

Commerce Committee

Wednesday, January 21, 2026
8:00 AM - 9:00 AM
Webster Hall (212 Knott)

Meeting Packet

Daniel Perez
Speaker

James Buchanan
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Commerce Committee

Start Date and Time: Wednesday, January 21, 2026 08:00 AM

End Date and Time: Wednesday, January 21, 2026 09:00 AM

Location: Webster Hall (212 Knott)

Duration: 1.00 hrs

Consideration of the following bill(s):

HB 433 Department of Agriculture and Consumer Services by Alvarez, D., Johnson
HB 543 Transportation by McFarland
HB 863 Arbitration for Disputes with Citizens Property Insurance Corporation by Benarroch

NOTICE FINALIZED on 01/16/2026 4:29PM by Young.Kimberly

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 433	**COMPANION BILL:** CS/SB 290 (Truenow)
TITLE: Department of Agriculture and Consumer Services	**LINKED BILLS:** None
SPONSOR(S): Alvarez, D. and Johnson	**RELATED BILLS:** None

Committee References

Commerce ➤ State Affairs ➤ Agriculture & Natural Resources Budget ➤ Judiciary

SUMMARY

Effect of the Bill:
The bill addresses numerous matters related to agriculture and the Florida Department of Agriculture and Consumer Services. Among other provisions, the bill revises provisions related to fairs, preempts local governments from restricting gas-powered farm and landscape equipment, revises provisions that relate to biosolids, amends provisions relating to signal jamming devices, revises provisions related to state owned lands, repeals the Babcock Ranch Advisory Group, creates a Food Animal Veterinary Medicine Loan Program, and makes permanent the Farmers Feeding Florida Program. It also amends provisions relating to health studios, commercial solicitation, and disparagement of non-perishable products.

Fiscal or Economic Impact:
The bill has an indeterminate, likely negative fiscal impact on the Department of Agriculture and Consumer Services. The impact on local governments and the private sector is indeterminate.

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ANALYSIS

EFFECT OF THE BILL:

The bill addresses numerous matters related to agriculture and the Florida Department of Agriculture and Consumer Services (FDACS), as discussed below.

Gasoline-powered Farm and Landscape Equipment

The bill prohibits counties and municipalities from enacting or enforcing any resolution, ordinance, rule, code, or policy or taking any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment. The bill does not prohibit or limit counties or municipalities from encouraging the use of alternative farm or landscape equipment, such as battery-powered equipment. (Sections 1 and 2)

The bill provides the following definitions: (Sections 1 and 2)

- "Gasoline-powered farm equipment" means a machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used on a farm or used to transport farm products.
- "Gasoline-powered landscape equipment" means any machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used to provide landscape management or maintenance or to move leaves, dirt, grass, or other debris off of sidewalks, driveways, lawns, or other surfaces.

Surplus Lands

The bill requires the Acquisition and Restoration Council to determine whether any lands surplused by a local governmental entity on or after January 1, 2024, are suitable for bona fide agricultural purposes. A local governmental entity may not transfer future development rights for any surplused lands determined to be suitable for bona fide agricultural purposes on or after July 1, 2024. (Section 3)

The bill requires the Department of Environmental Protection (DEP), in coordination with FDACS, to determine whether any state-owned conservation lands are suitable for bona fide agricultural purposes, and authorizes DEP, notwithstanding any other law or rule, to surplus such state-owned lands that are acquired after January 1, 2024, and requires FDACS to retain an a rural-lands-protection easement on all such lands. Proceeds from the sale of such surplused lands must be deposited into FDACS's Incidental Trust Fund. By January 1, 2027, DEP must provide a yearly report of such surplused state-owned conservations lands to the Board of Trustees of the Internal Improvement Trust Fund. (Section 3)

The bill prohibits designated state forest lands, state park lands, or wildlife management areas from being surplused according to this process. (Section 3)

Babcock Ranch Advisory Group

The bill eliminates the Babcock Ranch Advisory Group, and therefore the management and stewardship of the Babcock Ranch Preserve will be determined by FDACS. (Section 4)

Theft of Construction Subcontractor and Supplier Services

The bill provides that a vendor that has failed to timely compensate its subcontractors or suppliers will be placed on the suspended vendor list, and therefore may not be awarded contracts with the state. (Section 5)

The bill defines "subcontractor" and "supplier" for all of Part I of Chapter 489, F.S., Construction Contracting, the same as provided in Chapter 558, F.S., Construction Defects, as follows: (Section 10)

- "Subcontractor" means a person, as defined in s. 1.01, F.S., who is a contractor who performs labor and supplies material on behalf of another contractor in the construction or remodeling of real property.
- "Supplier" means a person, as defined in s. 1.01, F.S., who provides only materials, equipment, or other supplies for the construction or remodeling of real property.

