, the Florida Retail Fuel Transfer Switch Modernization Grant Program within the Department of Agriculture and Consumer Services.

(b) The grant program shall provide grant funds, not to exceed $10,000 per retail fuel facility, to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities to allow for the continuity of fueling operations under generated power.

(c) The department shall award funds based upon the following criteria:

1. Up to $10,000, of costs for transfer switch purchase and installation for retail fuel locations in fiscally

constrained counties, as defined in s. 218.67.

2. Up to $5,000, of costs for transfer switch purchase and installation for all other retail fuel locations.

(d) Retail fuel facilities which are awarded grant funds must comply with s. 526.143 and must install a transfer switch capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternative generated power source.

(e) Before being awarded funding from the department, retail fuel facilities must provide documentation on transfer switch installation and required generator sizing to the department.

(f) Marinas and fueling facilities with fewer than 4 fueling positions are excluded from being awarded funding through this program.

(g) Fueling facilities subject to s. 526.143(2) are excluded from being awarded funding through this program.

(2) The department, in consultation with the Division of Emergency Management, shall adopt rules to implement and administer this section, including establishing grant application processes for the Florida Retail Fuel Transfer Switch Modernization Grant Program. The rules must include application deadlines and establish the supporting documentation necessary to be provided to the department.

Section 57. Section 531.48, Florida Statutes, is amended

to read:

531.48 Declarations of unit price on random packages.—In addition to the declarations required by s. 531.47, any package being one of a lot containing random weights of the same commodity ~~and bearing the total selling price of the package~~ shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by department rule.

Section 58. Section 531.49, Florida Statutes, is amended to read:

531.49 Advertising packages for sale.—~~Whenever~~ A packaged commodity ~~is advertised in any manner with the retail price stated, there shall be~~ closely and conspicuously associated with the retail price must have a declaration of quantity as is required by law or rule to appear on the package.

Section 59. Present subsections (44), (45), and (46) of section 570.07, Florida Statutes, are redesignated as subsections (46), (47), and (48), respectively, and new subsections (44) and (45) are added to that section, to read:

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

(44)(a) To foster and encourage the employment and retention of qualified veterinary pathologists. The department may reimburse the educational expenses of qualified veterinary

pathologists who enter into an agreement with the department to retain employment for a specified period of time.

(b) The department shall adopt rules to administer this subsection.

(45) Subject to appropriation, to extend state and national Future Farmers of America opportunities to any public school student enrolled in agricultural education, at little or no cost to the student or school district, and to support statewide Future Farmers of America programming that helps such students develop their potential for premier leadership, personal growth and career success.

Section 60. Subsection (2) of section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—

(2) The director shall supervise, direct, and coordinate the activities of the division and shall, under the direction of the department, enforce the provisions of ss. 366.94 and ~~ss.~~ 604.15-604.34 and chapters 171, 472, 496, 501, 507, 525, 526, 527, 531, 534, 535, 539, 559, 616, 692, 817, and 849.

Section 61. Section 570.546, Florida Statutes, is created to read:

570.546 Licensing.—

(1) The department is authorized to:

(a) Create a process for the bulk renewal of licenses

which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law appliable to each application process.

(b) Create a process that will allow licensees, upon request, to align the expiration dates of licenses within a statutory program.

(c) Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month.

(2) The department shall prorate any licensing fee for which the term of the license was reduced for the purposes of alignment.

(3) The department shall adopt rules to implement this section.

Section 62. Section 570.822, Florida Statutes, is amended to read:

570.822 Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 or on sovereign submerged land that is leased to the applicant by the department pursuant to s. 597.010 and that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency ~~natural disaster~~" means an emergency ~~a natural disaster~~ for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Essential physical property" means fences; equipment; structural production facilities, such as shade houses and greenhouses; or other agriculture or aquaculture facilities or infrastructure.

(e) "Program" means the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.

(2) USE OF LOAN FUNDS; LOAN TERMS.—

(a) The program is established within the department to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency ~~natural disaster~~. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property, or restock aquaculture. A structure or building constructed using loan proceeds must comply with storm-hardening standards for nonresidential farm buildings as defined in s. 604.50(2). The department shall adopt such standards by rule.

(b) The department may make a low-interest or interest-free loan to an eligible applicant. The maximum amount that an applicant may receive during the application period for a loan

is $500,000. An applicant may not receive more than one loan per application period and no more than two loans per year or no more than five loans in any 3-year period. A loan term is 10 years.

(3) ELIGIBLE APPLICANTS.—To be eligible for the program, an applicant must:

(a) Own or lease a bona fide farm operation that is located in a county named in a declared emergency ~~natural disaster~~ and that was damaged or destroyed as a result of such declared emergency ~~natural disaster~~.

(b) Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.

(4) LOAN APPLICATION AND AGREEMENT.—

(a) Requests for loans must be made by application to the department. Upon a determination that funding for loans is available, the department shall publicly notice an application period for the declared emergency ~~natural disaster~~, beginning within 60 days after the date of the declared emergency ~~natural disaster~~ and running up to 1 year after the date of the declared emergency ~~natural disaster~~ or until all available loan funds are exhausted, whichever occurs first. The application may be renewed upon a determination from the department and an active declared emergency declaration.

(b) An applicant must demonstrate the need for financial assistance and an ability to repay or meet a standard credit rating determined by the department.

(c) Loans must be made pursuant to written agreements specifying the terms and conditions agreed to by the approved applicant and the department. The loan agreement must specify that the loan is due upon sale if the property or other collateral for the loan is sold.

(d) An approved applicant must agree to stay in production for the duration of the loan. A loan is not assumable.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be secured by a lien, subordinate only to any mortgage held by a financial institution as defined in s. 655.005, on property or other collateral as set forth in the loan agreement. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant. The department shall record the lien in public records in the county where the property is located and, in the case of personal property, perfect the security interest by filing appropriate Uniform Commercial Code forms with the Florida Secured Transaction Registry as required pursuant to chapter 679.

(6) LOAN REPAYMENT.—

(a) A loan is due and payable in accordance with the terms of the loan agreement.

(b) The department shall defer payments for the first 3 years of the loan. After 3 years, the department shall reduce the principal balance annually through the end of the loan term such that the original principal balance is reduced by 30 percent. If the principal balance is repaid before the end of the 10th year, the applicant may not be required to pay more than 70 percent of the original principal balance. The approved applicant must continue to be actively engaged in production in order to receive the original principal balance reductions and must continue to meet the loan agreement terms to the satisfaction of the department.

(c) An approved applicant may make payments on the loan at any time without penalty. Early repayment is encouraged as other funding sources or revenues become available to the approved applicant.

(d) All repayments of principal and interest, if applicable, received by the department in a fiscal year must be returned to the loan fund and made available for loans to other applicants in the next application period.

(e) The department may periodically review an approved applicant to determine whether he or she continues to be in compliance with the terms of the loan agreement. If the department finds that an applicant is no longer in production or has otherwise violated the loan agreement, the department may seek repayment of the full original principal balance

outstanding, including any interest or costs, as applicable, and excluding any applied or anticipated original principal balance reductions.

(f) The department may defer or waive loan payments if at any time during the repayment period of a loan, the approved applicant experiences a significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

(7) ADMINISTRATION.—

(a) The department shall create and maintain a separate account in the General Inspection Trust Fund as a fund for the program. All repayments must be returned to the loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the loan program are not subject to reversion. The department shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department is authorized to contract with a third-party administrator to administer the program and manage the loan fund. A contract for a third-party administrator that includes management of the loan fund must, at a minimum, require maintenance of the loan fund to ensure that the program may operate in a revolving manner.

(b) The department shall coordinate with other state

agencies and other entities to ensure to the greatest extent possible that agriculture and aquaculture producers in this state have access to the maximum financial assistance available following a declared emergency ~~natural disaster~~. The coordination must endeavor to ensure that there is no duplication of financial assistance between the loan program and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

(8) PUBLIC RECORDS EXEMPTION.—

(a) The following information held by the department pursuant to its administration of the program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Tax returns.

2. Credit history information, credit reports, and credit scores.

(b) This subsection does not prohibit the disclosure of information held by the department pursuant to its administration of the program in an aggregated and anonymized format.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from

repeal through reenactment by the Legislature.

(9) RULES.—The department shall adopt rules to implement this section.

(10) REPORTS.—By December 1, 2024, and each December 1 thereafter, the department shall provide a report on program activities during the previous fiscal year to the President of the Senate and the Speaker of the House of Representatives. The report must include information on noticed application periods, the number and value of loans awarded under the program for each application period, the number and value of loans outstanding, the number and value of any loan repayments received, and an anticipated repayment schedule for all loans.

(11) SUNSET.—This section expires July 1, 2043, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 63. Section 570.823, Florida Statutes, is created to read:

570.823 Silviculture emergency recovery program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency" means an emergency for which a

state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Program" means the Silviculture Emergency Recovery Program.

(2) USE OF GRANT FUNDS; GRANT TERMS.—

(a) The silviculture emergency recovery program is established within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency. Grants provided to eligible timber landowners must be used for:

1. Timber stand restoration, including downed tree removal on land which will retain the existing trees on site which are lightly or completely undamaged; or

2. Site preparation, and tree replanting.

3. Road and trail clearing on private timber lands to provide emergency access and facilitate salvage operations.

(b) Only timber land located on lands classified as agricultural lands under s. 193.461 are eligible for the program.

(c) The department shall coordinate with state agencies and other entities to ensure to the greatest extent possible that timber landowners have access to the maximum financial assistance available following a specified declared emergency.

The coordination must endeavor to ensure that there is no duplication of financial assistance between these funds and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which would render the approved applicant ineligible for other financial assistance.

(d) The department is authorized to adopt rules to implement this section, including emergency rules. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 64. Subsections (2) and (5) of section 581.1843, Florida Statutes, are amended to read:

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

(2) Effective January 1, 2007, it is unlawful for any person to propagate for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by the department ~~and that is not at least 1 mile away from commercial citrus groves. A citrus nursery registered with the department prior to April 1, 2006,~~

~~shall not be required to comply with the 1-mile setback from commercial citrus groves while continuously operating at the same location for which it was registered~~. However, the nursery shall be required to propagate citrus within a protective structure approved by the department. Effective January 1, 2008, it is ~~shall be~~ unlawful to distribute any citrus nursery stock that was not produced in a protective structure approved by the department.

~~(5) The department shall establish regulated areas around the perimeter of commercial citrus nurseries that were established on sites after April 1, 2006, not to exceed a radius of 1 mile. The planting of citrus in an established regulated area is prohibited. The planting of citrus within a 1-mile radius of commercial citrus nurseries that were established on sites prior to April 1, 2006, must be approved by the department. Citrus plants planted within a regulated area prior to the establishment of the regulated area may remain in the regulated area unless the department determines the citrus plants to be infected or infested with citrus canker or citrus greening. The department shall require the removal of infected or infested citrus, nonapproved planted citrus, and citrus that has sprouted by natural means in regulated areas. The property owner shall be responsible for the removal of citrus planted without proper approval. Notice of the removal of citrus trees, by immediate final order of the department, shall be provided to~~

~~the owner of the property on which the trees are located. An immediate final order issued by the department under this section shall notify the property owner that the citrus trees, which are the subject of the immediate final order, must be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order, requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay from the department of the immediate final order prior to seeking a stay from the district court of appeal.~~

Section 65. Sections 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, Florida Statutes, are repealed.

Section 66. Subsection (11) of section 595.404, Florida Statutes, is amended to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(11) To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the programs implemented pursuant to this chapter, notwithstanding ss. 120.569, 120.57-120.595, and 120.68 ~~ss. 120.569 and 120.57-120.595~~.

Section 67. Section 599.002, Florida Statutes, is amended to read:

599.002 Florida Wine ~~Viticulture~~ Advisory Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Florida Wine ~~Viticulture~~ Advisory Council, to consist of eight members as follows: the president of the Florida Wine and Grape Growers Association ~~Florida Grape Growers' Association~~ or a designee thereof; a representative from the Institute of Food and Agricultural Sciences; a representative from the viticultural science program at Florida Agricultural and Mechanical University; and five additional commercial members, to be appointed for a 2-year term each by the Commissioner of Agriculture, including a wine producer, a fresh fruit producer, a nonwine product (juice, jelly, pie fillings, etc.) producer, and a viticultural nursery operator.

(2) The meetings, powers and duties, procedures, and recordkeeping of the Florida Wine ~~Viticulture~~ Advisory Council shall be pursuant to s. 570.232.

(3) The primary responsibilities of the Florida Wine ~~Viticulture~~ Advisory Council are to submit to the Commissioner of Agriculture, annually, the industry's recommendations for wine and viticultural research, promotion, and education and, as necessary, the industry's recommendations for revisions to the State Wine ~~Viticulture~~ Plan.

Section 68. Section 599.003, Florida Statutes, is amended

to read:

599.003 State Wine ~~Viticulture~~ Plan.—

(1) The Commissioner of Agriculture, in consultation with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and coordinate the implementation of the State Wine ~~Viticulture~~ Plan, which shall identify problems and constraints of the wine and viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for the orderly growth of the industry, including:

(a) Criteria for wine and viticultural research, service, and management priorities.

(b) Additional proposed legislation that may be required.

(c) Plans and goals to improve research and service capabilities at Florida Agricultural and Mechanical University and the University of Florida in their efforts to address current and future needs of the industry.

(d) The potential for viticulture products in terms of market and needs for development.

(e) Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies.

(f) Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum

grades and standards, promotion and advertising, development of production and marketing strategies, and setting minimum standards on types and quality of nursery plants.

(g) Evaluation of policy alternatives for nonwine processed products, including, but not limited to, setting minimum quality standards and development of production and marketing strategies.

(h) Research and service priorities for further development of the wine and viticulture industry.

(i) The identification of state agencies and public and private institutions concerned with research, education, extension, services, planning, promotion, and marketing functions related to wine and viticultural development and the delineation of contributions and responsibilities.

(j) Business planning, investment potential, financial risks, and economics of production and utilization.

(2) A revision and update of the State Wine ~~Viticulture~~ Plan shall be submitted biennially to the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate committees of the Senate and House of Representatives, and a progress report and budget request shall be submitted annually.

Section 69. Paragraph (a) of subsection (2) and subsection (3) of section 599.004, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to

read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(2)(a) The department, in coordination with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and designate by rule a Florida Farm Winery logo, emblem, and directional sign to guide the public to certified Florida Farm Wineries ~~Winery tourist attractions~~. The logo and emblem of certified Florida Farm Winery signs shall be uniform.

(d) Wineries that fail to recertify annually or pay the licensing fee required in paragraph (c) are subject to having the signs referenced in paragraph (b) removed and will be responsible for all costs incurred by the Department of Transportation in connection with the removal.

(3) All fees collected, except as otherwise provided by this section, shall be deposited into the Florida Wine ~~Viticulture~~ Trust Fund and used to develop consumer information on the native characteristics and proper use of wines.

Section 70. Paragraph (a) of subsection (1) of section 599.012, Florida Statutes, is amended to read:

599.012 Wine ~~Viticulture~~ Trust Fund; creation.—

(1) There is established the Viticulture Trust Fund within the Department of Agriculture and Consumer Services. The department shall use the moneys deposited in the trust fund pursuant to subsection (2) to do all the following:

(a) Develop and coordinate the implementation of the State Viticulture Plan.

Section 71. Subsection (1) of section 616.12, Florida Statutes, is amended to read:

616.12 Licenses upon certain shows; distribution of fees; exemptions.—

(1) Each person who operates any traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession, including a concession operating in a tent, enclosure, or other temporary structure, within the grounds of, and in connection with, any annual public fair held by a fair association shall pay the license taxes provided by law. However, if the association satisfies the requirements of this chapter, including securing the required fair permit from the department, the license taxes and local business tax authorized in chapter 205 are waived and the department shall issue a tax exemption certificate. The department shall adopt the proper forms and rules to administer this section, including the necessary tax exemption certificate, showing that the fair association has met all requirements and that the traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or

concession is exempt.

Section 72. Section 687.16, Florida Statutes, is created to read:

687.16 Florida Farmer Financial Protection Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida Farmer Financial Protection Act."

(2) DEFINITIONS.—

(a) "Agritourism activity" has the same meaning as provided in s. 570.86.

(b) "Agriculture producer" means a person or company authorized to do business in this state and engaged in the production of goods derived from plants or animals, including, but not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.

(c) "Commissioner" means the Commissioner of Agriculture.

(d) "Company" means a for-profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations authorized to do business in this state.

(e) "Denies or restricts" means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.

(f) "Discriminate in the provision of financial services" means to deny or restrict services and thereby decline to provide financial services.

(g) "ESG factor" means any factor or consideration that is collateral to or not reasonably likely to affect or impact financial risk and includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer's greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery.

(h) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(i) "Financial institution" means a company authorized to do business in this state which has total assets of more than $100 million and offers financial services. A financial institution includes any affiliate or subsidiary company, even if that affiliate or subsidiary company is also a financial institution.

(j) "Financial service" means any product or service that is of a financial nature and is offered by a financial institution.

(3) FINANCIAL DISCRIMINATION; AGRICULTURAL PRODUCERS.—

(a) A financial institution may not discriminate in the provision of financial services to an agriculture producer

based, in whole or in part, upon an ESG factor.

(b) If a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution's denial or restriction of a financial service to an agriculture producer violates paragraph (a).

(c) A financial institution may overcome the inference in paragraph (b) by demonstrating that its denial or restriction of a financial service was based solely on documented risk analysis, and not on any ESG factor.

(4) ENFORCEMENT; COMPENSATORY DAMAGES.—The Attorney General, in consultation with the Office of Financial Regulation, is authorized to enforce subsection (3). Any violation of subsection (3) constitutes an unfair trade practice under part II of chapter 501 and the Attorney General is authorized to investigate and seek remedies as provided in general law. Actions for damages may be sought by an aggrieved party.

Section 73. Paragraph (a) of subsection (3) of section 741.0305, Florida Statutes, is amended to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.

2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.

4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

Section 74. Paragraph (h) of subsection (2), subsection (3), paragraph (c) of subsection (6), and subsection (10) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms

safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or United States military service;

6. Is licensed or has been licensed to carry a concealed weapon or concealed firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club,

organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live fire using a firearm and ammunition as defined in s. 790.001;

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, clerk's office, or the Florida

Department of Law Enforcement ~~and subsequent written verification~~, temporarily suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence. The department shall notify the licensee or applicant suspended under this section of his or her right to a hearing pursuant to chapter 120. A hearing conducted regarding the temporary suspension must be for the limited purpose of determining whether the licensee has been arrested or charged with a disqualifying crime or issued an injunction or court order. If the criminal case or injunction results in a nondisqualifying disposition, the department must issue an order lifting the suspension upon the applicant or licensee's submission to the department of a certified copy of the final resolution. If the criminal case results in a disqualifying disposition, the suspension remains in effect and the department must proceed with denial or revocation proceedings pursuant to chapter 120.

(b) This subsection may not be construed to limit, restrict, or inhibit the constitutional right to bear arms and

carry a concealed weapon in this state. The Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner by the department pursuant to this section. The Legislature intends to clarify that suspensions pursuant to this section are temporary, and the department has the duty to make an eligibility determination and issue a license in the time frame prescribed in this subsection.

(6)

(c) The Department of Agriculture and Consumer Services shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or

2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of Agriculture and Consumer Services denies the application, it shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to chapter 120.

3. In the event the result of the criminal history screening identifies ~~department receives~~ criminal history information related to a crime that may disqualify the applicant but does not contain ~~with no~~ final disposition of the crime or

lacks sufficient information to make an eligibility determination ~~on a crime which may disqualify the applicant~~, the time limitation prescribed by this paragraph may be extended for up to an additional 90 days from the receipt of the information ~~suspended until receipt of the final disposition or proof of restoration of civil and firearm rights~~. The department may make a request for information to the jurisdiction where the criminal history information originated but shall issue a license if it does not obtain a disposition or sufficient information to make an eligibility determination within the additional 90 days if the applicant is otherwise eligible. The department shall take any action authorized in this section if it receives disqualifying criminal history information during the additional 90-day review or after issuance of a license.

(10) A license issued under this section shall be temporarily suspended as provided for in subparagraph (6)(c)3., or revoked pursuant to chapter 120 if the license was issued in error or if the licensee:

(a) Is found to be ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under chapter 893, or

similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3), or similar laws of any other state;

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years after a first conviction of such section or similar law of another state, even though the first violation may have occurred before the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or concealed firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing

address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21 days plus 5 days for mailing). The department shall document its attempts to provide notice, and such documentation is admissible in the courts of this state and constitutes sufficient proof that notice was given.

Section 75. Paragraph (f) of subsection (3) of section 790.33, Florida Statutes, is amended to read:

790.33 Field of regulation of firearms and ammunition preempted.—

(3) PROHIBITIONS; PENALTIES.—

(f)1. A person or an organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy, whether written or unwritten, promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district, or other entity in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief and for actual damages, as

limited herein, caused by the violation. Civil fines assessed pursuant to paragraph (3)(c) and any attorney fees and costs shall be assessed only upon a finding that the entity received notice of the local ordinance or administrative rule or regulation impinging upon such exclusive occupation of the field of regulation of firearms and ammunition at least 30 days before a suit under this paragraph was filed and that the entity failed to change the ordinance, regulation, measure, directive, rule, enactment, order, or policy within that 30-day period. A court shall award the prevailing party ~~plaintiff~~ in any such suit:

a. Reasonable attorney fees and costs in accordance with the laws of this state, including a contingency fee multiplier, as authorized by law; and

b. The actual damages incurred, but not more than $100,000.

2. If after the filing of a complaint a defendant voluntarily changes the ordinance, regulation, measure, directive, rule, enactment, order, or policy, written or unwritten, promulgated or caused to be enforced in violation of this section, with or without court action, the plaintiff is considered a prevailing plaintiff for purposes of this section.

Interest on the sums awarded pursuant to this subsection shall accrue at the legal rate from the date on which suit was filed.

Section 76. Subsection (2) of section 812.0151, Florida

Statutes, is amended to read:

812.0151 Retail fuel theft.—

(2)(a) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Breaches a retail fuel dispenser or accesses any internal portion of a retail fuel dispenser; or

2. Possesses any device constructed for the purpose of fraudulently altering, manipulating, or interrupting the normal functioning of a retail fuel dispenser.

3. Possesses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account.

(b) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Physically tampers with, manipulates, removes, replaces, or interrupts any mechanical or electronic component located on ~~within~~ the internal or external portion of a retail fuel dispenser; or

2. Uses any form of electronic communication to fraudulently alter, manipulate, or interrupt the normal functioning of a retail fuel dispenser.

(c) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she:

1. Obtains fuel as a result of violating paragraph (a) or paragraph (b); ~~or~~

2. Modifies a vehicle's factory installed fuel tank or possesses any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with the intent to use such fuel tank or item to hold or transport fuel obtained as a result of violating paragraph (a) or paragraph (b)<u>; or</u>

<u>3. Uses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account</u>.

Section 77. Section 812.136, Florida Statutes, is created to read:

<u>812.136 Mail theft.—</u>

<u>(1) As used in this section, unless the context otherwise</u>

requires:

(a) "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another, along with its contents.

(b) "Mail depository" means a mail box, letter box, mail route, or mail receptacle of a postal service, an office of a postal service, or mail carrier of a postal service, or a vehicle of a postal service.

(c) "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.

(2) Any of the following acts shall constitute mail theft:

(a) Removing mail from a mail depository or taking mail from a mail carrier of a postal service with an intent to steal.

(b) Obtaining custody of mail by fraud or deception with an intent to steal.

(c) Selling, receiving, possessing, transferring, buying, or concealing mail obtained by acts described in paragraph (a) or paragraph (b) of this subsection, while knowing or having reason to know the mail was obtained illegally.

(3) Any of the following shall constitute theft of or unauthorized reproduction of a mail depository key or lock:

(a) Stealing or obtaining by false pretense any key or lock adopted by a postal service for a mail depository or other authorized receptacle for the deposit or delivery of mail.

(b) Knowingly and unlawfully making, forging, or counterfeiting any such key or possessing any such key or lock adopted by a postal service with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock, or to cause the key or lock to be unlawfully or improperly used, sold, or otherwise disposed.

(4) The first violation of this section shall constitute a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year pursuant to s. 775.082(4)(a) or a fine not to exceed $1,000 pursuant to s. 775.083(1)(d), or both. A second or subsequent violation of this section shall constitute a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years pursuant to s. 775.82(3)(e) or a fine not to exceed $5,000 pursuant to s. 775.083(1)(c), or both.

Section 78. Section 1013.373, Florida Statutes, is created to read:

1013.373 Educational facilities used for agricultural education.—

(1) Notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage

of any animals or equipment therein.

(2) Lands used for agricultural education or for Future Farmers of America or 4-H activities shall be considered agricultural lands pursuant to s. 193.461 and subject to s. 823.14.

Section 79. For the purpose of incorporating the amendment made by this act to section 110.205, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 295.07, Florida Statutes, is reenacted to read:

295.07 Preference in appointment and retention.—

(5) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are not exempt.

Section 80. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (r) of subsection (1) of section 125.01, Florida Statutes, is reenacted to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall

have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit.

1. Notwithstanding any other provision of law, a county may not levy special assessments on lands classified as agricultural lands under s. 193.461 unless the revenue from such assessments has been pledged for debt service and is necessary to meet obligations of bonds or certificates issued by the county which remain outstanding on July 1, 2023, including refundings thereof for debt service savings where the maturity of the debt is not extended. For bonds or certificates issued after July 1, 2023, special assessments securing such bonds may not be levied on lands classified as agricultural under s. 193.461.

2. The provisions of subparagraph 1. do not apply to

residential structures and their curtilage.

Section 81. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraphs (a) through (d) of subsection (3) of section 163.3162, Florida Statutes, are reenacted to read:

163.3162 Agricultural lands and practices.—

(3) DUPLICATION OF REGULATION.—Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter:

(a) A governmental entity may not exercise any of its powers to adopt or enforce any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

(b) A governmental entity may not charge a fee on a specific agricultural activity of a bona fide farm operation on

land classified as agricultural land pursuant to s. 193.461, if such agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

(c) A governmental entity may not charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if the farm operation has a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program.

(d) For each governmental entity that, before March 1, 2009, adopted a stormwater utility ordinance or resolution, adopted an ordinance or resolution establishing a municipal services benefit unit, or adopted a resolution stating the governmental entity's intent to use the uniform method of

collection pursuant to s. 197.3632 for such stormwater ordinances, the governmental entity may continue to charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural pursuant to s. 193.461, if the ordinance or resolution provides credits against the assessment or fee on a bona fide farm operation for the water quality or flood control benefit of:

1. The implementation of best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program;

2. The stormwater quality and quantity measures required as part of a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit; or

3. The implementation of best management practices or alternative measures which the landowner demonstrates to the governmental entity to be of equivalent or greater stormwater benefit than those provided by implementation of best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of a National Pollutant

Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit.

Section 82. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 163.3163, Florida Statutes, is reenacted to read:

163.3163 Applications for development permits; disclosure and acknowledgment of contiguous sustainable agricultural land.—

(3) As used in this section, the term:

(c) "Sustainable agricultural land" means land classified as agricultural land pursuant to s. 193.461 which is used for a farm operation that uses current technology, based on science or research and demonstrated measurable increases in productivity, to meet future food, feed, fiber, and energy needs, while considering the environmental impacts and the social and economic benefits to the rural communities.

Section 83. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 163.3164, Florida Statutes, is reenacted to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel that:

(a) Is owned by a single person or entity;

(b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years prior to the date of any comprehensive plan amendment application;

(c) Is surrounded on at least 75 percent of its perimeter by:

1. Property that has existing industrial, commercial, or residential development; or

2. Property that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development;

(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to

be urban and the parcel may not exceed 4,480 acres.

Section 84. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (5) of section 163.3194, Florida Statutes, is reenacted to read:

163.3194 Legal status of comprehensive plan.—

(5) The tax-exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act as long as the land meets the criteria set forth in s. 193.461.

Section 85. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (4) of section 170.01, Florida Statutes, is reenacted to read:

170.01 Authority for providing improvements and levying and collecting special assessments against property benefited.—

(4) Notwithstanding any other provision of law, a municipality may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under s. 193.461 unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of $10,000. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential

dwelling and curtilage, and qualifying nonresidential farm buildings. As used in this subsection, the term "agricultural pole barn" means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

Section 86. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (2) of section 193.052, Florida Statutes, is reenacted to read:

193.052 Preparation and serving of returns.—

(2) No return shall be required for real property the ownership of which is reflected in instruments recorded in the public records of the county in which the property is located, unless otherwise required in this title. In order for land to be considered for agricultural classification under s. 193.461 or high-water recharge classification under s. 193.625, an application for classification must be filed on or before March 1 of each year with the property appraiser of the county in which the land is located, except as provided in s. 193.461(3)(a). The application must state that the lands on January 1 of that year were used primarily for bona fide commercial agricultural or high-water recharge purposes.

Section 87. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, section 193.4615, Florida Statutes, is

reenacted to read:

193.4615 Assessment of obsolete agricultural equipment.—For purposes of ad valorem property taxation, agricultural equipment that is located on property classified as agricultural under s. 193.461 and that is no longer usable for its intended purpose shall be deemed to have a market value no greater than its value for salvage.

Section 88. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) and paragraph (a) of subsection (19) of section 212.08, Florida Statutes, are reenacted to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(a) *Items in agricultural use and certain nets.*—There are exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used

in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock; animal health products that are administered to, applied to, or consumed by livestock or poultry to alleviate pain or cure or prevent sickness, disease, or suffering, including, but not limited to, antiseptics, absorbent cotton, gauze for bandages, lotions, vaccines, vitamins, and worm remedies; aquaculture health products that are used by aquaculture producers, as defined in s. 597.0015, to prevent or treat fungi, bacteria, and parasitic diseases; portable containers or movable receptacles in which portable containers are placed, used for processing farm products; field and garden seeds, including flower seeds; nursery stock, seedlings, cuttings, or other propagative material purchased for growing stock; seeds, seedlings, cuttings, and plants used to produce food for human consumption; cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm; hog wire and barbed wire fencing, including gates and materials used to construct or repair such fencing, used in agricultural production on lands classified as agricultural lands under s. 193.461; materials used to construct or repair permanent or temporary fencing used to contain, confine, or process cattle, including gates and energized fencing systems, used in agricultural operations on lands classified as agricultural lands under s. 193.461; stakes used by a farmer to support

plants during agricultural production; generators used on poultry farms; and liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised; however, such exemption is not allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein. Also exempt are cellophane wrappers, glue for tin and glass (apiarists), mailing cases for honey, shipping cases, window cartons, and baling wire and twine used for baling hay, when used by a farmer to contain, produce, or process an agricultural commodity.

(19) FLORIDA FARM TEAM CARD.—

(a) Notwithstanding any other law, a farmer whose property has been classified as agricultural pursuant to s. 193.461 or who has implemented agricultural best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 403.067(7)(c)2. may apply to the department for a Florida farm tax exempt agricultural materials (TEAM) card to claim the applicable sales tax exemptions provided in this section. A farmer may present the Florida farm TEAM card to a selling dealer in lieu of a certificate or affidavit otherwise required by this chapter.

Section 89. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (2) of section 373.406, Florida

Statutes, is reenacted to read:

373.406 Exemptions.—The following exemptions shall apply:

(2) Notwithstanding s. 403.927, nothing herein, or in any rule, regulation, or order adopted pursuant hereto, shall be construed to affect the right of any person engaged in the occupation of agriculture, silviculture, floriculture, or horticulture to alter the topography of any tract of land, including, but not limited to, activities that may impede or divert the flow of surface waters or adversely impact wetlands, for purposes consistent with the normal and customary practice of such occupation in the area. However, such alteration or activity may not be for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands. This exemption applies to lands classified as agricultural pursuant to s. 193.461 and to activities requiring an environmental resource permit pursuant to this part. This exemption does not apply to any activities previously authorized by an environmental resource permit or a management and storage of surface water permit issued pursuant to this part or a dredge and fill permit issued pursuant to chapter 403. This exemption has retroactive application to July 1, 1984.

Section 90. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (11) of section 403.182, Florida Statutes, is reenacted to read:

403.182 Local pollution control programs.—

(11)(a) Notwithstanding this section or any existing local pollution control programs, the Secretary of Environmental Protection has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural land pursuant to s. 193.461 and being converted to a nonagricultural use. The exclusive jurisdiction includes defining what constitutes all appropriate inquiry consistent with 40 C.F.R. part 312 and guidance thereunder.

Section 91. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (4) of section 403.9337, Florida Statutes, is reenacted to read:

403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.—

(4) This section does not apply to the use of fertilizer on farm operations as defined in s. 823.14 or on lands classified as agricultural lands pursuant to s. 193.461.

Section 92. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 472.029, Florida Statutes, is reenacted to read:

472.029 Authorization to enter lands of third parties;

conditions.—

(2) LIABILITY AND DUTY OF CARE ON AGRICULTURAL LAND.—

(d) This subsection applies only to land classified as agricultural pursuant to s. 193.461.

Section 93. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (5) of section 474.2021, Florida Statutes, is reenacted to read:

474.2021 Veterinary telehealth.—

(5) A veterinarian personally acquainted with the caring and keeping of an animal or group of animals on food-producing animal operations on land classified as agricultural pursuant to s. 193.461 who has recently seen the animal or group of animals or has made medically appropriate and timely visits to the premises where the animal or group of animals is kept may practice veterinary telehealth for animals on such operations.

Section 94. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (d) of subsection (4) of section 474.2165, Florida Statutes, is reenacted to read:

474.2165 Ownership and control of veterinary medical patient records; report or copies of records to be furnished.—

(4) Except as otherwise provided in this section, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the

client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:

(d) In any criminal action or situation where a veterinarian suspects a criminal violation. If a criminal violation is suspected, a veterinarian may, without notice to or authorization from the client, report the violation to a law enforcement officer, an animal control officer who is certified pursuant to s. 828.27(4)(a), or an agent appointed under s. 828.03. However, if a suspected violation occurs at a commercial food-producing animal operation on land classified as agricultural under s. 193.461, the veterinarian must provide notice to the client or the client's legal representative before reporting the suspected violation to an officer or agent under this paragraph. The report may not include written medical records except upon the issuance of an order from a court of competent jurisdiction.

Section 95. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (6) of section 487.081, Florida Statutes, is reenacted to read:

487.081 Exemptions.—

(6) The Department of Environmental Protection is not

authorized to institute proceedings against any property owner or leaseholder of property under the provisions of s. 376.307(5) to recover any costs or damages associated with pesticide contamination of soil or water, or the evaluation, assessment, or remediation of pesticide contamination of soil or water, including sampling, analysis, and restoration of soil or potable water supplies, subject to the following conditions:

(a) The pesticide contamination of soil or water is determined to be the result of the use of pesticides by the property owner or leaseholder, in accordance with state and federal law, applicable registered labels, and rules on property classified as agricultural land pursuant to s. 193.461;

(b) The property owner or leaseholder maintains records of such pesticide applications and such records are provided to the department upon request;

(c) In the event of pesticide contamination of soil or water, the department, upon request, shall make such records available to the Department of Environmental Protection;

(d) This subsection does not limit regulatory authority under a federally delegated or approved program; and

(e) This subsection is remedial in nature and shall apply retroactively.

The department, in consultation with the secretary of the Department of Environmental Protection, may adopt rules

prescribing the format, content, and retention time for records to be maintained under this subsection.

Section 96. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (1) of section 570.87, Florida Statutes, is reenacted to read:

570.87 Agritourism participation impact on land classification.—

(1) In order to promote and perpetuate agriculture throughout this state, farm operations are encouraged to engage in agritourism. An agricultural classification pursuant to s. 193.461 may not be denied or revoked solely due to the conduct of agritourism activity on a bona fide farm or the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities. So long as the building, structure, or facility is an integral part of the agricultural operation, the land it occupies shall be considered agricultural in nature. However, such buildings, structures, and facilities, and other improvements on the land, must be assessed under s. 193.011 at their just value and added to the agriculturally assessed value of the land.

Section 97. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (3) of section 570.94, Florida

Statutes, is reenacted to read:

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

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

Section 98. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 582.19, Florida Statutes, is reenacted to read:

582.19 Qualifications and tenure of supervisors.—

(1) The governing body of the district shall consist of

five supervisors, elected as provided in s. 582.18.

(a) To qualify to serve on the governing body of a district, a supervisor must be an eligible voter who resides in the district and who:

1. Is actively engaged in, or retired after 10 years of being engaged in, agriculture as defined in s. 570.02;

2. Is employed by an agricultural producer; or

3. Owns, leases, or is actively employed on land classified as agricultural under s. 193.461.

Section 99. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (1) of section 570.85, Florida Statutes, is reenacted to read:

570.85 Agritourism.—

(1) It is the intent of the Legislature to promote agritourism as a way to support bona fide agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry. It is also the intent of the Legislature to eliminate duplication of regulatory authority over agritourism as expressed in this section. Except as otherwise provided for in this section, and notwithstanding any other law, a local government may not adopt or enforce a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s.

193.461. This subsection does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities or an emergency as provided in chapter 252.

Section 100. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, section 586.055, Florida Statutes, is reenacted to read:

586.055 Location of apiaries.—An apiary may be located on land classified as agricultural under s. 193.461 or on land that is integral to a beekeeping operation.

Section 101. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 604.50, Florida Statutes, is reenacted to read:

604.50 Nonresidential farm buildings; farm fences; farm signs.—

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

(d) "Nonresidential farm building" means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may

include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

Section 102. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 604.73, Florida Statutes, is reenacted to read:

604.73 Urban agriculture pilot projects; local regulation of urban agriculture.—

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

(b) "Urban agriculture" means any new or existing noncommercial agricultural uses on land that is:

1. Within a dense urban land area, as described in s. 380.0651(3)(a);

2. Not classified as agricultural pursuant to s. 193.461;

3. Not zoned as agricultural as its principal use; and

4. Designated by a municipality for inclusion in an urban agricultural pilot project that has been approved by the department.

The term does not include vegetable gardens, as defined in s. 604.71(4), for personal consumption on residential properties.

Section 103. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (1) of section 692.201, Florida Statutes, is reenacted to read:

692.201 Definitions.—As used in this part, the term:

(1) "Agricultural land" means land classified as agricultural under s. 193.461.

Section 104. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 810.011, Florida Statutes, is reenacted to read:

810.011 Definitions.—As used in this chapter:

(5)(a) "Posted land" is land upon which any of the following are placed:

1. Signs placed not more than 500 feet apart along and at each corner of the boundaries of the land or, for land owned by a water control district that exists pursuant to chapter 298 or was created by special act of the Legislature, signs placed at or near the intersection of any district canal right-of-way and a road right-of-way or, for land classified as agricultural pursuant to s. 193.461, signs placed at each point of ingress and at each corner of the boundaries of the agricultural land, which prominently display in letters of not less than 2 inches in height the words "no trespassing" and the name of the owner, lessee, or occupant of the land. The signs must be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line; or

2.a. A conspicuous no trespassing notice is painted on

trees or posts on the property, provided that the notice is:

(I) Painted in an international orange color and displaying the stenciled words "No Trespassing" in letters no less than 2 inches high and 1 inch wide either vertically or horizontally;

(II) Placed so that the bottom of the painted notice is not less than 3 feet from the ground or more than 5 feet from the ground; and

(III) Placed at locations that are readily visible to any person approaching the property and no more than 500 feet apart on agricultural land.

b. When a landowner uses the painted no trespassing posting to identify a no trespassing area, those painted notices must be accompanied by signs complying with subparagraph 1. and must be placed conspicuously at all places where entry to the property is normally expected or known to occur.

Section 105. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) and paragraph (a) of subsection (6) of section 741.30, Florida Statutes, are reenacted to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(5)(a) If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13, providing the petitioner a temporary parenting plan, including a time-sharing schedule, which may award the petitioner up to 100 percent of the time-sharing. If temporary time-sharing is awarded to the respondent, the exchange of the child must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3). The temporary parenting plan remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. If the petitioner and respondent have an existing parenting plan or time-sharing schedule under another court order, designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3).

5. Awarding to the petitioner the temporary exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as defined under s. 413.08, if the respondent is the service animal's handler.

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court

deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. If the petitioner and respondent have an existing parenting plan or time-sharing schedule under another court order, designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3).

5. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect

until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.

6. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of batterers' intervention programs from which the respondent must choose a program in which to participate.

7. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

8. Awarding to the petitioner the exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as defined under s. 413.08, if the respondent is the service

animal's handler.

9. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

Section 106. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (6) of section 823.14, Florida Statutes, is reenacted to read:

823.14 Florida Right to Farm Act.—

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. When an activity of a farm operation takes place within a wellfield protection area as

defined in any wellfield protection ordinance adopted by a local government, and the adopted best management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any local government to address an emergency as provided for in chapter 252.

Section 107. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 189.062, Florida Statutes, is reenacted to read:

189.062 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the

department in writing that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to an inquiry by the department within 21 days;

4. The department determines, pursuant to s. 189.067, that the district has failed to file any of the reports listed in s. 189.066;

5. The district has not had a registered office and agent on file with the department for 1 or more years;

6. The governing body of a special district provides documentation to the department that it has unanimously adopted a resolution declaring the special district inactive. The special district is responsible for payment of any expenses associated with its dissolution;

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community development district established under chapter 190 or to any independent special district operating pursuant to a special act

that provides that any amendment to chapter 190 to grant additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

Section 108. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, subsection (7) of section 388.261, Florida Statutes, is reenacted to read:

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

(7) The department may use state funds appropriated for a county or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a county or district eligible to receive state funds under s. 388.271.

Section 109. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 482.072, Florida Statutes, is reenacted to read:

482.072 Pest control customer contact centers.—

(3)

(b) Notwithstanding any other provision of this section:

1. A customer contact center licensee is subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center.

2. A pest control business licensee may be subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center operated by a licensee if the licensee participates in the violation.

Section 110. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, section 482.163, Florida Statutes, is reenacted to read:

482.163 Responsibility for pest control activities of employee.—Proper performance of pest control activities by a pest control business employee is the responsibility not only of the employee but also of the certified operator in charge, and the certified operator in charge may be disciplined pursuant to the provisions of s. 482.161 for the pest control activities of an employee. A licensee may not automatically be considered responsible for violations made by an employee. However, the licensee may not knowingly encourage, aid, or abet violations of this chapter.

Section 111. For the purpose of incorporating the amendment made by this act to section 487.044, Florida Statutes, in a reference thereto, section 487.156, Florida Statutes, is reenacted to read:

487.156 Governmental agencies.—All governmental agencies shall be subject to the provisions of this part and rules adopted under this part. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 112. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in a reference thereto, subsection (2) of section 496.4055, Florida Statutes, is reenacted to read:

496.4055 Charitable organization or sponsor board duties.—

(2) The board of directors, or an authorized committee thereof, of a charitable organization or sponsor required to register with the department under s. 496.405 shall adopt a policy regarding conflict of interest transactions. The policy shall require annual certification of compliance with the policy by all directors, officers, and trustees of the charitable organization. A copy of the annual certification shall be submitted to the department with the annual registration statement required by s. 496.405.

Section 113. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes,

in a reference thereto, subsections (2) and (4) of section 496.406, Florida Statutes, are reenacted to read:

496.406 Exemption from registration.—

(2) Before soliciting contributions, a charitable organization or sponsor claiming to be exempt from the registration requirements of s. 496.405 under paragraph (1)(d) must submit annually to the department, on forms prescribed by the department:

(a) The name, street address, and telephone number of the charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is organized, and the purpose or purposes for which the contributions to be solicited will be used.

(b) The tax exempt status of the organization.

(c) The date on which the organization's fiscal year ends.

(d) The names, street addresses, and telephone numbers of the individuals or officers who have final responsibility for the custody of the contributions and who will be responsible for the final distribution of the contributions.

(e) A financial statement of support, revenue, and expenses and a statement of functional expenses that must include, but not be limited to, expenses in the following categories: program, management and general, and fundraising. In lieu of the financial statement, a charitable organization or sponsor may submit a copy of its Internal Revenue Service Form

990 and all attached schedules or Internal Revenue Service Form 990-EZ and Schedule O.

(4) Exemption from the registration requirements of s. 496.405 does not limit the applicability of other provisions of this section to a charitable organization or sponsor.

Section 114. For the purpose of incorporating the amendment made by this act to section 500.12, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 500.80, Florida Statutes, is reenacted to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed $250,000.

Section 115. For the purpose of incorporating the amendment made by this act to section 500.172, Florida Statutes, in a reference thereto, subsection (6) of section 500.121, Florida Statutes, is reenacted to read:

500.121 Disciplinary procedures.—

(6) If the department determines that a food offered in a food establishment is labeled with nutrient claims that are in violation of this chapter, the department shall retest or reexamine the product within 90 days after notification to the manufacturer and to the firm at which the product was collected.

If the product is again found in violation, the department shall test or examine the product for a third time within 60 days after the second notification. The product manufacturer shall reimburse the department for the cost of the third test or examination. If the product is found in violation for a third time, the department shall exercise its authority under s. 500.172 and issue a stop-sale or stop-use order. The department may impose additional sanctions for violations of this subsection.

Section 116. For the purpose of incorporating the amendment made by this act to section 790.06, Florida Statutes, in a reference thereto, section 790.061, Florida Statutes, is reenacted to read:

790.061 Judges and justices; exceptions from licensure provisions.—A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must comply with the provisions of s. 790.06(2)(h). The Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

Section 117. This act shall take effect July 1, 2025.