The bill creates a new crime to prohibit a licensed contractor or someone who holds himself or herself out to be a contractor from knowingly or willfully failing to compensate subcontractors or suppliers without reasonable cause within 15 business days after the contractor is paid for the services performed by the subcontractor or supplier. A contractor who violates this requirement commits a misdemeanor of the first degree, or a felony of the third degree when the services performed are valued at $20,000 or more. (Section 11)

Commercial Driver License Examination

The bill provides that an applicant for a Commercial Driver License (CDL) who receives unauthorized assistance from another person on the portion of the exam that tests his or her knowledge of traffic laws and signage pertaining to the respective class of vehicle, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated, commits a misdemeanor of the second degree. (Section 6)

The bill provides that a person who knowingly or willfully provides unauthorized assistance to an applicant for the CDL examination commits a misdemeanor of the second degree. (Section 7)

Southern States Energy Compact

The bill repeals all statutory provisions relating to the Southern States Energy Compact, which includes provisions authorizing Florida to participate in the Southern States Energy Compact and the Southern States Energy Board. (Section 8)

Biosolids Management

The bill requires biosolids land application sites, permitted by DEP after July 1, 2020, to ensure that only Class AA biosolids are applied to the soil of the site, thereby prohibiting application of Class A and Class B biosolids. (Section 9)

The bill removes the requirement that rules adopted by DEP related to biosolids management must be ratified by the Legislature. (Section 9)

Food Establishment Inspections

The bill clarifies that obstructing entry or inspection by FDACS or its duly authorized agent of a permitted food establishment's facilities is prohibited. An establishment that obstructs such entry or inspection is subject to disciplinary action. (Section 12)

Healthy Food Financing Initiative

The bill eliminates the Healthy Food Financing Initiative. (Section 13)

Health Studios

The bill allows FDACS to exempt any business or activity not in existence as of July 1, 2026, from health studio consumer protection laws in Chapter 501, F.S., including registration and bond requirements. (Section 15)

Commercial Solicitation

The bill prohibits commercial solicitation on any dwelling that clearly and prominently displays a sign that is no less than 8.5 by 11 inches, is visible to any person approaching the dwelling, and clearly displays a statement which identifies the dwelling as private property on which commercial solicitation is prohibited, in substantially the following manner with letters at least 1 inch in height (Section 16):

> THIS DWELLING IS DESIGNATED PRIVATE PROPERTY. NO COMMERCIAL SOLICITATION IS PERMITTED PURSUANT TO SECTION 501.062, FLORIDA STATUTES.

The bill provides the following definitions (Section 16):

- "Commercial solicitation" means the act of attempting to sell goods or services, or to raise funds for a commercial purpose, through direct or indirect contact with individuals, including, but not limited to, using words, body gestures, or signs, on behalf of a business or commercial entity.
- "Dwelling" means a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night, together with the curtilage thereof.[1]

[1] During the time of a state of emergency declared by executive order or proclamation of the Governor under Chapter 252, F.S., and within the area covered by such executive order or proclamation and for purposes of ss. 810.02, F.S. and 810.08, F.S., only, the term includes such portions or remnants thereof as exist at the original site, regardless of absence of a wall or roof. S. 810.011, F.S.