HOUSING, AGRICULTURE, AND TOURISM SUBCOMMITTEE

HB 651 by Reps. Tuck and Alvarez, D.
Relating to Department of Agriculture and Consumer Services

AMENDMENT SUMMARY
March 18, 2025

Amendment 1 by Rep. Tuck (Strike-All): The amendment:

- Prohibits a local government from adopting an ordinance that inhibits the construction of housing for legally verified agricultural workers on certain land, and requires property owners of such lands to maintain certain records.
- Eliminates an exemption for federal, state, and other government entities under the Unmanned Aircraft Systems Act.
- Allows the Department of Agriculture and Consumer Services (DACS) to surplus certain lands that are determined to be suitable for bona fide agricultural production, and makes these provisions retroactive to January 1, 2009.
- Requires certain lands owned or acquired by an electric utility to be offered to DACS for fee simple acquisition before the lands are offered to anyone else, and makes these provisions retroactive to January 1, 2009.
- Grants DACS rulemaking authority to enforce the FDA's standard of identity for, and prohibits the sale of plant-based products mislabeled as, milk, meat, poultry, poultry products, eggs, and egg products.
- Allows DACS to use contracts procured by other state agencies, notwithstanding DMS' authority to oversee the procurement of contracts by state agencies.
- Creates the Florida Aquaculture Foundation (Foundation) within DACS to create programs to assist, promote, and further aquaculture and aquaculture producers in the state, and authorizes DACS to appoint an advisory committee adjunct to the Foundation.
- Eliminates the exemption under the Freedom from Unwarranted Surveillance Act for persons or entities licensed by the state if the use of a drone is only to perform reasonable tasks within the scope of activities permitted under the person or entity's license.
- Eliminates the provision conditioning the assessment of civil fines and attorney fees and costs on a finding that the entity received notice, at least 30 days before a suit was filed, that the ordinance or regulation impinged on the regulation of firearms and ammunition.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee
Representative Tuck offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in The Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in The Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in The Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

4. Positions in The Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in The Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in The Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

7. Positions in the Department of Agriculture and Consumer Services which are assigned primary duties of serving as captains or majors in the Office of Agricultural Law

Enforcement.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 2. Paragraphs (a) through (d) of subsection (2) of section 163.3162, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, new paragraphs (a), (f), and (g) are added to that subsection, and subsections (5), (6), and (7) are added to that section, to read:

163.3162 Agricultural Lands and Practices.—

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

(a) "Department" means the Department of Agriculture and Consumer Services.

(f) "Housing site" means the totality of development supporting authorized housing, including buildings; mobile homes; barracks; dormitories used as living quarters; parking areas; common areas such as athletic fields or playgrounds; storage structures; and other related structures.

(g) "Legally verified agricultural worker" means a person who:

1. Is lawfully present in the United States;

2. Meets the definition of eligible worker pursuant to 29 C.F.R. s. 502.10;

3. Has been verified through the process provided in s. 448.095(2) and is authorized to work at the time of employment;

4. Is seasonally or annually employed in a bona fide agricultural production;

5. Remains lawfully present and authorized to work throughout the duration of that employment; and

6. Is not an unauthorized alien as defined in s. 448.095(1).

(5) HOUSING FOR LEGALLY VERIFIED AGRICULTURAL WORKERS.—

(a) A governmental entity may not adopt or enforce any legislation, regulation, or ordinance to inhibit the construction or installation of housing for legally verified agricultural workers on land classified as agricultural land pursuant to s. 193.461 which is operated as a bona fide farm except as provided in this subsection.

(b) Construction or installation of housing units for legally verified agricultural workers on parcels of land classified as agricultural land under s. 193.461 must satisfy all of the following criteria:

1. The dwelling units must meet federal, state, and local building standards, including standards of the Department of Health adopted pursuant to ss. 381.008-381.00897 and federal standards for H-2A visa housing. If written notice of intent is required to be submitted to the Department of Health pursuant to s. 381.0083, the appropriate governmental entity with

jurisdiction over the agricultural lands may also require submittal of a copy of the written notice.

2. The housing site must be maintained in a neat, orderly, and safe manner.

3. All structures containing dwelling units must be located a minimum of 10 feet apart.

4. The square footage of the housing site's climate-controlled facilities may not exceed 1.5 percent of the property's area or 35,000 square feet, whichever is less.

5. A housing site must provide front, side, and rear yard setbacks of at least 50 feet. However, an internal project driveway may be located in the required yard space if the yard is adjacent to a public roadway or to property that is under common ownership with the housing site.

6. A housing site may not be located less than 100 feet from a property line adjacent to property zoned for residential use. If the housing site is located less than 250 feet from any property line, screening must be provided between the housing site and any residentially developed adjacent parcels that are under different ownership. The screening may be designed in any of the following ways:

a. Evergreen plants that, at the time of planting, are at least 6 feet in height and provide an overall screening opacity of 75 percent;

b. A masonry wall at least 6 feet in height and finished

on all sides with brick, stone, or painted or pigmented stucco;

c. A solid wood or PVC fence at least 6 feet in height with the finished side of the fence facing out;

d. A row of evergreen shade trees that, at the time of planting, are at least 10 feet in height, a minimum of 2-inch caliper, and spaced no more than 20 feet apart; or

e. A berm made with a combination of the materials listed in sub-subparagraphs a.-d., which is at least 6 feet in height and provides an overall screening capacity of 75 percent at the time of installation.

7. All access drives that serve the housing site must be made of packed shell, gravel, or a similar material that will provide a relatively dust-free surface.

(c) Any local ordinance adopted pursuant to this subsection must comply with all state and federal regulations for migrant farmworker housing, as applicable, including rules adopted by the Department of Health pursuant to ss. 381.008-381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. A governmental entity may adopt local government land use regulations that are less restrictive than this subsection, but which still meet regulations established by the Department of Health pursuant to ss. 381.008-381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. An ordinance adopted pursuant to

this paragraph may not conflict with the definition and requirements of a legally verified agricultural worker.

(d) Beginning July 1, 2025, a property owner must maintain records of all approved permits, including successor permits, for migrant labor camps or residential migrant housing as required under s. 381.0081. A property owner must maintain such records for at least 3 years and make the records available for inspection within 14 days after receipt of a request for records by a governmental entity.

(e) A housing site may not continue to be used and may be required to be removed under the following circumstances:

1. If, for any reason, a housing site is not being used for legally verified agricultural workers for longer than 365 days, any structure used as living quarters must be removed from the housing site within 180 days after receipt of written notification from the county unless the property owner can demonstrate that use of the site for housing legally verified agricultural workers will occur within 90 days after the written notification.

2. If the property on which the housing site is located ceases to be classified as agricultural land pursuant to s. 193.461.

3. If the permit authorized by the Department of Health for the housing site is revoked, all structures must be removed from the housing site within 180 days after receipt of written

notification from the county unless the permit is reinstated by the Department of Health.

4. If a housing site is found to be occupied by any person who does not meet the definition of a legally verified agricultural worker, or is otherwise unlawfully present in the United States. A property owner who violates this subparagraph is subject to a Class I fine pursuant to s. 570.971, not to exceed $1,000, for the first violation, and a Class II fine, not to exceed $5,000, for any subsequent violations. The fines shall be collected by the clerk of the court of the county in which the violation occurred.

(f) Notwithstanding this subsection, the construction or installation of housing for legally verified agricultural workers in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern is subject to the permit allocation systems of the Florida Keys Area of Critical State Concern and City of Key West Area of Critical State Concern, respectively.

(g) A housing site that was constructed and in use before July 1, 2024, may continue to be used, and the property owner may not be required by a governmental entity to make changes to meet the requirements of this subsection, unless the housing site will be enlarged, remodeled, renovated, or rehabilitated. The property owner of a housing site authorized under this paragraph must provide regular maintenance and repair, including

compliance with health and safety regulations and maintenance standards, for such housing site to ensure the health, safety, and habitability of the housing site.

(6) DATA COLLECTION.—The department shall adopt rules providing for:

(a) A method for government entities to submit reports of property owners who have a housing site for legally verified agriculture workers on lands classified as agricultural land pursuant to s. 193.461, as provided in this section.

(b) A method for persons to submit complaints for review and investigation by the department.

Government entities shall provide this information quarterly to the department in a format and timeframe prescribed by rule.

(7) ENFORCEMENT.—

(a) In addition to the enforcement methods of employment verification outlined in s. 448.095, the department shall enforce the requirements of subsection (5). Enforcement includes completing routine inspections based on a random sample of data collected by government entities and submitted to the department, the investigation and review of complaints, and the enforcement of violations.

(b) The department shall submit the information collected to the State Board of Immigration Enforcement on a quarterly basis, except that the first quarter shall begin 60 days after

the first quarterly data report under subsection (6) by a government entity is received and reviewed by the department.

Section 3. Subsection (3) of section 201.25, Florida Statutes, is amended to read:

201.25 Tax exemptions for certain loans.—There shall be exempt from all taxes imposed by this chapter:

(3) Any loan made by the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program pursuant to s. 570.822.

Section 4. Subsection (19) is added to section 253.0341, Florida Statutes, to read:

253.0341 Surplus of state-owned lands.—

(19) Notwithstanding any other law or rule, the Department of Agriculture and Consumer Services may surplus lands acquired pursuant to s. 366.20 which are determined to be suitable for bona fide agricultural production, as defined in s. 193.461. The Department of Agriculture and Consumer Services shall consult with the Department of Environmental Protection in the process of making such determination. In the event that lands acquired pursuant to s. 366.20, which are determined to be suitable for bona fide agricultural production are surplused, the Department of Agriculture and Consumer Services must retain a rural-lands-protection easements pursuant to s. 570.71(3), and all proceeds must be deposited into the Incidental Trust Fund within the Department of Agriculture and Consumer Services for less than

fee simple land acquisition pursuant to ss. 570.71 and 570.715. By January 1, 2026, and each January 1 thereafter, the Department of Agriculture and Consumer Services shall provide a report of lands surplused pursuant to this subsection to the board.

(a) Any lands designated as a state forest, state park, or wildlife management area are ineligible to be surplused pursuant to this subsection.

(b) This subsection is retroactive to January 1, 2009.

Section 5. Paragraphs (a) through (d) and (e) of subsection (2) of section 330.41, Florida Statutes, are redesignated as paragraphs (b) through (e) and (j) of subsection (2) and subsection (8), respectively, subsection (6) is renumbered as subsection (8), paragraph (d) of subsection (4) and present subsection (6) are amended, new paragraphs (a), (f), (g), (h), and (i) are added to subsection (2), and new subsections (6) and (7) are added to that section, to read:

330.41 Unmanned Aircraft Systems Act.—

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

(a) "Commercial property" means real property other than residential property. The term includes, but is not limited to, a property zoned multifamily residential which is comprised of five or more dwelling units, and real property used for commercial, industrial, or agricultural purposes.

(f) "Private property" means any residential or commercial

property.

(g) "Property owner" means the owner or owners of record of real property. The term includes real property held in trust for the benefit of one or more individuals, in which case the individual or individuals may be considered as the property owner or owners, provided that the trustee provides written consent. The term does not include persons renting, using, living, or otherwise occupying real property.

(h) "Residential property" means real property zoned as residential or multifamily residential and composed of four or fewer dwelling units.

(i) "Sport shooting and training range" has the same meaning as in s. 790.333(3)(h).

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(d) This subsection and paragraph (2)(b) ~~paragraph (2)(a)~~ shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

(6) PROTECTION OF AGRICULTURAL LANDS.—

(a) A person may not knowingly or willfully do any of the following on lands classified as agricultural lands pursuant to s. 193.461:

1. Operate a drone.

2. Allow a drone to make contact with any person or object on the premises of or within the boundaries of such lands.

3. Allow a drone to come within a distance close enough to such lands to interfere with or cause a disturbance to agricultural production.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The owner of the agricultural lands;

2. A person acting under the prior written consent of the owner of the agricultural lands; or

3. A person or entity acting in compliance with the provisions of s. 934.50.

(7) PROTECTION OF PRIVATE PROPERTY AND STATE HUNTING LANDS.—

(a) A person may not knowingly or willfully allow a drone to make contact with private property, state wildlife management lands, or a sport shooting and training range or any person or object on the premises of or within such property with the intent to harass.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or

subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who violates paragraph (a) and records video of the private property, state wildlife management lands, or sport shooting and training range, including any person or object on the premises of or within the private property, state wildlife management lands, or sport shooting and training range, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The owner of the private property or sport shooting and training range;

2. A person acting under the prior written consent of the owner of the private property or sport shooting and training range; or

3. A person or entity acting in compliance with the provisions of s. 934.50.

Section 6. Section 366.20, Florida Statutes, is created to read:

366.20 Sale and management of lands owned by electric utilities.—

(1) Lands acquired by an electric utility as defined in s. 361.11(2) which have been classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the acquisition of the land by the electric utility must be offered for fee simple acquisition by the Department of Agriculture and Consumer Services before offering for sale or transferring the land to a private individual or entity.

(2) Lands owned by an electric utility as defined in s. 361.11(2) which were classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the date of acquisition of the land by the electric utility must be offered for fee simple acquisition by the Department of Agriculture and Consumer Services before offering for sale or transferring the land to a private individual or entity.

(3) This section is retroactive to January 1, 2009.

Section 7. Subsections (3) and (4) of section 366.94, Florida Statutes, are renumbered as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

366.94 Electric vehicle charging.—

(2)(a) As used in this section, the term "electric vehicle charging station" means the area in the immediate vicinity of electric vehicle supply equipment and includes the electric vehicle supply equipment, supporting equipment, and associated parking spaces. The regulation of electric vehicle charging

stations is preempted to the state.

(b) ~~(a)~~ A local governmental entity may not enact or enforce an ordinance or regulation related to electric vehicle charging stations.

(3)(a) ~~(b)~~ The Department of Agriculture and Consumer Services shall adopt rules to implement this subsection and to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.

(b) The department may adopt rules to protect the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations.

(c) Local governmental entities shall issue permits for electric vehicle charging stations based solely upon standards established by department rule and other applicable provisions of state law. The department shall prescribe by rule the time period for approving or denying permit applications.

(d) Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the department on a form prescribed by department rule.

(e) The department shall have the authority to inspect electric vehicle charging stations, conduct investigations, and enforce this subsection and any rules adopted under this subsection. The department may impose one or more of the

following penalties against a person who violates this subsection or any rule adopted under this subsection:

1. Issuance of a warning letter.

2. Imposition of an administrative fine in the Class II category pursuant to s. 570.971 for each violation.

(f) If the department determines that an electric vehicle charging station or any associated equipment presents a threat to the public health, safety, or welfare, the department may issue an immediate final order prohibiting the use of the electric vehicle charging station or any portion thereof.

(g) In addition to the remedies provided in this subsection, and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin a violation of this subsection or rules adopted under this subsection in the circuit court of the county in which the violation occurs or is about to occur. Upon demonstration of competent and substantial evidence by the department to the court of the violation or threatened violation, the court shall immediately issue the temporary or permanent injunction sought by the department. The injunction shall be issued without bond.

Section 8. Subsections (10) and (11) of section 388.011, Florida Statutes, are renumbered as subsections (11) and (12), respectively, subsections (2) and (5) of that section are amended, and a new subsection (10) is added to that section, to read:

388.011 Definitions.—As used in this chapter:

(2) "Board of commissioners" means the governing body of any mosquito control program ~~district~~, and may include boards of county commissioners, city councils, municipalities, or other similar governing bodies when context so indicates.

(5) "District" means any mosquito control special district established in this state by law for the express purpose of controlling arthropods within boundaries of such ~~said~~ districts.

(10) "Program" means any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality.

Section 9. Section 388.021, Florida Statutes, is amended to read:

388.021 Creation of mosquito control special districts.—

(1) The abatement or suppression of arthropods, whether disease-bearing or merely pestiferous, within any or all counties of this state is advisable and necessary for the maintenance and betterment of the comfort, health, and welfare of the people thereof and is found and declared to be for public purposes. Areas where arthropods incubate, hatch, or occur in significant numbers so as to constitute a public health, welfare, or nuisance problem may be controlled or abated as provided in this chapter or the rules adopted under this chapter ~~promulgated hereunder~~. Therefore, any municipality ~~city~~, town, or county, or any portion or portions thereof, whether such

portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of arthropods under ~~the provisions of~~ this chapter.

(2) It is the legislative intent that ~~those~~ mosquito control districts established prior to July 1, 1980, pursuant to the petition process contained in former s. 388.031, may continue to operate as outlined in this chapter. However, on and after that date, no mosquito control districts may be created except pursuant to s. 125.01.

Section 10. Section 388.181, Florida Statutes, is amended to read:

388.181 Power to do all things necessary.—The respective programs ~~districts~~ of the state are ~~hereby~~ fully authorized to do and perform all things necessary to carry out the intent and purposes of this law.

Section 11. Subsections (1), (2), (4), and (5) of section 388.201, Florida Statutes, are amended to read:

388.201 Program ~~District~~ budgets; hearing.—

(1) The fiscal year of programs ~~districts~~ operating under ~~the provisions of~~ this chapter shall be the 12-month period extending from October 1 of one year through September 30 of the following year. The governing board of the programs ~~district~~ shall before July 15 of each year complete the preparation of a tentative detailed work plan budget covering its proposed

operations and requirements for arthropod control measures during the ensuing fiscal year and, for the purpose of determining eligibility for state aid, shall submit copies as may be required to the department for review and approval. The tentative detailed work plan budget must ~~shall~~ set forth, classified by account number, title and program items, and by fund from which to be paid, the proposed expenditures of the program ~~district~~ for construction, for acquisition of land, and other purposes, for the operation and maintenance of the program's ~~district's~~ works, the conduct of the program ~~district~~ generally, to which may be added an amount to be held as a reserve.

(2) The tentative detailed work plan budget must ~~shall~~ also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted,~~. There shall be shown~~ the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by county, municipality, or district taxes and from any and all other sources for meeting the program's ~~the district's~~ requirements.

(4) The governing board shall:

(a) ~~Shall~~ Consider objections filed against adoption of the tentative detailed work plan budget and in its discretion may amend, modify, or change such budget; and

(b) ~~Shall~~ By September 30, adopt and execute on a form

furnished by the department a certified budget for the programs ~~district~~ which shall be the operating and fiscal guide for the program ~~district~~. Certified copies of this budget must ~~shall~~ be submitted by September 30 to the department for approval.

(5) County commissioners' mosquito and arthropod control budgets or the budgets of a similar governing body of a county, city, or town must ~~shall~~ be made and adopted as prescribed by subsections (1) and (2); summary figures must ~~shall~~ be incorporated into the county budgets as prescribed by the Department of Financial Services.

Section 12. Section 388.241, Florida Statutes, is amended to read:

388.241 Board of ~~county~~ commissioners vested with powers and duties of board of commissioners ~~in certain counties~~.—In those counties or cities where there has been no formation of a separate or special board of commissioners, all the rights, powers, and duties of a board of commissioners as conferred in this chapter shall be vested in the board of ~~county~~ commissioners or similar governing body of such ~~said~~ county or city.

Section 13. Subsections (1), (2), and (5) through (8) of section 388.261, Florida Statutes, are amended to read:

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

(1) A county, municipality, or district may, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount of no more than $75,000 ~~$50,000~~ per year for up to 3 years for any new program for the control of mosquitoes and other arthropods which serves an area not previously served by the county, municipality, or district. These funds may be expended for any and all types of control measures approved by the department.

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

~~shall~~ be distributed as prescribed by rule among the remaining counties to support mosquito control and to support research, education, and outreach.

(5) If more than one program ~~local mosquito control agency~~ exists in a county or municipality, the funds must ~~shall~~ be prorated between the programs ~~agencies~~ based on the population served by each program ~~agency~~.

(6) The Commissioner of Agriculture may exempt counties, municipalities, or districts from the requirements in subsection (1), subsection (2), or subsection (3) when the department determines state funds, supplies, services, or equipment are necessary for the immediate control of mosquitoes and other arthropods that pose a threat to human or animal health.

(7) The department may use state funds appropriated for a county, municipality, or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a county, municipality, or district eligible to receive state funds under s. 388.271.

(8) The department is authorized to use up to 5 percent of the funds appropriated annually by the Legislature under this section to provide technical assistance to the counties, municipalities, or districts, or to purchase equipment, supplies, or services necessary to administer ~~the provisions of~~ this chapter.

Section 14. Subsections (1) and (2) of section 388.271, Florida Statutes, are amended to read:

388.271 Prerequisites to participation.—

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

(2) All purchases of supplies, materials, and equipment by programs must ~~counties or districts shall~~ be made in accordance with the laws governing purchases by boards of ~~county~~ commissioners or similar governing bodies, except that programs

~~districts~~ with special laws relative to competitive bidding shall make purchases in accordance therewith.

Section 15. Subsections (1) and (3) of section 388.281, Florida Statutes, are amended to read:

388.281 Use of state matching funds.—

(1) All funds, supplies, and services released to programs under this chapter must ~~counties and districts hereunder shall~~ be used in accordance with the integrated arthropod management ~~detailed work~~ plan and certified budget approved by both the department and the board of commissioners or an appropriate representative ~~county or district~~. The integrated arthropod management plan and budget may be amended at any time upon prior approval of the department.

(3) In any program ~~county or district~~ where the arthropod problem has been eliminated, or reduced to such an extent that it does not constitute a health, comfort, or economic problem as determined by the department, the maximum amount of state funds available under this chapter shall be reduced to the amount necessary to meet actual need.

Section 16. Subsections (1) and (2) of section 388.291, Florida Statutes, are amended to read:

388.291 Source reduction measures; supervision by department.—

(1) Any program ~~county or district~~ may perform source reduction measures in conformity with good engineering practices

in any area, provided that the department cooperating with the county, municipality, or district has approved the operating or construction plan as outlined in the integrated arthropod management plan and that it has been determined by criteria contained in rule that the area or areas to be controlled would produce arthropods in significant numbers to constitute a health or nuisance problem.

(2) The program ~~county or district~~ shall manage the detailed business affairs and supervise the ~~said~~ work, and the department shall advise the programs ~~districts~~ as to the best and most effective measures to be used in bringing about better temporary control and the permanent elimination of breeding conditions. The department may at its discretion discontinue any state aid provided under this chapter ~~hereunder~~ in the event it finds the jointly agreed upon program is not being followed or is not efficiently and effectively administered.

Section 17. Section 388.301, Florida Statutes, is amended to read:

388.301 Payment of state funds; supplies and services.—State funds shall be payable ~~quarterly~~, in accordance with the rules of the department, upon requisition by the department to the Chief Financial Officer. The department is authorized to furnish insecticides, chemicals, materials, equipment, vehicles, and personnel in lieu of state funds where mass purchasing may save funds for the state, or where it would be more practical

and economical to use equipment, supplies, and services between two or more programs ~~counties or districts~~.

Section 18. Section 388.311, Florida Statutes, is amended to read:

388.311 Carry over of state funds and local funds.—State and local funds budgeted for the control of mosquitoes and other arthropods shall be carried over at the end of the program's ~~county or district's~~ fiscal year, and rebudgeted for such control measures the following fiscal year.

Section 19. Section 388.321, Florida Statutes, is amended to read:

388.321 Equipment to become property of a program ~~the county or district~~.—All equipment purchased under this chapter with state funds made available directly to a program ~~the county or district~~ shall become the property of the program ~~county or district~~ unless otherwise provided, and may be traded in on other equipment, or sold, when no longer needed by the program ~~county or district~~.

Section 20. Section 388.322, Florida Statutes, is amended to read:

388.322 Record and inventory of certain property.—A record and inventory of certain property purchased with state funds for arthropod control use owned by the program must ~~district shall~~ be maintained in accordance with s. 274.02.

Section 21. Section 388.323, Florida Statutes, is amended

to read:

388.323 Disposal of surplus property.—Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions:

(1) Serviceable equipment purchased using state funds for arthropod control use no longer needed by a program must ~~county or district shall~~ first be offered to any ~~or all~~ other programs ~~counties or districts~~ engaged in arthropod control at a price established by the board of commissioners owning the equipment.

(2) The alternative procedure for disposal of surplus property, as prescribed in s. 274.06, must ~~shall~~ be followed if it is determined that no other program ~~county or district~~ engaged in arthropod control has need for the equipment.

(3) All proceeds from the sale of any real or tangible personal property owned by the program and purchased using state funds ~~county or district~~ shall be deposited in the program's ~~county's or district's~~ state fund account unless otherwise specifically designated by the department.

Section 22. Section 388.341, Florida Statutes, is amended to read:

388.341 Reports of expenditures and accomplishments.—Each program receiving state aid ~~county and district participating~~ under ~~the provisions of~~ this chapter shall within 30 days after the end of each month submit to the department a monthly report for the preceding month of expenditures from all funds for

arthropod control, and each program participating under this chapter shall provide such reports of activities and accomplishments as may be required by the department.

Section 23. Section 388.351, Florida Statutes, is amended to read:

388.351 Transfer of equipment, personnel, and supplies during an emergency.—The department, upon notifying a program ~~county or district~~ and obtaining its approval, is authorized to transfer equipment, materials, and personnel from one program ~~district~~ to another in the event of an emergency brought about by an arthropod-borne epidemic or other disaster requiring emergency control.

Section 24. Subsection (7) of section 388.361, Florida Statutes, is amended to read:

388.361 Department authority and rules; administration.—

(7) The department shall have the authority to collect, detect, suppress, and control mosquitoes and other arthropods that are determined by the State Health Officer to pose a threat to public health, or determined by the Commissioner of Agriculture to pose a threat to animal health, wherever they may occur on public or private land in this state, and to do all things necessary in the exercise of such authority. Before ~~Prior to~~ the start of treatments for the control of mosquitoes or other arthropods, the department shall consult with the mosquito control programs ~~districts~~ in the proposed treatment areas, the

Department of Health, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission regarding the proposed locations, dates, and methods to be used.

Section 25. Subsections (2) and (3) of section 388.3711, Florida Statutes, are amended to read:

388.3711 Enforcement.—

(2) The department may issue a written warning, impose a fine; deny, suspend, or revoke any license or certification~~,~~ or the disbursal of state aid; or deny participation, in accordance with ~~the provisions of~~ chapter 120, upon any one or more of the following grounds as may be applicable:

(a) Violation of any rule of the department or provision of this chapter.

(b) Violation of FIFRA or any relevant EPA rule or regulation pertaining to the use of arthropod control pesticides by the licensee.

(c) Failure to give the department, or any authorized representative thereof, true information upon request regarding methods and materials used, work performed, or other information essential to the administration of this chapter.

(3) The department may, if it finds a violation is of such nature or circumstances that imposition of a fine, or denial, revocation, or suspension of a certification or license or disbursal of state aid would be detrimental to the public or be unnecessarily harsh under the circumstances, in its discretion,

place the offending party on probation for a period of not more than 2 years. If the department determines that the terms of such probation have been violated, it may reinstitute license or certification or state aid denial, suspension, or revocation proceedings.

Section 26. Section 388.381, Florida Statutes, is amended to read:

388.381 Cooperation by programs ~~counties and district~~.—Any program conducting ~~county or district carrying on an~~ arthropod control ~~program~~ may cooperate with another county, district, or municipality in carrying out work ~~a program~~ for the control of mosquitoes and other arthropods, by agreement as to the program and reimbursement thereof, when approved by the department.

Section 27. Section 388.391, Florida Statutes, is amended to read:

388.391 Control measures in municipalities and portions of counties located outside boundaries of programs ~~districts~~.—Any program ~~district~~ whose operation is limited to a portion of the county in which it is located may perform any control measures authorized by this chapter in any municipality located in the same county or in any portions of the same county, where there is no established program ~~district~~, when requested to do so by the municipality or county, pursuant to s. 388.381.

Section 28. Section 388.401, Florida Statutes, is amended to read:

388.401 Penalty for damage to property or operations.—Whoever ~~shall~~ willfully damages ~~damage~~ any of the property of any program ~~county or district~~ created under this or other chapters, or any works constructed, maintained, or controlled by such program ~~county or district~~, or who obstructs ~~shall obstruct~~ or causes ~~cause~~ to be obstructed any of the operations of such program ~~county or district~~, or who ~~shall~~ knowingly or willfully violates ~~violate~~ any provisions of this chapter or any rule or regulation adopted ~~promulgated~~ by any board of commissioners of any program, commits ~~county or district shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 29. Paragraph (a) of subsection (2) of section 388.46, Florida Statutes, is amended to read:

388.46 Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.—

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(a) *Membership.*—The Florida Coordinating Council on Mosquito Control shall be composed ~~comprised~~ of the following representatives or their authorized designees:

1. The Secretary of Environmental Protection.

2. The State Surgeon General.

3. The executive director of the Fish and Wildlife Conservation Commission.

4. The state epidemiologist.

5. The Commissioner of Agriculture.

6. The Board of Trustees of the Internal Improvement Trust Fund.

7. Representatives from:

a. The University of Florida, Institute of Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory.

b. The United States Environmental Protection Agency.

c. The United States Department of Agriculture, Center of Medical, Agricultural, and Veterinary Entomology ~~Insects Affecting Man Laboratory~~.

d. The United States Fish and Wildlife Service.

8. Four ~~Two~~ mosquito control directors to be nominated by the Florida Mosquito Control Association, two representatives of Florida environmental groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 4-year terms by the Commissioner of Agriculture and serve until his or her successor is appointed.

Section 30. Paragraph (d) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(d) *Enforcement and verification of basin management action plans and management strategies.*—

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice, except those enrolled by rule in subparagraph 4., to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus ~~fertilizer~~ application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

4. The Department of Agriculture and Consumer Services is authorized to adopt rules establishing an enrollment in best management practices by rule process that agricultural pollutant

sources and agricultural producers may use in lieu of the best management practices adopted in paragraph (c) and identify best management practices for landowners of parcels which meet all of the following requirements:

a. A parcel not more than 25 acres in size.

b. A parcel designated as agricultural land use by the county in which it is located or the parcel is granted agricultural tax classification by the county property appraiser of the county in which it is located.

c. A parcel with water use not exceeding 100,000 gallons per day on average unless the entire use is met using recycled water from wet detention treatment ponds or reuse water.

d. A parcel where the agricultural activity on the parcel is not a vegetable crop, an agronomic crop, a nursery, or a dairy operation.

e. A parcel not abutting an impaired water body identified in subsection (4).

f. A parcel not part of a larger operation that is enrolled in the Department of Agriculture and Consumer Services best management practices or conducting water quality monitoring prescribed by the department or a water management district.

Such requirements must specify design or performance criteria that, if applied, would result in compliance with appropriate water quality standards. The Department of Agriculture and

Consumer Services is authorized to adopt additional eligibility criteria for landowners or producers to use enrollment by rule and to revoke enrollment by rule.

5. The Department of Agriculture and Consumer Services shall annually perform onsite inspections of 20 percent for all enrollments that meet the qualifications pursuant to subparagraph 4. by rule within basin management action plan areas, to ensure that practices are being properly implemented. Such inspections must include a collection and review of the identified best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2. All agricultural producers enrolled by rule in a best management practice must annually submit nutrient records, including nitrogen and phosphorus application records for the previous calendar year, to the Department of Agriculture and Consumer Services as required by rules adopted pursuant to subparagraph (c)2. The Department of Agriculture and Consumer Services shall collect and retain these nutrient records pursuant to subparagraphs (c)3., 4., and 6.

Section 31. Subsection (19) is added to section 403.852, Florida Statutes, to read:

403.852 Definitions; ss. 403.850-403.864.—As used in ss. 403.850-403.864:

(19) "Water quality additive" means any chemical or additive which is used in a public water system for the purpose

of removing contaminants or increasing water quality. The term does not include additives used for health-related purposes.

Section 32. Subsection (8) is added to section 403.859, Florida Statutes, to read:

403.859 Prohibited acts.—The following acts and the causing thereof are prohibited and are violations of this act:

(8) The use of any additive in a public water system which does not meet the definition of a water quality additive as defined in s. 403.852(19), or the use of any additive included primarily for health-related purposes.

Section 33. Subsection (10) of section 482.111, Florida Statutes, is amended to read:

482.111 Pest control operator's certificate.—

(10) In order to renew a certificate, the certificateholder must complete 2 hours of approved continuing education on legislation, safety, pesticide labeling, and integrated pest management and 2 hours of approved continuing education in each category of her or his certificate or must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. The department may not renew a certificate if the continuing education or examination requirement is not met.

(a) Courses or programs, to be considered for credit, must include one or more of the following topics:

1. The law and rules of this state pertaining to pest control.

2. Precautions necessary to safeguard life, health, and property in the conducting of pest control and the application of pesticides.

3. Pests, their habits, recognition of the damage they cause, and identification of them by accepted common name.

4. Current accepted industry practices in the conducting of fumigation, termites and other wood-destroying organisms pest control, lawn and ornamental pest control, and household pest control.

5. How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels used in pest control.

6. Integrated pest management.

(b) The certificateholder must submit with her or his application for renewal a statement certifying that she or he has completed the required number of hours of continuing education. The statement must be on a form prescribed by the department and must identify at least the date, location, provider, and subject of the training and must provide such other information as required by the department.

(c) The department shall charge the same fee for examination as provided in s. 482.141(2).

Section 34. Subsection (1) of section 482.141, Florida

Statutes, is amended to read:

482.141 Examinations.—

(1) Each individual seeking certification must satisfactorily pass an examination which must be written but ~~which~~ may include practical demonstration. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~hold at least two examinations each year~~. An applicant may seek certification in one or more categories.

Section 35. Paragraph (b) of subsection (1) of section 482.155, Florida Statutes, is amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)

(b) A person seeking limited certification under this subsection must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given or approved by the department~~. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than $150 or less than $50; and a recertification fee of $25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is $50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of

acceptable continuing education. The limited certificate expires 4 years after the date of issuance. If the certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. The department shall make available ~~provide~~ the appropriate reference material ~~and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county~~.

Section 36. Subsection (2) of section 482.156, Florida Statutes, is amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.—

(2)(a) A person seeking limited certification under this section must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than $150 or less than $50. Before the department issues a limited certification under this section, each person applying for the certification must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by

s. 482.071(4).

(b) The department shall make available ~~provide~~ the appropriate reference materials for the examination and provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~make the examination readily accessible and available to applicants at least quarterly or as necessary in each county~~.

Section 37. Subsection (2) of section 482.157, Florida Statutes, is amended to read:

482.157 Limited certification for commercial wildlife management personnel.—

(2) The department shall issue a limited certificate to an applicant who:

(a) Submits an application and examination fee of at least $150, but not more than $300, as prescribed by the department by rule;

(b) Passes an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~administered by the department~~. The department shall make available ~~provide~~ the appropriate study materials for the examination ~~and make the examination readily available to applicants in each county as necessary, but not less frequently than quarterly~~; and

(c) Provides proof, including a certificate of insurance,

that the applicant has met the minimum bodily injury and property damage insurance requirements in s. 482.071(4).

Section 38. Paragraph (m) is added to subsection (1) of section 482.161, Florida Statutes, to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(1) The department may issue a written warning to or impose a fine against, or deny the application for licensure or licensure renewal of, a licensee, certified operator, limited certificateholder, identification cardholder, or special identification cardholder or any other person, or may suspend, revoke, or deny the issuance or renewal of any license, certificate, limited certificate, identification card, or special identification card that is within the scope of this chapter, in accordance with chapter 120, upon any of the following grounds:

(m) Upon the issuance of a final order imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b), of FIFRA.

Section 39. Subsection (2) of section 487.044, Florida Statutes, is amended to read:

487.044 Certification; examination.—

(2) The department shall require each applicant for a certified applicator's license to demonstrate competence by a written or oral examination in which the applicant must

demonstrate adequate knowledge concerning the proper use and application of restricted-use pesticides in each classification for which application for license is made. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee. The examination may be prepared, administered, and evaluated by the department. Each applicant for a certified applicator's license must ~~shall~~ demonstrate minimum competence as to:

(a) The proper use of the equipment.

(b) The environmental hazards that may be involved in applying restricted-use pesticides.

(c) Calculating the concentration of restricted-use pesticides to be used in particular circumstances.

(d) Identification of common pests to be controlled and the damages caused by such pests.

(e) Protective clothing and respiratory equipment required during the handling and application of restricted-use pesticides.

(f) General precautions to be followed in the disposal of containers, as well as the cleaning and decontamination of the equipment which the applicant proposes to use.

(g) Applicable state and federal pesticide laws, rules, and regulations.

(h) General safety precautions.

Section 40. Subsection (6) is added to section 487.175, Florida Statutes, to read:

487.175 Penalties; administrative fine; injunction.—

(6) Licensure may be suspended, revoked, or denied by the department, upon the issuance of a final order to a licensee imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 41. Subsections (13) through (28) of section 496.404, Florida Statutes, are renumbered as subsections (15) through (30), respectively, and new subsections (13) and (14) are added to that section, to read:

496.404 Definitions.—As used in ss. 496.401-496.424, the term:

(13) "Foreign country of concern" has the same meaning as s. 286.101(1)(b).

(14) "Foreign source of concern" means any of the following:

(a) The government or any official of the government of a foreign country of concern;

(b) A political party or member of a political party or any subdivision of a political party in a foreign country of concern;

(c) A partnership, an association, a corporation, an organization, or other combination of persons organized under

the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity;

(d) Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;

(e) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or

(f) An entity in which a person, entity, or collection of persons or entities described in paragraphs (a)-(e) has a controlling interest. As used in this paragraph, the term "controlling interest" means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.

Section 42. Paragraphs (d) through (g) of subsection (2) of section 496.405, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, new paragraphs (d) and (e) are added to that subsection, subsection (1) and paragraph (b) of subsection (7) are amended, and subsection (11) is added to that section, to read:

496.405 Registration statements by charitable

organizations and sponsors.—

(1) A charitable organization or sponsor, unless exempted pursuant to s. 496.406, which intends to solicit contributions in or from this state by any means or have funds solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor, or that participates in a charitable sales promotion or sponsor sales promotion, must, before engaging in any of these activities, file an initial registration statement, which includes an attestation statement, and a renewal statement annually thereafter, with the department.

(a) Except as provided in paragraph (b), any changes in the information submitted on the initial registration statement or the last renewal statement must be updated annually on a renewal statement provided by the department on or before the date that marks 1 year after the date the department approved the initial registration statement as provided in this section. The department shall annually provide a renewal statement to each registrant by mail or by electronic mail at least 30 days before the renewal date.

(b) Any changes to the information submitted to the department pursuant to paragraph (2)(f) ~~(2)(d)~~ on the initial registration statement, which includes an attestation statement, or the last renewal statement must be reported to the department on a form prescribed by the department within 10 days after the

change occurs.

(c) A charitable organization or sponsor that is required to file an initial registration statement or annual renewal statement may not, before approval of its statement by the department in accordance with subsection (7), solicit contributions or have contributions solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor or participate in a charitable sales promotion or sponsor sales promotion.

(d) The registration of a charitable organization or sponsor may not continue in effect and shall expire without further action of the department under either of the following circumstances:

1. After the date the charitable organization or sponsor should have filed, but failed to file, its renewal statement in accordance with this section.

2. For failure to provide a financial statement within any extension period provided under s. 496.407.

(2) The initial registration statement must be submitted on a form prescribed by the department, signed by an authorized official of the charitable organization or sponsor who shall certify that the registration statement is true and correct, and include the following information or material:

(d) An attestation statement, which must be submitted on a form prescribed by the department and signed by an authorized

official of the charitable organization, who shall certify and attest that the charitable organization, if engaged in activities that would require registration pursuant to chapter 106 is registered with the Department of State, pursuant to chapter 106.

(e) An attestation statement on a form prescribed by the department, signed by an authorized official of the charitable organization, who shall certify and attest that the charitable organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration with the Department of State pursuant to chapter 106.

(7)

(b) If a charitable organization or sponsor discloses information specified in subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ in the initial registration statement or annual renewal statement, the time limits set forth in paragraph (a) are waived, and the department shall process such initial registration statement or annual renewal statement in accordance with the time limits set forth in chapter 120. The registration of a charitable organization or sponsor shall be automatically suspended for failure to disclose any information specified in subparagraphs (2)(f)2.-7. ~~(2)(d)2.-7.~~ until such time as the required information is submitted to the department.

(11) The department may investigate and refer a charitable organization or sponsor to the Florida Elections Commission for

investigation of violations pursuant to chapters 104 and 106.

Section 43. Subsection (20) is added to section 496.415, Florida Statutes, to read:

496.415 Prohibited acts.—It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:

(20) Solicit or accept contributions or anything of value from a foreign source of concern.

Section 44. Section 496.417, Florida Statutes, is amended to read:

496.417 Criminal penalties.—Except as otherwise provided in ss. 496.401-496.424, and in addition to any administrative or civil penalties, any person who willfully and knowingly violates ss. 496.401-496.424 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For a second or subsequent conviction, such violation constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department may also investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 45. Subsection (11) is added to section 496.419, Florida Statutes, to read:

496.419 Powers of the department.—

(11) A charitable organization or sponsor whose

registration is denied or revoked for submitting a false attestation required pursuant to s. 496.405(2)(d) or (2)(e) is subject to the penalties specified in subsection (5) at the discretion of the department.

Section 46. Section 496.431, Florida Statutes, is created to read:

496.431 Honest Service Registry.—

(1) The department shall create the Honest Services Registry to provide the residents of this state with the information necessary to make an informed choice when deciding which charitable organizations to support.

(2) To be included on the Honest Services Registry, a charitable organization must, at a minimum, submit to the department an attestation statement on a form prescribed by the department, verified as provided in s. 92.525, attesting to all of the following:

(a) That the organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern.

(b) That the organization's messaging and content are not directly or indirectly produced or influenced by a foreign source of concern.

(3) The department shall publish the Honest Services Registry on the department's website.

(4) The department shall adopt rules to implement this

section.

Section 47. Paragraph (j) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) "Cottage food product" means food that is not time or temperature controlled for safety or a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

Section 48. Paragraphs (a) and (b) of subsection (1) of section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.—

(1)(a) A food permit from the department is required of any person or business that ~~who~~ operates a food establishment, except:

1. Persons or businesses operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, not age restricted, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the person or business minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within this state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of the product, and a statement that reads, "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

(b) Each food establishment regulated under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment as a condition of issuance or renewal of a food permit. Such fees may not exceed $650 and must be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant must be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed in accordance with subparagraphs 1.-3. If an application for renewal of a food permit is not received by the department on or before its due

date, a late fee not exceeding $100 must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected must be deposited in the General Inspection Trust Fund.

1. A food permit issued to a new food establishment ~~on or after September 1, 2023,~~ is valid for 1 calendar year after the date of issuance and must be renewed annually on or before that date thereafter.

2. ~~Effective January 1, 2024,~~ A food permit issued before September 1, 2023, expires on the month and day the initial permit was issued to the food establishment and must be renewed annually on or before that date thereafter. The department may charge a prorated permit fee for purposes of this subparagraph.

3. The department may establish a single permit renewal date for multiple food establishments owned by the same entity ~~The owner of 100 or more permitted food establishment locations may elect to set the expiration of food permits for such establishments as December 31 of each calendar year~~.

Section 49. Section 500.166, Florida Statutes, is amended to read:

500.166 Records of interstate shipment.—For the purpose of enforcing this chapter, carriers engaged in interstate commerce and persons receiving food in interstate commerce shall retain all records for 3 years from the date of the record showing the movement in interstate commerce of any food, and the quantity,

shipper and consignee thereof and, upon the request by an officer or employee duly designated by the department, permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.

Section 50. Subsection (1) of section 500.172, Florida Statutes, is amended to read:

500.172 Embargoing, detaining, destroying of food, food processing equipment, or areas that are in violation.—

(1) When the department, or its duly authorized agent who has received appropriate education and training regarding the legal requirements of this chapter, finds or has probable cause to believe that any food, food processing equipment, food processing area, or food storage area is in violation of this chapter or any rule adopted under this chapter so as to be dangerous, unwholesome, mislabeled, fraudulent, or insanitary within the meaning of this chapter, an agent of the department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. The department

is authorized to enter into a written agreement with the owner of such food, food processing equipment, food processing area, or food storage area, or otherwise facilitate the destruction of any article found or suspected by the department to be in violation of this section. A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise without such permission from or in accordance with a written agreement with the department.

Section 51. Section 500.75, Florida Statutes, is created to read:

500.75 Mushroom spores and mycelium; offenses.—It is unlawful to transport, import, sell, offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle. A person who transports, imports into this state, sells, offers for sale, furnishes, gives away, or offers to transport, import into this state, sell, furnish, or give away any spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. Section 500.93, Florida Statutes, is created to read:

500.93 Mislabeling of plant-based products as milk, meat, poultry, or eggs.—

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

(a) "Egg" and "egg product" have the same meanings as in 21 U.S.C. s. 1033 and the Egg Products Inspection Act.

(b) "FDA" means the United States Food and Drug Administration.

(c) "Meat" has the same meaning as in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act.

(d) "Milk" has the same meaning as in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance.

(e) "Poultry" and "poultry product" have the same meanings as in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act.

(2)(a) In accordance with the established standard of identity for milk defined in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance, the department shall adopt rules to enforce the FDA's standard of identity for milk, as adopted in state law, to prohibit the sale of plant-based products mislabeled as milk in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee,

Texas, Virginia, and West Virginia.

(3)(a) In accordance with the established standard of identity for meat defined in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act, and both poultry and poultry products defined in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for meat, poultry, and poultry products as adopted in this section, to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products which is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(4)(a) In accordance with the established standard of identity for eggs and egg products defined in 21 U.S.C. s. 1033 and the Egg Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for eggs and egg products, as adopted in state law, to prohibit the sale of plant-based products mislabeled as egg or egg products in this state.

(b) This subsection is effective upon the enactment into

law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as egg or egg products that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(5) The Department of Agriculture and Consumer Services shall notify the Division of Law Revision upon the enactment into law by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia of the mandatory labeling requirements pursuant to subsections (2) and (3).

(6) The department shall adopt rules to implement this section.

(7) This section does not limit the department's authority to enforce its laws and regulations.

Section 53. Section 501.135, Florida Statutes, is repealed.