A person who violates this provision commits a noncriminal violation, punishable with up to a $500 fine. A person who commits a second or subsequent violation commits a misdemeanor of the second degree. (Section 16)

The bill provides legislative intent. (Section 16)

Departmental Unit Reorganization

The bill authorizes FDACS to reorganize departmental units upon approval of the Commissioner of Agriculture, regardless of current requirements for approval of such reorganization by statutory enactment or from the Executive Office of the Governor. (Section 17)

Agriculture and Aquaculture Producers Emergency Recovery Loan Program

The bill requires that in order to be eligible for the Agriculture and Aquaculture Recovery Loan Program, an applicant must be a United States citizen and a legal Florida resident before or on the date of the declared emergency. An applicant that is a business corporation; nonprofit corporation; general partnership, including a limited liability partnership; limited partnership, including a limited liability limited partnership; limited liability company; real estate investment trust; or any other domestic or foreign entity that is organized under an organic law, must be wholly owned and operated in the United States and have an active certificate of status issued by the Florida Department of State. (Section 18)

Food Animal Veterinary Medicine Loan Repayment Program

The bill establishes the Food Animal Veterinary Medicine Loan Repayment Program. FDACS is authorized to make payments that offset loans incurred, for up to three new eligible candidates annually, for studies leading to a veterinary degree with a specialization in food animal veterinary medicine. Subject to legislative appropriation, FDACS may make loan principal repayments of up to $25,000 a year for up to 5 years on behalf of eligible candidates. All repayments are contingent upon continued proof of employment in this state as a practicing food animal veterinarian. (Section 19)

To be eligible, a candidate must:

- Have graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association,
- Have received a Florida veterinary medical license,
- Have obtained a Category II Accreditation from the USDA, and
- Be a practicing food animal veterinarian in this state who cares for food animals at least 20 hours per week. (Section 19)

Candidates are ineligible if they are also receiving financial assistance from the federal Veterinary Medicine Loan Repayment Program. (Section 19)

The bill provides the following definitions:

- "Food animal" means a species of animal raised for the human food supply. Food animal species include cattle, swine, sheep, goat, poultry, aquaculture, and apiary species.
- "Food animal veterinarian" means a veterinarian working in food animal veterinary medicine who focuses on the management and health of food animals, and who spends a minimum of 20 hours per week on food animal species care and treatment.
- "Food animal veterinary medicine" means veterinary medical practice that encompasses medical care, disease prevention, and consultation on feeding, housing, and overall herd management of food animals to ensure a safe, healthy, and sustainable food supply for the public. (Section 19)

The bill allows FDACS to adopt any rules necessary to administer the program. (Section 19)

Egg or Poultry Dealer

The bill updates the number of annual dressed bird sales required to be considered a poultry "dealer" to 20,000 birds annually, from 384 birds weekly, to align state law with federal law. (Section 20)

Florida Forest Service

The bill adds the Welaka Training Center as a site that the Florida Forest Service (FFS) may operate to train fire and forest resource managers, in addition to the Withlacoochee Training Center. (Section 21)

The bill allows the FFS to grant free meals, board, and scholarships to persons and entities, regardless of whether training takes place at a designated training center, and removes the requirement that such grants be in exchange for instructional assistance. (Section 21)

The bill allows the FFS to pay annual CDL renewal costs for employees whose position requires them to have a CDL. (Section 21)

Farmers Feeding Florida Program

The bill establishes the Farmers Feeding Florida Program (Feeding Florida), which requires FDACS to coordinate with Feeding Florida or its successor entity to acquire, transport, and distribute non-Emergency Food Assistance Program (non-TEFAP) fresh food products for the benefit of residents who are food insecure due to a lack of local food resources, accessibility, and affordability. (Section 22)

The bill requires Feeding Florida to enter into an agreement with FDACS to provide, at a minimum:

- Transportation of non-TEFAP fresh food products using owned vehicles or contracted commercial vehicles.
- Coordination of the purchase and pickup of food from the purchase location and delivery to the distribution location. (Section 22)

The bill requires Feeding Florida to submit:

- Monthly reports to FDACS detailing:
  - The amount of pounds of food purchased, itemized by commodity type;
  - Purchase locations and dates; and
  - Delivery locations and dates.
- Quarterly reports to the chairs of the legislative appropriations committees detailing:
  - The amount of pounds of food distributed, itemized by commodity type; and
  - Distribution locations. (Section 22)

The bill provides that foods purchased by Feeding Florida through the program are restricted to charitable purposes for hunger relief and may not reenter the wholesale, retail, or secondary markets. (Section 22)