Section 54. Subsection (1) of section 501.912, Florida Statutes, is amended to read:

501.912 Definitions.—As used in ss. 501.91-501.923:

(1) "Antifreeze" means any substance or preparation, including, but not limited to, coolant, antifreeze-coolant, antifreeze and summer coolant, or summer coolant, that is sold,

distributed, or intended for use:

(a) As the cooling liquid, or to be added to the cooling liquid, in the cooling system of ~~internal combustion engines of~~ motor vehicles to prevent freezing of the cooling liquid or to lower its freezing point; or

(b) To raise the boiling point of water, aid in vehicle component cooling, or for the prevention of engine overheating, whether or not the liquid is used as a year-round cooling system fluid.

Section 55. Section 525.19, Florida Statutes, is created to read:

525.19 Petroleum registration.—

(1) The department shall create an annual petroleum registration program for petroleum owners or operators and shall adopt rules detailing the requirements for such registration that include, at minimum:

(a) Name of the petroleum owner or operator;

(b) Address of the petroleum owner or operator;

(c) Phone number of the petroleum owner or operator;

(d) E-mail address of the petroleum owner or operator;

(e) Requirements for the transfer switch;

(f) Fuel and petroleum infrastructure; and

(g) Fuel and petroleum inventory and delivery information.

(2) The registration program must be free for all registrants.

(3) The department has the authority to require registrants to provide updates related to the status of infrastructure, inventory, and delivery information during a state of emergency as declared by an executive order issued by the Governor.

Section 56. Section 526.147, Florida Statutes, is created to read:

526.147 Florida Retail Fuel Transfer Switch Modernization Grant Program.—

(1)(a) There is created, subject to appropriation, the Florida Retail Fuel Transfer Switch Modernization Grant Program within the Department of Agriculture and Consumer Services.

(b) The grant program shall provide grant funds, not to exceed $10,000 per retail fuel facility, to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities to allow for the continuity of fueling operations under generated power.

(c) The department shall award funds based upon the following criteria:

1. Up to $10,000, of costs for transfer switch purchase and installation for retail fuel locations in fiscally constrained counties as designated under s. 218.67(1).

2. Up to $5,000, of costs for transfer switch purchase and installation for all other retail fuel locations.

(d) Retail fuel facilities which are awarded grant funds must comply with s. 526.143 and must install a transfer switch capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternative generated power source.

(e) Before being awarded funding from the department, retail fuel facilities must provide documentation on transfer switch installation and required generator sizing to the department.

(f) Marinas and fueling facilities with fewer than 4 fueling positions are excluded from being awarded funding through this program.

(g) Fueling facilities subject to s. 526.143(2) are excluded from being awarded funding through this program.

(2) The department, in consultation with the Division of Emergency Management, shall adopt rules to implement and administer this section, including establishing grant application processes for the Florida Retail Fuel Transfer Switch Modernization Grant Program. The rules must include application deadlines and establish the supporting documentation necessary to be provided to the department.

Section 57. Section 531.48, Florida Statutes, is amended to read:

531.48 Declarations of unit price on random packages.—In addition to the declarations required by s. 531.47, any package

being one of a lot containing random weights of the same commodity must ~~and bearing the total selling price of the package shall~~ bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by department rule.

Section 58. Section 531.49, Florida Statutes, is amended to read:

531.49 Advertising packages for sale.—~~Whenever~~ A packaged commodity ~~is advertised in any manner with the retail price stated, there shall be~~ closely and conspicuously associated with the retail price must have a declaration of quantity as is required by law or rule to appear on the package.

Section 59. Subsection (10) of section 564.06, Florida Statutes, is amended to read:

564.06 Excise taxes on wines and beverages.—

(10) Fifty percent of all revenues collected from the excise taxes imposed by this section on wine produced by manufacturers in this state from products grown in the state must be deposited into the Florida Wine ~~Viticulture~~ Trust Fund established pursuant to s. 599.012.

Section 60. Subsections (44), (45), and (46) of section 570.07, Florida Statutes, are renumbered as subsections (47), (48), and (49), respectively, and new subsections (44), (45), and (46) are added to that section, to read:

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

(44)(a) To foster and encourage the employment and retention of qualified veterinary pathologists. The department may reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with the department to retain employment for a specified period of time.

(b) The department shall adopt rules to administer this subsection.

(45) Subject to appropriation, to extend state and national Future Farmers of America opportunities to any public school student enrolled in agricultural education, at little or no cost to the student or school district, and to support statewide Future Farmers of America programming that helps such students develop their potential for premier leadership, personal growth, and career success.

(46)(a) Notwithstanding ss. 287.042 and 287.057, to use contracts procured by another agency.

(b) As used in this subsection, the term "agency" has the same meaning as provided in s. 287.012.

Section 61. Subsection (2) of section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—

(2) The director shall supervise, direct, and coordinate the activities of the division and shall, under the direction of the department, enforce the provisions of ss. 366.94 and ~~ss.~~ 604.15-604.34 and chapters 177, 472, 496, 501, 507, 525, 526, 527, 531, 534, 535, 539, 559, 616, 692, 817, and 849.

Section 62. Section 570.546, Florida Statutes, is created to read:

570.546 Licensing.—

(1) The department is authorized to:

(a) Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.

(b) Create a process that will allow licensees, upon request, to align the expiration dates of licenses within a statutory program.

(c) Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month.

(2) The department shall prorate any licensing fee for which the term of the license was reduced for the purposes of alignment.

(3) The department shall adopt rules to implement this section.

Section 63. Section 570.694, Florida Statutes, is created

to read:

570.694 Florida Aquaculture Foundation.—

(1) The Florida Aquaculture Foundation is established as a direct-support organization within the Department of Agriculture and Consumer Services. The purpose of the foundation is to:

(a) Conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers in this state.

(b) Identify and pursue methods to provide statewide resources and materials for these programs.

(2) The foundation shall be governed by s. 570.691.

(3) The department is authorized to appoint an advisory committee adjunct to the foundation pursuant to s. 570.232.

Section 64. Section 570.822, Florida Statutes, is amended to read:

570.822 Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 or on sovereign submerged land that is leased to the applicant by the department pursuant to s. 597.010 and that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency ~~natural disaster~~" means an

emergency ~~a natural disaster~~ for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Essential physical property" means fences; equipment; structural production facilities, such as shade houses and greenhouses; or other agriculture or aquaculture facilities or infrastructure.

(e) "Program" means the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.

(2) USE OF LOAN FUNDS; LOAN TERMS.—

(a) The program is established within the department to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency ~~natural disaster~~. Loan funds may be used to restore, repair, ~~or~~ replace essential physical property or remove vegetative debris from essential physical property, or restock aquaculture. A structure or building constructed using loan proceeds must comply with storm-hardening standards for nonresidential farm buildings as defined in s. 604.50(2). The department shall adopt such standards by rule.

(b) The department may make a low-interest or interest-free loan to an eligible applicant. The maximum amount that an applicant may receive during the application period for a loan is $500,000. An applicant may not receive more than one loan per

application period and no more than two loans per year or no more than five loans in any 3-year period. A loan term is 10 years.

(3) ELIGIBLE APPLICANTS.—To be eligible for the program, an applicant must:

(a) Own or lease a bona fide farm operation that is located in a county named in a declared emergency ~~natural disaster~~ and that was damaged or destroyed as a result of such declared emergency ~~natural disaster~~.

(b) Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.

(4) LOAN APPLICATION AND AGREEMENT.—

(a) Requests for loans must be made by application to the department. Upon a determination that funding for loans is available, the department shall publicly notice an application period for the declared emergency ~~natural disaster~~, beginning within 60 days after the date of the declared emergency ~~natural disaster~~ and running up to 1 year after the date of the declared emergency ~~natural disaster~~ or until all available loan funds are exhausted, whichever occurs first. The application may be renewed upon a determination from the department and pursuant to an active declared emergency.

(b) An applicant must demonstrate the need for financial

assistance and an ability to repay or meet a standard credit rating determined by the department.

(c) Loans must be made pursuant to written agreements specifying the terms and conditions agreed to by the approved applicant and the department. The loan agreement must specify that the loan is due upon sale if the property or other collateral for the loan is sold.

(d) An approved applicant must agree to stay in production for the duration of the loan. A loan is not assumable.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be secured by a lien, subordinate only to any mortgage held by a financial institution as defined in s. 655.005, on property or other collateral as set forth in the loan agreement. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant. The department shall record the lien in public records in the county where the property is located and, in the case of personal property, perfect the security interest by filing appropriate Uniform Commercial Code forms with the Florida Secured Transaction Registry as required pursuant to chapter 679.

(6) LOAN REPAYMENT.—

(a) A loan is due and payable in accordance with the terms of the loan agreement.

(b) The department shall defer payments for the first 3

years of the loan. After 3 years, the department shall reduce the principal balance annually through the end of the loan term such that the original principal balance is reduced by 30 percent. If the principal balance is repaid before the end of the 10th year, the applicant may not be required to pay more than 70 percent of the original principal balance. The approved applicant must continue to be actively engaged in production in order to receive the original principal balance reductions and must continue to meet the loan agreement terms to the satisfaction of the department.

(c) An approved applicant may make payments on the loan at any time without penalty. Early repayment is encouraged as other funding sources or revenues become available to the approved applicant.

(d) All repayments of principal and interest, if applicable, received by the department in a fiscal year must be returned to the loan fund and made available for loans to other applicants in the next application period.

(e) The department may periodically review an approved applicant to determine whether he or she continues to be in compliance with the terms of the loan agreement. If the department finds that an applicant is no longer in production or has otherwise violated the loan agreement, the department may seek repayment of the full original principal balance outstanding, including any interest or costs, as applicable, and

excluding any applied or anticipated original principal balance reductions.

(f) The department may defer or waive loan payments if at any time during the repayment period of a loan, the approved applicant experiences a significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

(7) ADMINISTRATION.—

(a) The department shall create and maintain a separate account in the General Inspection Trust Fund as a fund for the program. All repayments must be returned to the loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the loan program are not subject to reversion. The department shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department is authorized to contract with a third-party administrator to administer the program and manage the loan fund. A contract for a third-party administrator that includes management of the loan fund must, at a minimum, require maintenance of the loan fund to ensure that the program may operate in a revolving manner.

(b) The department shall coordinate with other state agencies and other entities to ensure to the greatest extent

possible that agriculture and aquaculture producers in this state have access to the maximum financial assistance available following a declared emergency ~~natural disaster~~. The coordination must endeavor to ensure that there is no duplication of financial assistance between the loan program and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

(8) PUBLIC RECORDS EXEMPTION.—

(a) The following information held by the department pursuant to its administration of the program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Tax returns.

2. Credit history information, credit reports, and credit scores.

(b) This subsection does not prohibit the disclosure of information held by the department pursuant to its administration of the program in an aggregated and anonymized format.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

(9) RULES.—The department shall adopt rules to implement this section.

(10) REPORTS.—By December 1, 2024, and each December 1 thereafter, the department shall provide a report on program activities during the previous fiscal year to the President of the Senate and the Speaker of the House of Representatives. The report must include information on noticed application periods, the number and value of loans awarded under the program for each application period, the number and value of loans outstanding, the number and value of any loan repayments received, and an anticipated repayment schedule for all loans.

(11) SUNSET.—This section expires July 1, 2043, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 65. Section 570.823, Florida Statutes, is created to read:

570.823 Silviculture emergency recovery program.—

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

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency" means an emergency for which a state of emergency is declared pursuant to s. 252.36 or s.

570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Program" means the silviculture emergency recovery program.

(2) USE OF GRANT FUNDS; GRANT TERMS.—

(a) The silviculture emergency recovery program is established within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency. Grants provided to eligible timber landowners must be used for:

1. Timber stand restoration, including downed tree removal on land which will retain the existing trees on site which are lightly or completely undamaged;

2. Site preparation, and tree replanting; or

3. Road and trail clearing on private timber lands to provide emergency access and facilitate salvage operations.

(b) Only timber land located on lands classified as agricultural lands under s. 193.461 are eligible for the program.

(c) The department shall coordinate with state agencies and other entities to ensure to the greatest extent possible that timber landowners have access to the maximum financial assistance available following a specified declared emergency. The coordination must endeavor to ensure that there is no

duplication of financial assistance between these funds and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which would render the approved applicant ineligible for other financial assistance.

(d) The department is authorized to adopt rules to implement this section, including emergency rules. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 66. Subsections (6) and (7) of section 581.1843, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and subsection (2) and present subsection (5) of that section are amended, to read:

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

(2) Effective January 1, 2007, it is unlawful for any person to propagate for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by the department ~~and that is not at least 1 mile away from commercial citrus groves. A citrus~~

~~nursery registered with the department prior to April 1, 2006, shall not be required to comply with the 1-mile setback from commercial citrus groves while continuously operating at the same location for which it was registered~~. However, the nursery shall be required to propagate citrus within a protective structure approved by the department. Effective January 1, 2008, it is ~~shall be~~ unlawful to distribute any citrus nursery stock that was not produced in a protective structure approved by the department.

~~(5) The department shall establish regulated areas around the perimeter of commercial citrus nurseries that were established on sites after April 1, 2006, not to exceed a radius of 1 mile. The planting of citrus in an established regulated area is prohibited. The planting of citrus within a 1-mile radius of commercial citrus nurseries that were established on sites prior to April 1, 2006, must be approved by the department. Citrus plants planted within a regulated area prior to the establishment of the regulated area may remain in the regulated area unless the department determines the citrus plants to be infected or infested with citrus canker or citrus greening. The department shall require the removal of infected or infested citrus, nonapproved planted citrus, and citrus that has sprouted by natural means in regulated areas. The property owner shall be responsible for the removal of citrus planted without proper approval. Notice of the removal of citrus trees,~~

~~by immediate final order of the department, shall be provided to the owner of the property on which the trees are located. An immediate final order issued by the department under this section shall notify the property owner that the citrus trees, which are the subject of the immediate final order, must be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order, requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay from the department of the immediate final order prior to seeking a stay from the district court of appeal.~~

Section 67. Sections 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, Florida Statutes, are repealed.

Section 68. Subsection (11) of section 595.404, Florida Statutes, is amended to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(11) To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the programs implemented pursuant to this chapter, notwithstanding ss. 120.569, 120.57-120.595, and 120.68 ~~ss.~~

~~120.569 and 120.57-120.595~~.

Section 69. Section 599.002, Florida Statutes, is amended to read:

599.002 Florida Wine ~~Viticulture~~ Advisory Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Florida Wine ~~Viticulture~~ Advisory Council, to be composed ~~consist~~ of eight members as follows: the president of the Florida Wine and Grape Growers Association ~~Florida Grape Growers' Association~~ or a designee thereof; a representative from the Institute of Food and Agricultural Sciences; a representative from the viticultural science program at Florida Agricultural and Mechanical University; and five additional commercial members, to be appointed for a 2-year term each by the Commissioner of Agriculture, including a wine producer, a fresh fruit producer, a nonwine product (juice, jelly, pie fillings, etc.) producer, and a viticultural nursery operator.

(2) The meetings, powers and duties, procedures, and recordkeeping of the Florida Wine ~~Viticulture~~ Advisory Council shall be pursuant to s. 570.232.

(3) The primary responsibilities of the Florida Wine ~~Viticulture~~ Advisory Council are to submit to the Commissioner of Agriculture, annually, the industry's recommendations for wine and viticultural research, promotion, and education and, as necessary, the industry's recommendations for revisions to the

State Wine ~~Viticulture~~ Plan.

Section 70. Section 599.003, Florida Statutes, is amended to read:

599.003 State Wine ~~Viticulture~~ Plan.—

(1) The Commissioner of Agriculture, in consultation with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and coordinate the implementation of the State Wine ~~Viticulture~~ Plan, which shall identify problems and constraints of the wine and viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for the orderly growth of the industry, including:

(a) Criteria for wine and viticultural research, service, and management priorities.

(b) Additional proposed legislation that may be required.

(c) Plans and goals to improve research and service capabilities at Florida Agricultural and Mechanical University and the University of Florida in their efforts to address current and future needs of the industry.

(d) The potential for viticulture products in terms of market and needs for development.

(e) Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies.

(f) Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum grades and standards, promotion and advertising, development of production and marketing strategies, and setting minimum standards on types and quality of nursery plants.

(g) Evaluation of policy alternatives for nonwine processed products, including, but not limited to, setting minimum quality standards and development of production and marketing strategies.

(h) Research and service priorities for further development of the wine and viticulture industry.

(i) The identification of state agencies and public and private institutions concerned with research, education, extension, services, planning, promotion, and marketing functions related to wine and viticultural development and the delineation of contributions and responsibilities.

(j) Business planning, investment potential, financial risks, and economics of production and utilization.

(2) A revision and update of the State Wine ~~Viticulture~~ Plan must ~~shall~~ be submitted biennially to the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate committees of the Senate and House of Representatives, and a progress report and budget request must ~~shall~~ be submitted annually.

Section 71. Paragraph (a) of subsection (2) and subsection

(3) of section 599.004, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(2)(a) The department, in coordination with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and designate by rule a Florida Farm Winery logo, emblem, and directional sign to guide the public to certified Florida Farm Wineries ~~Winery tourist attractions~~. The logo and emblem of certified Florida Farm Winery signs must ~~shall~~ be uniform.

(d) Wineries that fail to recertify annually or pay the licensing fee required in paragraph (c) are subject to having the signs referenced in paragraph (b) removed and will be responsible for all costs incurred by the Department of Transportation in connection with the removal.

(3) All fees collected, except as otherwise provided by this section, shall be deposited into the Florida Wine ~~Viticulture~~ Trust Fund and used to develop consumer information on the native characteristics and proper use of wines.

Section 72. Section 599.012, Florida Statutes, is amended to read:

599.012 Florida Wine ~~Viticulture~~ Trust Fund; creation.—

(1) There is established the Florida Wine ~~Viticulture~~ Trust Fund within the Department of Agriculture and Consumer

Services. The department shall use the moneys deposited in the trust fund pursuant to subsection (2) to do all the following:

(a) Develop and coordinate the implementation of the State Viticulture Plan.

(b) Promote viticulture products manufactured from products grown in the state.

(c) Provide grants for viticultural research.

(2) Fifty percent of the revenues collected from the excise taxes imposed under s. 564.06 on wine produced by manufacturers in this state from products grown in the state will be deposited in the Florida Wine ~~Viticulture~~ Trust Fund in accordance with that section.

Section 73. Subsection (1) of section 616.12, Florida Statutes, is amended to read:

616.12 Licenses upon certain shows; distribution of fees; exemptions.—

(1) Each person who operates any traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession, including a concession operating in a tent, enclosure, or other temporary structure, within the grounds of, and in connection with, any annual public fair held by a fair association shall pay the license taxes provided by law. However, if the association satisfies the requirements of this

chapter, including securing the required fair permit from the department, the license taxes and local business tax authorized in chapter 205 are waived and the department shall issue a tax exemption certificate. The department shall adopt the proper forms and rules to administer this section, including the necessary tax exemption certificate, showing that the fair association has met all requirements and that the traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel,~~ rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession is exempt.

Section 74. Section 687.16, Florida Statutes, is created to read:

687.16 Florida Farmer Financial Protection Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida Farmer Financial Protection Act."

(2) DEFINITIONS.—

(a) "Agriculture producer" means a person or company authorized to do business in this state and engaged in the production of goods derived from plants or animals, including, but not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.

(b) "Agritourism activity" has the same meaning as provided in s. 570.86.

(c) "Commissioner" means the Commissioner of Agriculture.

(d) "Company" means a for-profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations authorized to do business in this state.

(e) "Denies or restricts" means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.

(f) "Discriminate in the provision of financial services" means to deny or restrict services and thereby decline to provide financial services.

(g) "ESG factor" means any factor or consideration that is collateral to or not reasonably likely to affect or impact financial risk and includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer's greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery.

(h) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(i) "Financial institution" means a company authorized to do business in this state which has total assets of more than

$100 million and offers financial services. A financial institution includes any affiliate or subsidiary company, even if that affiliate or subsidiary company is also a financial institution.

(j) "Financial service" means any product or service that is of a financial nature and is offered by a financial institution.

(3) FINANCIAL DISCRIMINATION; AGRICULTURAL PRODUCERS.—

(a) A financial institution may not discriminate in the provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor.

(b) If a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution's denial or restriction of a financial service to an agriculture producer violates paragraph (a).

(c) A financial institution may overcome the inference in paragraph (b) by demonstrating that its denial or restriction of a financial service was based solely on documented risk analysis, and not on any ESG factor.

(4) ENFORCEMENT; COMPENSATORY DAMAGES.—The Attorney General, in consultation with the Office of Financial Regulation, is authorized to enforce subsection (3). Any violation of subsection (3) constitutes an unfair trade practice under part II of chapter 501 and the Attorney General is authorized to investigate and seek remedies as provided in

general law. Actions for damages may be sought by an aggrieved party.

Section 75. Paragraph (a) of subsection (3) of section 741.0305, Florida Statutes, is amended to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.

2. A clinical social worker licensed under chapter 491.

3. A marriage and family therapist licensed under chapter 491.

4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

Section 76. Paragraph (h) of subsection (2), subsection (3), paragraph (c) of subsection (6), and subsection (10) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or United States military service;

6. Is licensed or has been licensed to carry a concealed weapon or concealed firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live fire using a firearm and ammunition as defined in s. 790.001;

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of

sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, clerk's office, or the Florida Department of Law Enforcement ~~and subsequent written verification~~, temporarily suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence. The department shall notify the licensee or applicant suspended under this section of his or her right to a hearing pursuant to chapter 120. A hearing conducted regarding the temporary suspension must be for the limited purpose of determining whether the licensee has been arrested or charged with a disqualifying crime or issued an injunction or

court order. If the criminal case or injunction results in a nondisqualifying disposition, the department must issue an order lifting the suspension upon the applicant or licensee's submission to the department of a certified copy of the final resolution. If the criminal case results in a disqualifying disposition, the suspension remains in effect and the department must proceed with denial or revocation proceedings pursuant to chapter 120.

(b) This subsection does not limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state. The Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner by the department pursuant to this section. The Legislature intends to clarify that suspensions pursuant to this section are temporary, and the department has the duty to make an eligibility determination and issue a license in the time frame prescribed in this subsection.

(6)

(c) The Department of Agriculture and Consumer Services shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or

2. Deny the application based solely on the ground that

the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of Agriculture and Consumer Services denies the application, it shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to chapter 120.

3. In the event the result of the criminal history screening identifies ~~department receives~~ criminal history information related to a crime that may disqualify the applicant but does not contain ~~with no~~ final disposition of the crime or lacks sufficient information to make an eligibility determination ~~on a crime which may disqualify the applicant~~, the time limitation prescribed by this paragraph may be extended for up to an additional 90 days after the receipt of the information ~~suspended until receipt of the final disposition or proof of restoration of civil and firearm rights~~. The department may make a request for information to the jurisdiction where the criminal history information originated but must issue a license if it does not obtain a disposition or sufficient information to make an eligibility determination within the additional 90 days if the applicant is otherwise eligible. The department may take any action authorized in this section if it receives disqualifying criminal history information during the additional 90-day review or after issuance of a license.

(10) A license issued under this section must ~~shall~~ be

temporarily suspended as provided for in subparagraph (6)(c)3., or revoked pursuant to chapter 120 if the license was issued in error or if the licensee:

(a) Is found to be ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3), or similar laws of any other state;

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years after a first conviction of such section or similar law of another state, even though the first violation may have occurred before the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or concealed firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21 days plus 5 days for mailing). The department shall document its attempts to provide notice, and such documentation is admissible in the courts of this state and constitutes sufficient proof that notice was given.

Section 77. Subsection (2) of section 812.0151, Florida Statutes, is amended to read:

812.0151 Retail fuel theft.—

(2)(a) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Breaches a retail fuel dispenser or accesses any internal portion of a retail fuel dispenser; ~~or~~

2. Possesses any device constructed for the purpose of fraudulently altering, manipulating, or interrupting the normal functioning of a retail fuel dispenser; or

3. Possesses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account.

(b) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Physically tampers with, manipulates, removes, replaces, or interrupts any mechanical or electronic component located on ~~within~~ the internal or external portion of a retail fuel dispenser; or

2. Uses any form of electronic communication to fraudulently alter, manipulate, or interrupt the normal

functioning of a retail fuel dispenser.

(c) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she:

1. Obtains fuel as a result of violating paragraph (a) or paragraph (b); ~~or~~

2. Modifies a vehicle's factory installed fuel tank or possesses any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with the intent to use such fuel tank or item to hold or transport fuel obtained as a result of violating paragraph (a) or paragraph (b)<u>; or</u>

<u>3. Uses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account</u>.

Section 78. Section 812.136, Florida Statutes, is created to read:

<u>812.136 Mail theft.—</u>

<u>(1) As used in this section, unless the context otherwise requires:</u>

<u>(a) "Mail" means any letter, postal card, parcel,</u>

envelope, package, bag, or any other sealed article addressed to another, along with its contents.

(b) "Mail depository" means a mail box, letter box, mail route, or mail receptacle of a postal service, an office of a postal service, or mail carrier of a postal service, or a vehicle of a postal service.

(c) "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.

(2) Any of the following acts constitutes mail theft:

(a) Removing mail from a mail depository or taking mail from a mail carrier of a postal service with an intent to steal.

(b) Obtaining custody of mail by fraud or deception with an intent to steal.

(c) Selling, receiving, possessing, transferring, buying, or concealing mail obtained by acts described in paragraph (a) or paragraph (b) of this subsection, while knowing or having reason to know the mail was obtained illegally.

(3) Any of the following constitutes theft of or unauthorized reproduction of a mail depository key or lock:

(a) Stealing or obtaining by false pretense any key or lock adopted by a postal service for a mail depository or other authorized receptacle for the deposit or delivery of mail.

(b) Knowingly and unlawfully making, forging, or counterfeiting any such key or possessing any such key or lock

adopted by a postal service with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock, or to cause the key or lock to be unlawfully or improperly used, sold, or otherwise disposed.

(4) The first violation of this section constitutes a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year pursuant to s. 775.082(4)(a) or a fine not to exceed $1,000 pursuant to s. 775.083(1)(d), or both. A second or subsequent violation of this section constitutes a felony of the third degree, punishable by a term of imprisonment not exceeding 5 years pursuant to s. 775.82(3)(e) or a fine not to exceed $5,000 pursuant to s. 775.083(1)(c), or both.

Section 79. Paragraph (i) of subsection (4) of section 934.50, Florida Statutes, is amended to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

~~(i) By a person or an entity engaged in a business or profession licensed by the state, or by an agent, employee, or contractor thereof, if the drone is used only to perform reasonable tasks within the scope of practice or activities permitted under such person's or entity's license. However, this exception does not apply to a profession in which the licensee's authorized scope of practice includes obtaining information~~

~~about the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.~~

Section 80. Section 1013.373, Florida Statutes, is created to read:

1013.373 Educational facilities used for agricultural education.—

(1) Notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animal or equipment therein.

(2) Lands used for agricultural education or for Future Farmers of America or 4-H activities are considered agricultural lands pursuant to s. 193.461 and subject to s. 823.14.

Section 81. For the purpose of incorporating the amendment made by this act to section 110.205, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 295.07, Florida Statutes, is reenacted to read:

295.07 Preference in appointment and retention.—

(5) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under

the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are not exempt.

Section 82. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (r) of subsection (1) of section 125.01, Florida Statutes, is reenacted to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit.

1. Notwithstanding any other provision of law, a county may not levy special assessments on lands classified as agricultural lands under s. 193.461 unless the revenue from such assessments has been pledged for debt service and is necessary to meet obligations of bonds or certificates issued by the county which remain outstanding on July 1, 2023, including refundings thereof for debt service savings where the maturity of the debt is not extended. For bonds or certificates issued after July 1, 2023, special assessments securing such bonds may not be levied on lands classified as agricultural under s. 193.461.

2. The provisions of subparagraph 1. do not apply to residential structures and their curtilage.

Section 83. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in references thereto, paragraphs (a) through (d) of subsection (3) of section 163.3162, Florida Statutes, are reenacted to read:

163.3162 Agricultural lands and practices.—

(3) DUPLICATION OF REGULATION.—Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter:

(a) A governmental entity may not exercise any of its powers to adopt or enforce any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or

otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

(b) A governmental entity may not charge a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

(c) A governmental entity may not charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if

the farm operation has a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program.

(d) For each governmental entity that, before March 1, 2009, adopted a stormwater utility ordinance or resolution, adopted an ordinance or resolution establishing a municipal services benefit unit, or adopted a resolution stating the governmental entity's intent to use the uniform method of collection pursuant to s. 197.3632 for such stormwater ordinances, the governmental entity may continue to charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural pursuant to s. 193.461, if the ordinance or resolution provides credits against the assessment or fee on a bona fide farm operation for the water quality or flood control benefit of:

1. The implementation of best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program;

2. The stormwater quality and quantity measures required

as part of a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit; or

3. The implementation of best management practices or alternative measures which the landowner demonstrates to the governmental entity to be of equivalent or greater stormwater benefit than those provided by implementation of best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit.

Section 84. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 163.3163, Florida Statutes, is reenacted to read:

163.3163 Applications for development permits; disclosure and acknowledgment of contiguous sustainable agricultural land.—

(3) As used in this section, the term:

(c) "Sustainable agricultural land" means land classified as agricultural land pursuant to s. 193.461 which is used for a farm operation that uses current technology, based on science or research and demonstrated measurable increases in productivity,

to meet future food, feed, fiber, and energy needs, while considering the environmental impacts and the social and economic benefits to the rural communities.

Section 85. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (4) of section 163.3164, Florida Statutes, is reenacted to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel that:

(a) Is owned by a single person or entity;

(b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years prior to the date of any comprehensive plan amendment application;

(c) Is surrounded on at least 75 percent of its perimeter by:

1. Property that has existing industrial, commercial, or residential development; or

2. Property that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or

residential development;

(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel may not exceed 4,480 acres.

Section 86. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (5) of section 163.3194, Florida Statutes, is reenacted to read:

163.3194 Legal status of comprehensive plan.—

(5) The tax-exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act as long as the land meets the criteria set forth in s. 193.461.

Section 87. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (4) of section 170.01, Florida

Statutes, is reenacted to read:

170.01 Authority for providing improvements and levying and collecting special assessments against property benefited.—

(4) Notwithstanding any other provision of law, a municipality may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under s. 193.461 unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of $10,000. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. As used in this subsection, the term "agricultural pole barn" means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

Section 88. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (2) of section 193.052, Florida Statutes, is reenacted to read:

193.052 Preparation and serving of returns.—

(2) No return shall be required for real property the ownership of which is reflected in instruments recorded in the public records of the county in which the property is located,

unless otherwise required in this title. In order for land to be considered for agricultural classification under s. 193.461 or high-water recharge classification under s. 193.625, an application for classification must be filed on or before March 1 of each year with the property appraiser of the county in which the land is located, except as provided in s. 193.461(3)(a). The application must state that the lands on January 1 of that year were used primarily for bona fide commercial agricultural or high-water recharge purposes.

Section 89. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, section 193.4615, Florida Statutes, is reenacted to read:

193.4615 Assessment of obsolete agricultural equipment.—For purposes of ad valorem property taxation, agricultural equipment that is located on property classified as agricultural under s. 193.461 and that is no longer usable for its intended purpose shall be deemed to have a market value no greater than its value for salvage.

Section 90. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in references thereto, paragraph (a) of subsection (5) and paragraph (a) of subsection (19) of section 212.08, Florida Statutes, are reenacted to read:

212.08 Sales, rental, use, consumption, distribution, and

storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(a) *Items in agricultural use and certain nets.*—There are exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock; animal health products that are administered to, applied to, or consumed by livestock or poultry to alleviate pain or cure or prevent sickness, disease, or suffering, including, but not limited to, antiseptics, absorbent cotton, gauze for bandages, lotions, vaccines, vitamins, and worm remedies; aquaculture health products that are used by aquaculture producers, as defined in s. 597.0015, to prevent or treat fungi, bacteria, and parasitic diseases; portable containers or movable receptacles in which portable containers are placed, used for processing farm products; field and garden seeds, including flower seeds; nursery stock, seedlings, cuttings, or other propagative

material purchased for growing stock; seeds, seedlings, cuttings, and plants used to produce food for human consumption; cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm; hog wire and barbed wire fencing, including gates and materials used to construct or repair such fencing, used in agricultural production on lands classified as agricultural lands under s. 193.461; materials used to construct or repair permanent or temporary fencing used to contain, confine, or process cattle, including gates and energized fencing systems, used in agricultural operations on lands classified as agricultural lands under s. 193.461; stakes used by a farmer to support plants during agricultural production; generators used on poultry farms; and liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised; however, such exemption is not allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein. Also exempt are cellophane wrappers, glue for tin and glass (apiarists), mailing cases for honey, shipping cases, window cartons, and baling wire and twine used for baling hay, when used by a farmer to contain, produce, or process an agricultural commodity.

(19) FLORIDA FARM TEAM CARD.—

(a) Notwithstanding any other law, a farmer whose property

has been classified as agricultural pursuant to s. 193.461 or who has implemented agricultural best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 403.067(7)(c)2. may apply to the department for a Florida farm tax exempt agricultural materials (TEAM) card to claim the applicable sales tax exemptions provided in this section. A farmer may present the Florida farm TEAM card to a selling dealer in lieu of a certificate or affidavit otherwise required by this chapter.

Section 91. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (2) of section 373.406, Florida Statutes, is reenacted to read:

373.406 Exemptions.—The following exemptions shall apply:

(2) Notwithstanding s. 403.927, nothing herein, or in any rule, regulation, or order adopted pursuant hereto, shall be construed to affect the right of any person engaged in the occupation of agriculture, silviculture, floriculture, or horticulture to alter the topography of any tract of land, including, but not limited to, activities that may impede or divert the flow of surface waters or adversely impact wetlands, for purposes consistent with the normal and customary practice of such occupation in the area. However, such alteration or activity may not be for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely

impacting wetlands. This exemption applies to lands classified as agricultural pursuant to s. 193.461 and to activities requiring an environmental resource permit pursuant to this part. This exemption does not apply to any activities previously authorized by an environmental resource permit or a management and storage of surface water permit issued pursuant to this part or a dredge and fill permit issued pursuant to chapter 403. This exemption has retroactive application to July 1, 1984.

Section 92. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (11) of section 403.182, Florida Statutes, is reenacted to read:

403.182 Local pollution control programs.—

(11)(a) Notwithstanding this section or any existing local pollution control programs, the Secretary of Environmental Protection has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural land pursuant to s. 193.461 and being converted to a nonagricultural use. The exclusive jurisdiction includes defining what constitutes all appropriate inquiry consistent with 40 C.F.R. part 312 and guidance thereunder.

Section 93. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a

reference thereto, subsection (4) of section 403.9337, Florida Statutes, is reenacted to read:

403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.—

(4) This section does not apply to the use of fertilizer on farm operations as defined in s. 823.14 or on lands classified as agricultural lands pursuant to s. 193.461.

Section 94. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 472.029, Florida Statutes, is reenacted to read:

472.029 Authorization to enter lands of third parties; conditions.—

(2) LIABILITY AND DUTY OF CARE ON AGRICULTURAL LAND.—

(d) This subsection applies only to land classified as agricultural pursuant to s. 193.461.

Section 95. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (5) of section 474.2021, Florida Statutes, is reenacted to read:

474.2021 Veterinary telehealth.—

(5) A veterinarian personally acquainted with the caring and keeping of an animal or group of animals on food-producing animal operations on land classified as agricultural pursuant to s. 193.461 who has recently seen the animal or group of animals

or has made medically appropriate and timely visits to the premises where the animal or group of animals is kept may practice veterinary telehealth for animals on such operations.

Section 96. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (d) of subsection (4) of section 474.2165, Florida Statutes, is reenacted to read:

474.2165 Ownership and control of veterinary medical patient records; report or copies of records to be furnished.—

(4) Except as otherwise provided in this section, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:

(d) In any criminal action or situation where a veterinarian suspects a criminal violation. If a criminal violation is suspected, a veterinarian may, without notice to or authorization from the client, report the violation to a law enforcement officer, an animal control officer who is certified pursuant to s. 828.27(4)(a), or an agent appointed under s. 828.03. However, if a suspected violation occurs at a commercial food-producing animal operation on land classified as

agricultural under s. 193.461, the veterinarian must provide notice to the client or the client's legal representative before reporting the suspected violation to an officer or agent under this paragraph. The report may not include written medical records except upon the issuance of an order from a court of competent jurisdiction.

Section 97. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (6) of section 487.081, Florida Statutes, is reenacted to read:

487.081 Exemptions.—

(6) The Department of Environmental Protection is not authorized to institute proceedings against any property owner or leaseholder of property under the provisions of s. 376.307(5) to recover any costs or damages associated with pesticide contamination of soil or water, or the evaluation, assessment, or remediation of pesticide contamination of soil or water, including sampling, analysis, and restoration of soil or potable water supplies, subject to the following conditions:

(a) The pesticide contamination of soil or water is determined to be the result of the use of pesticides by the property owner or leaseholder, in accordance with state and federal law, applicable registered labels, and rules on property classified as agricultural land pursuant to s. 193.461;

(b) The property owner or leaseholder maintains records of

such pesticide applications and such records are provided to the department upon request;

(c) In the event of pesticide contamination of soil or water, the department, upon request, shall make such records available to the Department of Environmental Protection;

(d) This subsection does not limit regulatory authority under a federally delegated or approved program; and

(e) This subsection is remedial in nature and shall apply retroactively.

The department, in consultation with the secretary of the Department of Environmental Protection, may adopt rules prescribing the format, content, and retention time for records to be maintained under this subsection.

Section 98. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (1) of section 570.85, Florida Statutes, is reenacted to read:

570.85 Agritourism.—

(1) It is the intent of the Legislature to promote agritourism as a way to support bona fide agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry. It is also the intent of the Legislature to eliminate duplication of regulatory authority over agritourism as expressed in this section. Except

as otherwise provided for in this section, and notwithstanding any other law, a local government may not adopt or enforce a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461. This subsection does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities or an emergency as provided in chapter 252.

Section 99. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (1) of section 570.87, Florida Statutes, is reenacted to read:

570.87 Agritourism participation impact on land classification.—

(1) In order to promote and perpetuate agriculture throughout this state, farm operations are encouraged to engage in agritourism. An agricultural classification pursuant to s. 193.461 may not be denied or revoked solely due to the conduct of agritourism activity on a bona fide farm or the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities. So long as the building, structure, or facility is an integral part of the agricultural operation, the land it occupies shall be considered agricultural

in nature. However, such buildings, structures, and facilities, and other improvements on the land, must be assessed under s. 193.011 at their just value and added to the agriculturally assessed value of the land.

Section 100. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (3) of section 570.94, Florida Statutes, is reenacted to read:

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

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

193.461.

Section 101. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 582.19, Florida Statutes, is reenacted to read:

582.19 Qualifications and tenure of supervisors.—

(1) The governing body of the district shall consist of five supervisors, elected as provided in s. 582.18.

(a) To qualify to serve on the governing body of a district, a supervisor must be an eligible voter who resides in the district and who:

1. Is actively engaged in, or retired after 10 years of being engaged in, agriculture as defined in s. 570.02;

2. Is employed by an agricultural producer; or

3. Owns, leases, or is actively employed on land classified as agricultural under s. 193.461.

Section 102. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, section 586.055, Florida Statutes, is reenacted to read:

586.055 Location of apiaries.—An apiary may be located on land classified as agricultural under s. 193.461 or on land that is integral to a beekeeping operation.

Section 103. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes,

in references thereto, paragraphs (a) and (d) of subsection (2) of section 604.50, Florida Statutes, are reenacted to read:

604.50 Nonresidential farm buildings; farm fences; farm signs.—

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

(a) "Bona fide agricultural purposes" has the same meaning as provided in s. 193.461(3)(b).

(d) "Nonresidential farm building" means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

Section 104. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 604.73, Florida Statutes, is reenacted to read:

604.73 Urban agriculture pilot projects; local regulation of urban agriculture.—

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

(b) "Urban agriculture" means any new or existing noncommercial agricultural uses on land that is:

1. Within a dense urban land area, as described in s. 380.0651(3)(a);

2. Not classified as agricultural pursuant to s. 193.461;

3. Not zoned as agricultural as its principal use; and

4. Designated by a municipality for inclusion in an urban agricultural pilot project that has been approved by the department.

The term does not include vegetable gardens, as defined in s. 604.71(4), for personal consumption on residential properties.

Section 105. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (1) of section 692.201, Florida Statutes, is reenacted to read:

692.201 Definitions.—As used in this part, the term:

(1) "Agricultural land" means land classified as agricultural under s. 193.461.

Section 106. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in references thereto, paragraph (a) of subsection (5) and paragraph (a) of subsection (6) of section 741.30, Florida Statutes, are reenacted to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification

system; enforcement; public records exemption.—

(5)(a) If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13, providing the petitioner a temporary parenting plan, including a time-sharing schedule, which may award the petitioner up to 100 percent of the time-sharing. If temporary time-sharing is awarded to the respondent, the exchange of the child must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3). The temporary parenting plan remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and

responsibilities for the minor child.

4. If the petitioner and respondent have an existing parenting plan or time-sharing schedule under another court order, designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3).

5. Awarding to the petitioner the temporary exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as defined under s. 413.08, if the respondent is the service animal's handler.

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of

domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. If the petitioner and respondent have an existing parenting plan or time-sharing schedule under another court order, designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3).

5. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or

the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.

6. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of batterers' intervention programs from which the respondent must choose a program in which to participate.

7. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

8. Awarding to the petitioner the exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as

defined under s. 413.08, if the respondent is the service animal's handler.

9. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

Section 107. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 810.011, Florida Statutes, is reenacted to read:

810.011 Definitions.—As used in this chapter:

(5)(a) "Posted land" is land upon which any of the following are placed:

1. Signs placed not more than 500 feet apart along and at each corner of the boundaries of the land or, for land owned by a water control district that exists pursuant to chapter 298 or was created by special act of the Legislature, signs placed at or near the intersection of any district canal right-of-way and a road right-of-way or, for land classified as agricultural pursuant to s. 193.461, signs placed at each point of ingress and at each corner of the boundaries of the agricultural land, which prominently display in letters of not less than 2 inches in height the words "no trespassing" and the name of the owner, lessee, or occupant of the land. The signs must be placed along the boundary line of posted land in a manner and in such

position as to be clearly noticeable from outside the boundary line; or

2.a. A conspicuous no trespassing notice is painted on trees or posts on the property, provided that the notice is:

(I) Painted in an international orange color and displaying the stenciled words "No Trespassing" in letters no less than 2 inches high and 1 inch wide either vertically or horizontally;

(II) Placed so that the bottom of the painted notice is not less than 3 feet from the ground or more than 5 feet from the ground; and

(III) Placed at locations that are readily visible to any person approaching the property and no more than 500 feet apart on agricultural land.

b. When a landowner uses the painted no trespassing posting to identify a no trespassing area, those painted notices must be accompanied by signs complying with subparagraph 1. and must be placed conspicuously at all places where entry to the property is normally expected or known to occur.

Section 108. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (6) of section 823.14, Florida Statutes, is reenacted to read:

823.14 Florida Right to Farm Act.—

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It

is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a local government, and the adopted best management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any local government to address an emergency as provided for in chapter 252.

Section 109. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of

section 189.062, Florida Statutes, is reenacted to read:

189.062 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to an inquiry by the department within 21 days;

4. The department determines, pursuant to s. 189.067, that the district has failed to file any of the reports listed in s. 189.066;

5. The district has not had a registered office and agent

on file with the department for 1 or more years;

6. The governing body of a special district provides documentation to the department that it has unanimously adopted a resolution declaring the special district inactive. The special district is responsible for payment of any expenses associated with its dissolution;

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community development district established under chapter 190 or to any independent special district operating pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

Section 110. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, subsection (7) of section 388.261, Florida Statutes, is reenacted to read:

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

(7) The department may use state funds appropriated for a county or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a county or district eligible to receive state funds under s. 388.271.

Section 111. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 482.072, Florida Statutes, is reenacted to read:

482.072 Pest control customer contact centers.—

(3)

(b) Notwithstanding any other provision of this section:

1. A customer contact center licensee is subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center.

2. A pest control business licensee may be subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center operated by a licensee if the licensee participates in the violation.

Section 112. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, section 482.163, Florida Statutes, is reenacted to read:

482.163 Responsibility for pest control activities of employee.—Proper performance of pest control activities by a pest control business employee is the responsibility not only of the employee but also of the certified operator in charge, and the certified operator in charge may be disciplined pursuant to the provisions of s. 482.161 for the pest control activities of an employee. A licensee may not automatically be considered responsible for violations made by an employee. However, the licensee may not knowingly encourage, aid, or abet violations of this chapter.

Section 113. For the purpose of incorporating the amendment made by this act to section 487.044, Florida Statutes, in a reference thereto, section 487.156, Florida Statutes, is reenacted to read:

487.156 Governmental agencies.—All governmental agencies shall be subject to the provisions of this part and rules adopted under this part. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 114. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes,

in a reference thereto, subsection (2) of section 496.4055, Florida Statutes, is reenacted to read:

496.4055 Charitable organization or sponsor board duties.—

(2) The board of directors, or an authorized committee thereof, of a charitable organization or sponsor required to register with the department under s. 496.405 shall adopt a policy regarding conflict of interest transactions. The policy shall require annual certification of compliance with the policy by all directors, officers, and trustees of the charitable organization. A copy of the annual certification shall be submitted to the department with the annual registration statement required by s. 496.405.

Section 115. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in references thereto, subsections (2) and (4) of section 496.406, Florida Statutes, are reenacted to read:

496.406 Exemption from registration.—

(2) Before soliciting contributions, a charitable organization or sponsor claiming to be exempt from the registration requirements of s. 496.405 under paragraph (1)(d) must submit annually to the department, on forms prescribed by the department:

(a) The name, street address, and telephone number of the charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is

organized, and the purpose or purposes for which the contributions to be solicited will be used.