The bill prohibits Feeding Florida from allowing a candidate for elective office to host a food distribution event during the period of time between the last day of the election qualifying period and the date of the election if the candidate is opposed for election or re-election at the time of the event, unless the event is in response to a declared state of emergency. (Section 22)

Aquaculture Facilities

The bill prohibits FDACS from renewing a certificate of registration for an aquaculture facility that is not compliant with facility requirements unless the renewal application includes documentation of corrective action. The bill also prohibits a person, a company, or an entity, or a principal of a company or an entity, whose certificate of

registration has been revoked, from reapplying for a new certificate of registration for a period of 3 years. (Section 23)

The bill updates the scientific name of the Florida bass to *Micropterus salmoides*. (Section 23)

Water Leases

The bill provides that the rent for a water lease for growing oysters or clams *may* be adjusted every 5 years based on the Consumer Price Index (CPI), rather than *requiring* the rent to be adjusted every 5 years. (Section 24)

Florida Wine Trust Fund

The bill allows the Florida Wine Trust Fund to fund promotion of and research grants for wine made from any fruit, not just from grapes. (Section 25)

Fair Charters and Permitting

The bill substantially amends requirements for fair associations and operations. The bill removes the definitions of community, county, district, and regional fairs; as such, all fairs will be either a "state fair" or an "annual public fair." (Section 26)

The bill removes the requirements that the agricultural products of each fair be produced in or be typical of its respective geographic area, and that the majority of the board of directors of each fair must reside, be employed, or operate a business in its respective geographic area. It removes the requirement that district fairs pay at least $25,000 in cash premiums or awards to exhibitors, and that district fairs have exhibits representing basic resources in agriculture and industry of each county served by the fair. Fairs will still be required to benefit and develop the educational agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of this state, or any county, municipality, or other community in this state. (Section 26)

Related to formation of a fair, the bill:

- Removes any minimum requirement on the number of persons it takes to incorporate a fair association.
- Creates a mechanism for denial of charter applications and a process for remediation before resubmission f the proposed charter.
- Requires the proposed charter submitted by approved applicants to be notarized.
- Requires the proposed charter to include:
    - A provision for ex officio membership,
    - The name of an elected member of the board of county commissioners who will serve as an ex officio member of the board of directors of the association,
    - The official email address of the association, and
    - The oath to be taken by the applicant, which must include:
        - That the primary objective of the association is for public service and to hold, conduct, and promote public fairs or expositions;
        - That money and other available assets in value exceeding $5,000 have been provided for purposes designated by the association; and
        - That the association will operate in good faith to carry out the purposes and objectives set forth in the charter. (Section 27)

The bill limits the number of incorporated fair associations per county to one; however, the state fair and fair associations incorporated before July 1, 2026, may continue to operate regardless of this limitation. The bill provides the Commissioner of Agriculture the discretion to waive the limit on the number of fair associations per county. (Section 28)

The bill removes the requirements that a fair association applicant must: (Section 29)

- Send a notice to FDACS of the intention to apply to the circuit court for the charter,
- Publish the notice in a newspaper in the county of the association each week for four consecutive weeks,
- Summarize the charter and objectives of the proposed association in the notice, and
- Place the proposed charter on file in the office of the clerk of the circuit court during the publication period.

The bill requires that a proposed charter must first be approved by FDACS before being submitted to the board of county commissioners of the county where the principal office of the association will be located. (Sections 29 and 30)

The bill removes the public notice requirement for dissolving a fair association. The bill requires that remaining assets be distributed to the county in which the principal office of the association is located, unless otherwise specified by the property deed, and removes the requirements for remaining assets of a dissolved association to be distributed to any county or municipality within the county and that property contributed by a municipality or county be returned to that respective municipality or county. The bill removes the provision allowing the board of directors to designate the public project that will benefit from the funds or the manner in which the property will be used. (Sections 31 and 32)

The bill clarifies that the threshold of annual attendance of 25,000 is based on recorded attendance from the previous year, and that a new fair association must follow the financial reporting requirements of a fair association whose fair has an annual attendance of 25,000 or fewer. It also requires that a fair association review its charter every 5 years and submit a certified copy to FDACS that incorporates any amendment made in the last 5 years. A designated member of the association must attest that the submitted charter is accurate and factual. (Section 33)