(b) The tax exempt status of the organization.

(c) The date on which the organization's fiscal year ends.

(d) The names, street addresses, and telephone numbers of the individuals or officers who have final responsibility for the custody of the contributions and who will be responsible for the final distribution of the contributions.

(e) A financial statement of support, revenue, and expenses and a statement of functional expenses that must include, but not be limited to, expenses in the following categories: program, management and general, and fundraising. In lieu of the financial statement, a charitable organization or sponsor may submit a copy of its Internal Revenue Service Form 990 and all attached schedules or Internal Revenue Service Form 990-EZ and Schedule O.

(4) Exemption from the registration requirements of s. 496.405 does not limit the applicability of other provisions of this section to a charitable organization or sponsor.

Section 116. For the purpose of incorporating the amendment made by this act to section 500.12, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 500.80, Florida Statutes, is reenacted to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the

applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed $250,000.

Section 117. For the purpose of incorporating the amendment made by this act to section 500.172, Florida Statutes, in a reference thereto, subsection (6) of section 500.121, Florida Statutes, is reenacted to read:

500.121 Disciplinary procedures.—

(6) If the department determines that a food offered in a food establishment is labeled with nutrient claims that are in violation of this chapter, the department shall retest or reexamine the product within 90 days after notification to the manufacturer and to the firm at which the product was collected. If the product is again found in violation, the department shall test or examine the product for a third time within 60 days after the second notification. The product manufacturer shall reimburse the department for the cost of the third test or examination. If the product is found in violation for a third time, the department shall exercise its authority under s. 500.172 and issue a stop-sale or stop-use order. The department may impose additional sanctions for violations of this subsection.

Section 118. For the purpose of incorporating the amendment made by this act to section 790.06, Florida Statutes,

in a reference thereto, section 790.061, Florida Statutes, is reenacted to read:

790.061 Judges and justices; exceptions from licensure provisions.—A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must comply with the provisions of s. 790.06(2)(h). The Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

Section 119. This act shall take effect July 1, 2025.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from the Career Service System; amending s. 163.3162, F.S.; providing definitions; prohibiting

governmental entities from adopting or enforcing any legislation that inhibits the construction or installation of housing for legally verified agricultural workers on agricultural land operated as a bona fide farm; requiring that the construction or installation of such housing units on agricultural lands satisfies certain criteria; requiring that local ordinances comply with certain regulations; authorizing governmental entities to adopt local land use regulations that are less restrictive; requiring property owners to maintain certain records for a specified timeframe; requiring that use of a housing site be discontinued and authorizing the removal of a such site under certain circumstances; specifying applicability of permit allocation systems in certain areas of critical state concern; authorizing the continued use of housing sites constructed before the effective date of the act if certain conditions are met; requiring the department to adopt certain rules; providing for enforcement; requiring the department to submit certain information to the State Board of Immigration Enforcement on a certain schedule; amending s. 201.25, F.S.; conforming a provision to changes made by the act; amending s. 253.0341, F.S.; authorizing the department to surplus certain lands

determined to be suitable for bona fide agricultural production; requiring the department to consult with the Department of Environmental Protection before making such determination; requiring the Department of Agriculture and Consumer Services to retain a rural-lands-protection easement for all surplused lands and deposit all proceeds into a specified trust fund; requiring the department to provide a report of lands surplused to the board of trustees; providing that certain lands are ineligible to be surplused; providing for retroactive applicability; amending s. 330.41, F.S.; providing definitions; prohibiting a person from knowingly or willfully performing certain actions on lands classified as agricultural or on private property, state wildlife management lands, or a sport shooting and training range; providing criminal penalties; providing applicability; creating s. 366.20, F.S.; requiring that certain lands acquired or owned by an electric utility be offered for fee simple acquisition by the department before the land may be offered for sale or transferred to a private individual or entity; providing retroactive applicability; amending s. 366.94, F.S.; defining the term "electric vehicle charging station"; authorizing the department to adopt rules; requiring local

governmental entities to issue permits for electric vehicle charging stations based on specified standards and provisions of law; requiring that an electric vehicle charger be registered with the department before being placed into service for use by the public; providing the department with certain authority relating to electric vehicle charging stations; providing a penalty; authorizing the department to issue an immediate final order to an electric vehicle charging station under certain circumstances; providing that the department may bring an action to enjoin a violation of specified provisions or rules; requiring the court to issue a temporary or permanent injunction under certain circumstances; amending s. 388.011, F.S.; revising the definition of the terms "board of commissioners" and "district"; defining the term "program"; amending s. 388.021, F.S.; making a technical change; amending s. 388.181, F.S.; authorizing programs to perform specified actions; amending s. 388.201, F.S.; requiring that the tentative work plan budget covering the proposed operations and requirements for arthropod control measures show the estimated amount to be raised by county, municipality, or district taxes; requiring that county commissioners' or a similar

governing body's mosquito control budget be made and adopted pursuant to specified provisions and requiring that summary figures be incorporated into the county budgets as prescribed by the department; amending s. 388.241, F.S.; providing that certain rights, powers, and duties be vested in the board of county commissioners or similar governing body of a county, city, or town; amending s. 388.261, F.S.; increasing the amount of state funds, supplies, services, or equipment for a certain number of years for any new program for the control of mosquitos and other arthropods which serves an area not previously served by a county, municipality, or district; amending s. 388.271, F.S.; requiring each program participating in arthropod control activities to file a tentative integrated arthropod management plan with the department by a specified date; conforming provisions to changes made by the act; amending s. 388.281, F.S.; requiring that all funds, supplies, and services released to programs be used in accordance with the integrated arthropod management plan and certified budget; requiring that such integrated arthropod management plan and certified budget be approved by both the department and the board of county commissioners and an appropriate representative;

conforming provisions to changes made by the act; amending s. 388.291, F.S.; providing that a program may perform certain source reduction measures in any area providing that the department has approved the operating or construction plan as outlined in the integrated arthropod management plan; conforming provisions to changes made by the act; amending s. 388.301, F.S.; revising the schedule by which state funds for the control of mosquitos and other arthropods may be paid; amending ss. 388.311 and 388.321, F.S.; conforming provisions to changes made by the act; amending s. 388.322, F.S.; requiring the department to maintain a record and inventory of certain property purchased with state funds for arthropod control use; amending s. 388.323, F.S.; providing that certain equipment no longer needed by a program be first offered for sale to other programs engaged in arthropod control at a specified price; requiring that all proceeds from the sale of certain property owned by a program and purchased using state funds be deposited in the program's state fund account; amending s. 388.341, F.S.; requiring a program receiving state aid to submit a monthly report of all expenditures from all funds for arthropod control by a specified timeframe as may be required by

the department; amending ss. 388.351 and 388.361, F.S.; conforming provisions to changes made by the act; amending s. 388.3711, F.S.; revising the department's enforcement powers; amending ss. 388.381, 388.391, and 388.401, F.S.; conforming provisions to changes made by the act; amending s. 388.46, F.S.; revising the composition of the Florida Coordinating Council on Mosquito Control; amending s. 403.067, F.S.; providing an exception for inspection requirements for certain agricultural producers; authorizing the department to adopt rules establishing an enrollment in best management practices by rule process; authorizing the department to identify best management practices for specified landowners; requiring the department to perform onsite inspections annually of a certain percentage of all enrollments that meet specified qualifications within a specified area; providing requirements for such inspections; requiring agricultural producers enrolled by rule in a best management practice to submit nutrient records annually to the department; requiring the department to collect and retain such records; amending s. 403.852, F.S.; defining the term "water quality additive"; amending s. 403.859, F.S.; providing that the use of certain additives in a water system which

do not meet the definition of water quality additive or certain other additives is prohibited and violates specified provisions; amending s. 482.111, F.S.; revising requirements for the renewal of a pest control operator's certificate; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.141, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking pest control operator certification; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.155, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking limited certification for a governmental pesticide applicator or a private applicator; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.156, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking a limited certification for commercial landscape

maintenance; authorizing a third-party vendor to collect and retain a convenience fee; removing provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.157, F.S.; revising requirements for issuance of a limited certification for commercial wildlife management personnel; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make an examination readily accessible and available to all applicants on a specified schedule; amending s. 482.161, F.S.; authorizing the department to take specified disciplinary action upon the issuance of a final order imposing civil penalties or a criminal conviction pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 487.044, F.S.; requiring the department to provide in-person and remote testing through a third-party vendor for the examination of an individual seeking a limited certification for pesticide application; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 487.175, F.S.; providing that the department may suspend, revoke, or deny licensure of a pesticide applicator upon issuance of a final order to

a licensee which imposes civil penalties or a criminal conviction under the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 496.404, F.S.; defining the terms "controlling interest," "foreign country of concern," and "foreign source of concern"; amending s. 496.405, F.S.; revising which documents a charitable organization or sponsor must file before engaging in specified activities; requiring that any changes to such documents be reported to the department on a specified form in a specified timeframe; revising the requirements of the charitable organization's initial registration statement; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of the charitable organization or sponsor; amending s. 496.415, F.S.; prohibiting specified persons from soliciting or accepting anything of value from a foreign source of concern; amending s. 496.417, F.S.; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of a charitable organization or sponsor; amending s. 496.419, F.S.; providing penalties for a charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation; creating s. 496.431, F.S.; requiring the department to

create the Honest Service Registry to provide residents with information relating to charitable organizations; requiring a charitable organization included in the Honest Services Registry to submit an attestation statement to the department; requiring the department to publish the Honest Services Registry on the department's website; requiring the department to adopt rules; amending s. 500.03, F.S.; revising the definition of the term "cottage food product"; amending s. 500.12, F.S.; providing that the department requires a food permit from any person or business that operates a food establishment; revising exceptions; revising the schedule for renewing certain food permits; authorizing the department to establish a single permit renewal date for certain food establishments; amending s. 500.166, F.S.; requiring certain persons engaged in interstate commerce to retain all records that show certain information for a specified timeframe; amending s. 500.172, F.S.; authorizing the department to facilitate the destruction of certain articles that violate specified provisions; prohibiting certain persons from certain actions without permission from, or in accord with a written agreement with, the department; creating s. 500.75, F.S.; providing that it is unlawful to import,

sell, offer for sale, furnish, or give away certain spores or mycelium; providing penalties; creating s. 500.93, F.S.; providing definitions; requiring the department to adopt rules to enforce the Food and Drug Administration's standard of identity for milk, meat, poultry, and eggs to prohibit the sale of plant-based products mislabeled as milk, meat, poultry, or eggs; providing contingent effective dates; requiring the department to adopt rules; providing construction; repealing s. 501.135, F.S., relating to consumer unit pricing; amending s. 501.912, F.S.; revising the definition of the term "antifreeze"; creating s. 525.19, F.S.; requiring the department to create an annual petroleum registration program for petroleum owners or operators; requiring the department to adopt rules for such registration which include specified information; requiring that the registration program be free for all registrants; authorizing the department to require registrants to provide certain information during a state of emergency; creating s. 526.147, F.S.; creating the Florida Retail Fuel Transfer Switch Modernization Grant Program within the department; requiring the grant program to provide funds up to a certain amount to be used for installation and equipment costs relating to

installing or modernizing transfer switch infrastructure at retail fuel facilities; requiring the department to award funds based on specified criteria; requiring retail fuel facilities awarded grant funds to comply with specified provisions; requiring such facilities to install a transfer switch with specified capabilities; requiring retail fuel facilities to provide specified documentation before being awarded funding; prohibiting certain facilities from being awarded funding; requiring the department, in consultation with the Division of Emergency Management, to adopt rules; requiring that such rules include specified information; amending s. 531.48, F.S.; requiring that certain packages bear specified information on the outside of the package; amending s. 531.49, F.S.; revising requirements for the advertising of a packaged commodity; amending s. 564.06, F.S.; conforming a provision to changes made by the act; amending s. 570.07, F.S.; requiring the department to foster and encourage the employment and retention of qualified veterinary pathologists; providing that the department may reimburse the educational expenses of certain veterinary pathologists who enter into a certain agreement with the department; requiring the department to adopt

certain rules; requiring the department to extend certain opportunities to public school students enrolled in agricultural education to support Future Farmers of America programming; requiring the department to use contracts procured by agencies; defining the term "agency"; amending s. 570.544, F.S.; revising which provisions the director of the Division of Consumer Services must enforce; creating s. 570.546, F.S.; authorizing the department to create a process for the bulk renewal of licenses; authorizing the department to create a process that will allow licensees to align the expiration dates of licenses within a specified program; authorizing the department to change the expiration date for current licenses for a certain purpose; requiring the department to prorate the licensing fee for certain licenses; requiring the department to adopt rules; amending s. 570.694, F.S.; creating the Florida Aquaculture Foundation as a direct support organization within the department; providing the purpose of the foundation; providing governance for the foundation; authorizing the department to appoint an advisory committee adjunct to the foundation; amending s. 570.822, F.S.; revising the definition of the terms "declared natural disaster" and "program"; providing that loan funds

from the department may be used to restock aquaculture; authorizing the department to renew a loan application under certain circumstances; authorizing the department to defer or waive loan payments under certain circumstances; creating s. 570.823, F.S.; providing definitions; establishing the silviculture emergency recovery program within the department to administer a grant program to assist certain timber landowners; requiring that such grants be used for certain purposes; requiring that only timber lands located on agricultural property are eligible for the program; requiring the department to coordinate with state agencies to provide financial assistance to timber landowners after a specified declared emergency; providing construction; authorizing the department to adopt rules; providing construction; amending s. 581.1843, F.S.; removing provisions that exclude certain citrus nurseries from certain requirements and that regulate areas around the perimeter of commercial citrus nurseries; repealing ss. 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, F.S., relating to the Florida Boll Weevil Eradication Law;

definitions; powers and duties of Department of Agriculture and Consumer Services; the entry of premises to carry out boll weevil eradication activities and inspections; reports by persons growing cotton; quarantine areas and the regulation of articles within a boll weevil eradication zone; the regulation of collection, transportation, distribution, and movement of cotton; cooperative programs for persons engaged in growing, processing, marketing, or handling cotton; the department's authority to designate eradication zones, prohibit planting of cotton, and require participation in eradication program; regulation of the pasturage of livestock, entry by persons, and location of honeybee colonies in eradication zones and other areas; eligibility for certification of cotton growers' organization; the certification of cotton growers' organization; a referendum; an assessment; the department's authority to enter agreements with the Farm Service Agency; liens; mandamus or injunction; penalty for violation; and the handling of moneys received, respectively; amending s. 595.404, F.S.; revising the department's powers and duties regarding school nutrition programs; amending s. 599.002, F.S.; renaming the Viticulture Advisory Council as the

Florida Wine Advisory Council; revising the membership of the Florida Wine Advisory Council; amending s. 599.003, F.S.; renaming the State Viticulture Plan as the State Wine Plan; amending s. 599.004, F.S.; providing that wineries that fail to recertify annually or pay a specified licensing fee are subject to certain actions and costs; amending s. 599.012, F.S.; conforming provisions to changes made by the act; amending s. 616.12, F.S.; removing provisions requiring a person who operates a minstrel show in connection with any certain public fairs to pay specified license taxes; removing a provision that exempts such person from paying specified taxes; creating s. 687.16, F.S.; providing a short title; providing definitions; prohibiting a financial institution from discriminating in the provision of financial services to an agricultural producer based on an ESG factor; providing an inference with regard to a certain violation; providing that the financial institution may overcome the inference by making certain demonstrations regarding its denial or restriction of financial services to an agricultural producer; authorizing the Attorney General to enforce specified provisions; providing that a violation of specified provisions constitutes an unfair and

deceptive trade practice; authorizing the Attorney General to investigate and seek remedies for such unfair trade practices; authorizing an aggrieved party to seek an action for damages; amending s. 741.0305, F.S.; conforming a cross-reference; amending s. 790.06, F.S.; revising the circumstances under which the department may temporarily suspend a person's license to carry a concealed weapon or concealed firearm or the processing of an application for such license; requiring the department to notify certain licensees or applicants of his or her right to a hearing; requiring that the hearing regarding such suspension of license be for a limited purpose; requiring the department to issue an order lifting the suspension of an applicant's license upon a certain disposition of the criminal case; requiring that the suspension remain in effect upon a certain disposition of the criminal case; providing construction; providing legislative findings; revising the duties of the department after the date of receipt of a completed application for a license to carry a concealed weapon or concealed firearm; requiring that a license issued under this section be temporarily suspended or revoked if the license was issued in error or if the licensee commits certain actions;

amending s. 812.0151, F.S.; revising the elements of third degree and second degree felony retail fuel theft; creating s. 812.136, F.S.; providing definitions; providing elements for the crime of mail theft; providing elements of theft of or unauthorized reproduction of a mail depository key or lock; providing criminal penalties; amending s. 934.50, F.S.; removing certain exceptions from the prohibited uses of drones; creating s. 1013.373, F.S.; prohibiting a local government from adopting any measure to limit the activities of public educational facilities or auxiliary facilities constructed by certain organizations; requiring that lands used for agricultural education or for the Future Farmers of America or 4-H activities be considered agricultural lands; reenacting s. 295.07(5)(a), F.S., relating to preference in appointment and retention, to incorporate the amendment made to s. 110.205, F.S., in a reference thereto; reenacting ss. 125.01(1)(r), 163.3162(3)(a), (b), (c), and (d), 163.3163(3)(c), 163.3164(4), 163.3194(5), 170.01(4), 193.052(2), 193.4615, 212.08(5)(a) and (19)(a), 373.406(2), 403.182(11)(a), 403.9337(4), 472.029(2)(d), 474.2021(5), 474.2165(4)(d), 487.081(6), 570.85(1), 570.87(1), 570.94(3), 582.19(1)(a), 586.055,

604.50(2)(a) and (d), 604.73(3)(b), 692.201(1), 741.30(5)(a) and (6)(a), 810.011(5)(a), and 823.14(6), F.S., relating to powers and duties; agricultural lands and practices; applications for development permits; community planning act; legal status of comprehensive plan; authority for providing improvements and levying and collecting special assessments against property benefited; preparation and serving of returns; assessment of obsolete agricultural equipment; storage tax; exemptions; local pollution control programs; the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; authorization to enter lands of third parties; veterinary telehealth; ownership and control of veterinary medical patient records; exemptions; agritourism; agritourism participation impact on land classification; best management practices for wildlife; qualifications and tenure of supervisors; location of apiaries; nonresidential farm buildings; urban agriculture pilot projects; definitions; domestic violence; definitions; and the Florida Right to Farm Act, respectively, to incorporate the amendment made to s. 193.461, F.S., in references thereto; reenacting ss. 189.062(1)(a) and 388.261(7), F.S., relating to special procedures for inactive

districts and state aid to counties and districts for arthropod control, respectively, to incorporate the amendment made to s. 388.271, F.S., in references thereto; reenacting ss. 482.072(3)(b) and 482.163, F.S., relating to pest control customer contact centers and responsibility for pest control activities of employee, respectively, to incorporate the amendment made to s. 482.161, F.S., in references thereto; reenacting s. 487.156, F.S., relating to governmental agencies, to incorporate the amendment made to s. 487.044, F.S., in a reference thereto; reenacting ss. 496.4055(2) and 496.406(2) and (4), F.S., relating to charitable organization or sponsor board duties and exemption from registration, respectively, to incorporate the amendment made to s. 496.405, F.S., in references thereto; reenacting s. 500.80(1)(a), F.S., relating to cottage food operations, to incorporate the amendment made to s. 500.12, F.S., in a reference thereto; reenacting s. 500.121(6), F.S., relating to disciplinary procedures, to incorporate the amendment made to s. 500.172, F.S., in a reference thereto; reenacting s. 790.061, F.S., relating to judges and justices, to incorporate the amendment made to s. 790.06, F.S., in a reference thereto; providing an effective date.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 665	**COMPANION BILL:** SB 482 (DiCeglie)
TITLE: Local Government Impact Fees and Development Permits and Orders	**LINKED BILLS:** None
SPONSOR(S): Steele	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism ➤ Intergovernmental Affairs ➤ Commerce

SUMMARY

Effect of the Bill:

The bill prohibits a local government from requiring an applicant for a development permit or development order to install a work of art, pay a fee for a work of art, or reimburse the local government for any costs that the local government may incur related to a work of art, as a condition of processing or issuing the development permit or development order.

The bill also amends the Florida Impact Fee Act (Act) to define "extraordinary circumstances" and requires a local government seeking to increase an impact fee rate beyond the phase-in limitations established by the Act to identify in its demonstrated-need study the specific projects that will benefit, and how such projects will benefit, from exceeding the Act's phase-in limitations on increases in impact fees.

Fiscal or Economic Impact:

The bill has an indeterminate impact on the private sector and local governments.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Development Permits and Orders

The bill prohibits a local government[1] from requiring an applicant to install a work of art, pay a fee for a work of art, or reimburse the local government for any costs that the local government may incur related to a work of art, as a condition of processing or issuing a development permit or development order. (Section 1 for counties; Section 3 for municipalities.)

Florida Impact Fee Act

For purposes of the Florida Impact Fee Act (Act), the bill defines "extraordinary circumstances" to mean:

- For a county, that the permanent population estimate determined for the county by the University of Florida Bureau of Economic and Business Research (UF Bureau) is at least 1.25 times the 5-year high-series population projection for the county as published by the UF Bureau before the year of the population estimate; or
- For a municipality, that the municipality is located within a county with a permanent population estimate described above, and the municipality demonstrates that it has maintained a proportionate share of the county's population growth during the preceding 5-year period. (Section 2.)

[1] Local government means any county or municipality. *See* s. 163.3164(29), F.S.

Additionally, the bill requires a local government seeking to increase an impact fee rate beyond the phase-in limitations established by the Act to identify in its demonstrated-need study,[2] the specific projects that will benefit, and how such projects will benefit, from exceeding the Act's phase-in limitations on increases in impact fees. (Section 2.)

The bill has an effective date of July 1, 2025. (Section 4.)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate impact on local governments that condition the approval of a development permit or order on an applicant installing a work of art, paying a fee for a work of art, or reimbursing the local government for any costs incurred related to a work of art. The cities and counties that have such requirements regarding works of art will no longer be able to use public funds to subsidize the construction of art in those communities.

PRIVATE SECTOR:

The bill has an indeterminate impact on developers.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Development-Funded Public Art

Under current law, local governments in Florida are not prohibited from requiring an applicant to install a work of art, pay a fee for a work of art, or reimburse the local government for any costs that the local government may incur related to a work of art, as a condition of the local government processing or issuing a development permit[3] or development order.[4] In fact, some counties and cities in Florida currently have ordinances that do just that.

As an example, the City of Naples requires all proposed projects containing new non-residential square footage, and all mixed-use projects to the extent that non-residential square footage is included, to either:

- Pay an established fee[5] into the public art fund,[6] which is non-refundable; or
- Obtain approval to acquire and install artwork on site for the proposed project. The artwork may be either an existing piece or a commissioned piece of art that is of equal or greater value than the established fee. The developer pays the established fee, which is then held in escrow and reimbursed to the developer as the artwork is acquired and installed.[7]

Similarly, the City of Tampa requires private developers that construct certain commercial structures to contribute one percent of the construction or reconstruction costs up to $200,000 dollars to "the provision of fine

[2] The purpose of the study is to demonstrate the need for a local government to exceed the phase-in limitations for an increase in impact fees, as provided by the Act. S. 163.3180(6)(g)1., F.S.

[3] A development permit includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. S. 163.3164(16), F.S.

[4] A development order means any order that grants, denies, or grants with conditions an application for a development order. S. 163.3164(15), F.S.

[5] Established fee means the fee determined by resolution of the Naples City Council and reflected in Appendix A to Naples' Code of Ordinances, which provides that the fee is $1.00 per square foot. The fee is required to be paid when the permit is issued. *Id.*

[6] Public art fund means the fund used to record revenues and expenditures for the City of Naples' public art program. *Id.*

[7] *See* Ord. No. 06-11447, codified as sections 46-42 of the Code of Ordinances, City of Naples, Fla. (Nov. 22, 2024), https://library.municode.com/fl/naples/codes/code_of_ordinances?nodeId=PTIICOOR_CH46ADPREN (last visited Mar. 12, 2025).

art in conjunction with" the commercial structure to be built.[8] Alternatively, if the private developer or owner does not want to provide fine art, then the developer or owner may make a charitable donation of one percent of the construction or reconstruction costs to the City of Tampa.[9]

On the other hand, the City of Fort Meyers encourages, rather than requires, private developers to fund public art.[10]

Impact Fees

Impact fees are a type of regulatory fee "imposed by local governments against new development to provide for capital facilities' costs made necessary by population growth. Rather than imposing the costs of these additional capital facilities upon the general public, the purpose of impact fees is to shift the expense burden to newcomers."[11] Examples of capital facilities include the provision of additional water and sewer systems, schools, libraries, parks and recreation facilities.[12] Impact fees are typically assessed using a fee schedule that sets forth the charge per type of dwelling unit or per square footage of floor space.[13] The charges are usually paid at the time the building permit is approved.[14]

The Florida Impact Fee Act (Act) provides requirements and procedures to be followed by a county, municipality, or special district when it adopts an impact fee.[15] These requirements include basing an impact fee's calculation on recent and localized data and detailed accounting and reporting of collections and expenditures.[16]

Under the Act, a local government, school district, or special district may increase an impact fee rate beyond certain phase-in limitations[17] by establishing the need for the increase, provided the following criteria are met:

- A demonstrated-need study justifying any increase in excess of those authorized by the Act has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.
- The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in the Act.
- The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.[18]

University of Florida Bureau of Economic and Business Research

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[8] *See* Ord. No. 2000-227, codified as sections 27-436 and 27-441 of the Code of Ordinances, City of Tampa, Fla. (Aug. 31, 2000), https://www.tampa.gov/art-programs/Info/ordinance?utm_source=direct&utm_medium=alias&utm_campaign=tampagovnet (last visited Mar. 12, 2025).

[9] *Id.*

[10] *See* Ordinance Ord. No. 3890, codified as section 118.7.6 of the Code of Ordinances, City of Fort Meyers, Fla. (Jan. 1, 2020), https://library.municode.com/fl/fort_myers/codes/code_of_ordinances?nodeId=SPBLADECO_CH118LAUSRE_ART7COAP_118.7.6PUAR (last visited Mar. 12, 2025).

[11] Florida's Office of Economic and Demographic Research, *Local Government Financial Information Handbook* (Nov. 2016), p. 13, https://edr.state.fl.us/Content/local-government/reports/lgfih16.pdf (last visited Mar. 12, 2025).

[12] Florida Housing Finance Corporation, *Overview of Impact Fees and Affordable Housing* (Oct. 2017), p. 1, https://www.floridahousing.org/docs/default-source/aboutflorida/august2017/october2017/TAB_3.pdf (last visited Mar. 12, 2025).

[13] *Id.*

[14] *Id.*

[15] S. 163.31801, F.S.

[16] *Supra* note 11, p. 1.

[17] For purposes of this section in the Act, the phase-in limitations include the following:

- An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.
- An impact fee increase may not exceed 50 percent of the current impact fee rate.
- An impact fee may not be increased more than once every 4 years. S. 163.31801(6)(b)–(e), F.S.

[18] S. 163.31801(6)(g), F.S.

The University of Florida Bureau of Economic and Business Research (UF Bureau) was founded in 1929 and is currently part of the University of Florida's College of Liberal Arts and Sciences.[19] The UF Bureau produces the state's official state and local population estimates and projections, which are used for budgeting, planning, policy analysis, and state revenue-sharing for cities and counties in the state.[20] The UF Bureau also publishes the annual Florida Statistical Abstract, which provides information on Florida's population, housing, employment, income, education, health, tourism, elections, and more.[21]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/HB 479	Robinson, W.	Martin	Passed both chambers and approved by the Governor.
2023	CS/CS/HB 235	Robinson, W.	Brodeur	Died in the House.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Fletcher
Intergovernmental Affairs Subcommittee				
Commerce Committee				

[19] University of Florida Bureau of Economic and Business Research, *About Us*, https://bebr.ufl.edu/about/ (last visited Mar. 12, 2025).
[20] *Id.*
[21] *Id.*

A bill to be entitled

An act relating to local government impact fees and development permits and orders; amending s. 125.022, F.S.; prohibiting a county from requiring an applicant to take certain actions as a condition of processing a development permit or development order; amending s. 163.31801, F.S.; defining the term "extraordinary circumstances"; requiring that a demonstrated-need study include certain information; amending s. 166.033, F.S.; prohibiting a municipality from requiring an applicant to take certain actions as a condition of processing a development permit or development order; providing an effective date.

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

Section 1. Subsection (8) is added to section 125.022, Florida Statutes, to read:

125.022 Development permits and orders.—

(8) A county may not as a condition of processing or issuing a development permit or development order require an applicant to install a work of art, pay a fee for a work of art, or reimburse the county for any costs that the county may incur related to a work of art.

Section 2. Present paragraphs (a) and (b) of subsection

CODING: Words stricken are deletions; words underlined are additions.

(3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (g) of subsection (6) of that section is amended, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(3) For purposes of this section, the term:

(a) "Extraordinary circumstances" means:

1. For a county, that the permanent population estimate determined for the county by the University of Florida Bureau of Economic and Business Research is at least 1.25 times the 5-year high-series population projection for the county as published by the University of Florida Bureau of Economic and Business Research immediately before the year of the population estimate; or

2. For a municipality, that the municipality is located within a county with such a permanent population estimate and the municipality demonstrates that it has maintained a proportionate share of the county's population growth during the preceding 5-year period.

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in

limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations. The demonstrated-need study must identify the specific projects that will benefit, and how such projects will benefit, from exceeding the phase-in limitations.

2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

Section 3. Subsection (8) is added to section 166.033, Florida Statutes, to read:

166.033 Development permits and orders.—

(8) A municipality may not as a condition of processing or issuing a development permit or development order require an

CODING: Words stricken are deletions; words underlined are additions.

applicant to install a work of art, pay a fee for a work of art, or reimburse the municipality for any costs that the municipality may incur related to a work of art.

Section 4. This act shall take effect July 1, 2025.

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1157	**COMPANION BILL:** SB 1238 (Rodriguez)
TITLE: Verification of Reemployment Assistance Benefit Eligibility	**LINKED BILLS:** None
SPONSOR(S): Abbott	**RELATED BILLS:** None

Committee References

Housing, Agriculture & Tourism ➤ Information Technology Budget & Policy ➤ Commerce

SUMMARY

Effect of the Bill:

The bill adds conditions for disqualification from reemployment assistance; the bill requires the Department of Commerce to verify a claimant's eligibility; and the bill requires the consumer-first workforce system to align with federal regulations and to use artificial intelligence for matching participants with jobs and training.

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on the Department of Commerce.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Reemployment Assistance Benefits

The bill adds the following conditions for disqualification from reemployment assistance:

- Failing to contact five prospective employers per week;
- Failing to appear on three or more occasions for a scheduled job interview; or
- Failing to return to work when recalled to work by their former employer after a temporary layoff. (Section 2).

The bill requires the Department of Commerce (Department) to verify a claimant's eligibility for reemployment assistance benefits through the following measures:

- Verify the identity of each claimant;
- Cross-check the information contained in an initial claim with information in the database of the Systematic Alien Verification for Entitlements (SAVE) program.
- Cross-check the information contained in a claim every two weeks that a claimant files a claim to ensure that the claimant is:
  - Living;
  - Not incarcerated; or
  - Not already employed. (Section 3).

The bill also requires the Department to take the following actions to verify reemployment assistance benefit eligibility:

- Investigate any claim in this state associated with another existing claim, either in this state or another state, that indicates suspicious activity.
- Scrutinize any claim in this state filed from a foreign Internet Protocol (IP) address.

- Work with the United States Department of Labor, out-of-state workforce agencies, the Department of Justice, the Department of Law Enforcement, the Office of the Statewide Prosecutor, and other relevant law enforcement entities, as feasible, to investigate and prosecute fraudulent claims.
- Maintain a website and email address for reporting violations by individuals or employers, and annually notify employers of the Department's website and email address.
- Annually make available on its website:
    - The number of successful detections of fraudulent claims;
    - The number of claims not paid due to the detection of fraud;
    - The number of fraudulent claims paid and the amount paid on those claims;
    - The amount recovered from fraudulent overpayments;
    - The number of fraudulent claims referred for investigation and possible prosecution; and
    - The sources used to cross-check claims during the reporting period. (Section 3).

Consumer-first Workforce System
The bill requires the consumer-first workforce system to include an automated job-matching information system that is accessible to employers, job seekers, and other users via the Internet, in alignment with the implementation of 20 C.F.R. § 652.3. (Section 4).

The bill requires the consumer-first workforce system to use artificial intelligence to match participants with jobs and training opportunities, including assessments of knowledge, skills, and interests to guide the process. (Section 4).

The bill provides an effective date of July 1, 2025. (Section 5).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Department of Commerce may incur indeterminate costs related to the creation, maintenance, and operation of websites, database checks, and the use of artificial intelligence with the overall impact on the state expenditures remaining indeterminate. A request for a formal analysis was submitted to the Department of Commerce and to the Department of Law Enforcement on March 6, 2025.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Unemployment Compensation
The Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no fault of their own (as determined under state law) and who meet the requirements of state law.[1] The program is administered as a partnership between the federal government and the states.[2] Individual states and the Internal Revenue Service (IRS) collect employer payroll taxes to pay reemployment assistance benefits.[3] Federal collections go to the states for costs of administering state unemployment

[1] United States Department of Labor (DOL), State Unemployment Insurance Benefits, https://oui.doleta.gov/unemploy/uifactsheet.asp (last visited Mar. 13, 2025).
[2] DOL, Federal – State Partnership, https://oui.doleta.gov/unemploy/pdf/partnership.pdf (last visited Mar. 13, 2025).
[3] Florida Department of Revenue, *Florida Reemployment Tax*, https://floridarevenue.com/taxes/taxesfees/Pages/reemployment.aspx (last visited Mar. 13, 2025); Internal Revenue Service, *Federal Unemployment Tax,* https://www.irs.gov/individuals/international-taxpayers/federal-unemployment-tax (last visited Mar. 13, 2025).

compensation and job service programs.[4] In addition, Federal funds pay one-half of the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.[5]

States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with the Federal requirements.[6] Florida's Reemployment Assistance Program was created by the Legislature in 1937 and the Department of Commerce (Department) is the agency responsible for its administration.[7] The Department contracts with the Florida Department of Revenue to provide unemployment tax collections services.[8]

In Florida, which rebranded the unemployment compensation program as the reemployment assistance program in 2012,[9] a qualified claimant may receive benefits equal to 25 percent of wages, not to exceed $6,325 in a benefit year.[10] Benefits range from a minimum of $32 per week to a maximum weekly benefit amount[11] of $275, for a maximum of between 12 weeks and 23 weeks.[12]

Disqualification for Reemployment Assistance Benefits

An individual shall be disqualified from receiving reemployment assistance benefits for any of the following reasons, which include, but are not limited to:[13]

- Voluntarily leaving work without good cause, or being discharged by his or her employing unit for misconduct connected with the work;
- Failing to apply for available suitable work when directed by the department or the One-Stop Career Center, to accept suitable work when offered, or to return to suitable self-employment when directed to do so;
- Making false or fraudulent representations in filing for benefits;
- Being discharged from employment due to drug use or rejection from a job offer for failing a drug test; or
- Becoming unavailable for work due to incarceration or imprisonment.

Benefit Eligibility

To be eligible for benefits each week of unemployment, a claimant must meet certain requirements, which generally involve efforts to find new employment, including, but not limited to, the following:[14]

- Completing the Department's online work registration;
- Reporting to the One-Stop Career Center when directed to do so by the local CareerSource board;
- Being able and available for work;
- Contacting at least 5 prospective employers each week; and
- Participating in reemployment services.

Systematic Alien Verification for Entitlements (SAVE) Program

The SAVE program is an online service that verifies immigration status and naturalized U.S. citizenship of applicants seeking benefits or licenses.[15] The program assists registered federal, state, and local government

[4] DOL, *Unemployment Insurance Tax Topic,* https://oui.doleta.gov/unemploy/uitaxtopic.asp#:~:text=FUTA%20taxes%20are%20calculated%20by,times%20the%20employer's%20taxable%20wages.&text=Employers%20who%20pay%20their%20state,tax%20paid%20to%20the%20state (last visited Mar. 13, 2025).
[5] *Id.*
[6] DOL, *Federal – State Partnership*, https://oui.doleta.gov/unemploy/pdf/partnership.pdf (last visited Mar. 13, 2025).
[7] Ch. 18402, Laws of Fla.; S. 443.171(1), F.S.; S. 443.011, F.S.
[8] S. 443.1316(1), F.S.
[9] Ch. 2012-30, Laws of Fla.
[10] S. 443.111(5), F.S.
[11] S. 443.111(3), F.S. the "weekly benefit amount," is an amount equal to one twenty-sixth of the total wages for insured work paid during the quarter of the base period where the wages paid were highest.
[12] S. 443.111(5)(c), F.S.
[13] S. 443.101, F.S.
[14] S. 443.091(1), F.S.,
[15] United States Citizenship and Immigration Services (USCIS), *Save,* https://www.uscis.gov/save (last visited Mar. 13, 2025).

agencies, among others.[16] SAVE does not determine eligibility, as that responsibility rests with the benefit-granting or licensing agency.[17]

In order for the SAVE program to verify a benefit applicant's status, the benefit-granting or licensing agency must submit:[18]

- First name and last name;
- Date of birth;
- The public benefit(s) requested by the applicant; and
- At least one unique immigration identifier such as the Alien Registration Number, I-94, SEVIS ID, I-797, or Citizenship Certificate Number.

The SAVE program typically provides an initial response within seconds, which is sufficient for most requests. For additional verification, the response time is 3 federal workdays.[19] Additionally, the transaction charges for the SAVE program's verification in 2025 are $2.25 per verification case for federal agencies and $1.50 for non-federal agencies.[20] A minimum monthly service charge of $25 applies where at least one SAVE case is submitted by an agency.[21]

Consumer-first Workforce System (Workforce System)

The consumer-first workforce system requires the Department of Commerce to consult with the Department of Education and the Department of Children and Families to implement one statewide automated system that improves coordination among the required one-stop partners to efficiently and effectively provide workforce and education programs and services in Florida.[22]

The Workforce System requires an integrated management system for the one-stop service delivery system that includes, at a minimum, the following:[23]

- Common registration and intake for required one-stop partners;
- Screening for needs and benefits;
- Benefit management and career planning;
- Case management;
- Training benefits management;
- Service and training provider management;
- Performance reporting;
- Executive information and reporting; and
- Customer-satisfaction tracking and reporting.

Additionally, the Workforce System must include an automated job-matching information system that is accessible to employers, job seekers, and other users via the Internet, and that includes, at a minimum, the following:[24]

- Skill match information;
- Job market information; and
- Service provider information.

Public Labor Exchange Services System – 20 CFR § 652.3

[16] *Id.*
[17] *Id.*
[18] USCIS, *Verification Process,* https://www.uscis.gov/save/about-save/save-verification-process (last visited Mar. 13, 2025).
[19] USCIS, *SAVE Verification Response Time,* https://www.uscis.gov/save/about-save/save-verification-response-time (last visited Mar. 13, 2025).
[20] *Id.*
[21] *Id.*
[22] S. 445.011(1), F.S.
[23] S. 445.011(1)(a), F.S.
[24] S. 445.011(1)(b), F.S.

Section 652.3 of Title 20 of the Code of Federal Regulations (CFR) outlines the requirements for the Public Labor Exchange Services System in the United States. The labor exchange system requirements for each state must, at a minimum:[25]

- Assist job seekers in finding employment;
- Assist employers in filling jobs;
- Facilitate the match between job seekers and employers;
- Participate in a system for clearing labor among the States;
- Meet the work test requirements of the State unemployment compensation system; and
- Provide labor exchange services.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 1289	Abbott		The bill died in the House on second reading.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Rodriguez
Information Technology Budget & Policy Subcommittee				
Commerce Committee				

[25] 20 C.F.R. § 652.3 (2025).

A bill to be entitled

An act relating to verification of reemployment assistance benefit eligibility; providing a short title; amending s. 443.101, F.S.; revising circumstances under which the Department of Commerce disqualifies claimants from reemployment assistance benefits; creating s. 443.1112, F.S.; requiring the department to verify claimants' identities before paying benefits; requiring the department to cross-check certain information; providing duties of the department; requiring the department to maintain a web page and an e-mail address for a specified purpose and to notify employers each year of the web page and e-mail address; providing annual reporting requirements; amending s. 445.011, F.S.; requiring the department's job-matching information system to contain certain elements; providing an effective date.

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

Section 1. This act may be cited as the "Promoting Work, Deterring Fraud Act of 2025."

Section 2. Subsection (2) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall

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be disqualified for benefits:

(2) If the Department of Commerce finds that the individual has failed without good cause to apply for available suitable work, including contacting the required number of prospective employers per week for any week of unemployment claimed in the benefit year in accordance with s. 443.091, or failed to appear on three or more occasions for a scheduled job interview, to accept suitable work when offered to him or her, to ~~or~~ return to the individual's customary self-employment when directed by the department, or to return to employment when recalled to work by the individual's employer after a temporary layoff, the disqualification continues for the full period of unemployment next ensuing after he or she failed without good cause to apply for available suitable work, accept suitable work, or return to his or her customary employment or self-employment, and until the individual has earned income of at least 17 times his or her weekly benefit amount. The department shall by rule adopt criteria to implement this subsection, including for determining the "suitability of work," as used in this section. In developing these rules, the department shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage

and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether or not any work is suitable for an individual, the department shall consider the degree of risk to the individual's health, safety, and morals; the individual's physical fitness, prior training, experience, prior earnings, length of unemployment, and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding any other provisions of this chapter, work is not deemed suitable and benefits may not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. The position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. The wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

3. As a condition of being employed, the individual is required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If the department finds that an individual was rejected for offered employment as the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to

accept an offer of suitable work.

Section 3. Section 443.1112, Florida Statutes, is created to read:

443.1112 Verification of reemployment assistance benefit eligibility; detection of fraud.—

(1) The Department of Commerce must verify the identity of each claimant who applies for reemployment assistance benefits before paying any benefits to that individual.

(2) For the initial claim for benefits made by a claimant and as necessary to verify a claimant's eligibility for benefits, the department must cross-check the information contained in the claim with information in the database of the Systematic Alien Verification for Entitlements Program established by the United States Bureau of Citizenship and Immigration Services.

(3) For every 2 weeks that a claimant makes a claim for benefits, including the initial claim for benefits, to verify a claimant's eligibility for benefits, the department must cross-check the information contained in the claim to make sure that the claimant is:

(a) Living.

(b) Not incarcerated.

(c) Not already employed.

(4) The department shall do all of the following:

(a) Investigate any claim in this state associated with a

mailing address, a bank account, an e-mail address, a telephone number, or an Internet protocol address that is also associated with another existing claim for reemployment assistance benefits in this state or another state and verify that the claim in this state is legitimate and not fraudulent before paying any benefits for the claim.

(b) Scrutinize any claim in this state filed from a foreign Internet protocol address before paying any benefits for the claim.

(c) Work with the United States Department of Labor, the United States Department of Justice, other state workforce agencies, the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor to share information related to fraudulent claims or attempted fraudulent claims to the extent feasible for further investigation and proceedings brought under this chapter.

(d) Maintain a web page and an e-mail address through which an individual or an employer may report known or suspected violations of this chapter, including identity theft or fraud. Each year, the department shall notify employers in this state of this web page and e-mail address for reporting violations.

(e) Each year, make available on its website a report identifying the number of fraudulent reemployment assistance claims identified for the prior year, the number of claims not paid due to successful detection of fraudulent intentions, the

number of claims and the amount of reemployment assistance benefits paid against claims subsequently identified as fraudulent, the amount of fraudulent overpayments recovered, and the number of fraudulent claims referred for investigation and possible prosecution. The report must also list the sources of information that were used to cross-check claims during the reporting period.

Section 4. Paragraph (b) of subsection (1) of section 445.011, Florida Statutes, is amended to read:

445.011 Consumer-first workforce system.—

(1) The department, in consultation with the state board, the Department of Education, and the Department of Children and Families, shall implement, subject to legislative appropriation, an automated consumer-first workforce system that improves coordination among required one-stop partners and is necessary for the efficient and effective operation and management of the workforce development system. This system must include, but is not limited to, the following:

(b)1. An automated job-matching information system that is accessible to employers, job seekers, and other users via the Internet, that is in alignment with the implementation of 20 C.F.R. s. 652.3, and that includes, at a minimum, all of the following:

a.~~1.~~ Skill match information, including skill gap analysis; résumé creation; job order creation; skill tests; job

search by area, employer type, and employer name; and training provider linkage.

b.~~2.~~ Job market information based on surveys, including local, state, regional, national, and international occupational and job availability information.

c.~~3.~~ Service provider information, including education and training providers, child care facilities and related information, health and social service agencies, and other providers of services that would be useful to job seekers.

2. The job-matching information system must use artificial intelligence generation for the purpose of matching participants to jobs and training opportunities and must include a knowledge, skills, and interests assessment for the purpose of guiding participants to jobs and training opportunities.

Section 5. This act shall take effect July 1, 2025.

HOUSING, AGRICULTURE, AND TOURISM SUBCOMMITTEE

HB 1157 by Rep. Abbott
Relating to Verification of Reemployment Assistance Benefit Eligibility

AMENDMENT SUMMARY
March 18, 2025

Amendment 1 by Rep. Abbott (Lines 133-164): The amendment deletes section 4 of the bill, which requires the consumer-first workforce system to align with federal regulations and to use artificial intelligence for matching participants with jobs and training.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Housing, Agriculture & Tourism Subcommittee

Representative Abbott offered the following:

Amendment (with title amendment)

Remove lines 133-164

T I T L E A M E N D M E N T

Remove lines 15-17 and insert:

providing an effective date.