The bill clarifies that the application for a permit for an annual public fair must be submitted to FDACS at least 90 days, rather than 3 months, before holding the fair. It adds the requirements that the permit applicant provide a copy of the association's charter which incorporates all amendments made and a complete listing of all fair exhibits. It removes the requirement that the applicant provide a written statement subscribed to by an association officer that the main purpose of the association is to conduct a public fair for the benefit of the resources of the geographic area represented by the fair. (Section 34)

The bill removes the following components for the permit application and instead requires them to be sent to FDACS 21 days before holding the fair:

- Proof of liability insurance of at least $300,000 per occurrence,
- A copy of the association's most recent annual financial statement, and
- A list of all current members of the board of directors of the association and their contact information, including home addresses. (Section 34)

The bill exempts the Florida State Fair Authority from general formation and operational requirements for public fairs. (Section 35)

Unlawful Use of Badges and Concealed Weapon Permits

The bill amends the prohibition on the unlawful use of badges or other indicia of authority to prohibit a person who does not hold a concealed weapons permit from wearing or displaying any item that displays in any manner or combination the word or words "concealed weapon permit" or "concealed weapon permitholder" with the intent to mislead or cause another person to believe that he or she is a member of a federal, state, county, or municipal law enforcement agency, or other criminal justice agency as defined in s. 943.045, F.S., if applicable, or is authorized to wear or display the item containing the words. A person who violates this prohibition commits a misdemeanor of the first degree. (Section 36)

Disparagement of Agricultural Food Products

The bill expands the ability of a producer or an association representing producers to seek damages for disparagement of an agricultural food product by: (Section 37)

- Removing the requirement that the agricultural food product must be "perishable."
- Requiring that the agricultural food product must be grown or produced for a commercial purpose.
- Including any agricultural practices used in the production of such products in the definition of "agricultural food product."

The bill allows any producer or association representing producers to collect attorney fees and costs in connection with a disparagement of agricultural food product claim. (Section 37)

Signal Jamming Devices

The bill prohibits the possession, manufacture, holding or offering for sale, sale, import, distribution, or use of signal jamming devices. However, this prohibition is not applicable to a federal or military law enforcement agency that lawfully installs, places, or uses a signal jamming device as part of a criminal investigation, or any person duly authorized by the Federal Communications Commission. Violation of this prohibition constitutes a misdemeanor of the first degree. (Section 39)

The bill provides that "signal jamming device" means a device or process, such as a phone jammer, global positioning systems blocker, or other similar device designed to intentionally block, jam, or interfere with radio communications, such as cellular and personal communication services, police radar, or global positioning systems. This definition does not require that such device or process work by emitting radio frequency waves. (Section 38)

Miscellaneous

The bill provides corrections to cross-references and reenacts relevant provisions. (Sections 14 and 40 through 45)

The effective date of the bill is July 1, 2026. (Section 46)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill has an indeterminate, likely negative fiscal impact on FDACS. The bill allows FDACS to make payments to eligible recipients under the Food Animal Veterinary Loan Repayment Program, removes the requirement that water lease rent increases every 5 years, and may increase FDACS oversight over biosolids management and the Welaka Training Center.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Gasoline-powered Farm and Landscape Equipment

A number of local governments in Florida have introduced and adopted ordinances that prohibit the use of gasoline-powered leaf blowers and chainsaws, including Naples[2] and Miami Beach.[3] These local governments have

[2] Naples Ordinance 2020-14542.
[3] Miami Beach Ordinance 2024-4589.

cited noise and environmental pollution concerns motivating the ordinances. The city of Winter Park prohibited the use of internal combustion engine leaf blowers, but voters later reversed the ban.[4]

The Florida Right to Farm Act[5] provides that "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, F.S., where such activity is regulated through implemented best management practices or interim measures" developed by DEP, FDACS, or water management districts.

Section 366.032(2), F.S., provides that except as necessary to enforce the Florida Building Code and Florida Fire Prevention Code, a municipality, county, special district, development district, or other political subdivision of the state may not restrict or prohibit the use of an appliance, including a stove or grill, using the fuels or energy types used, delivered, converted, or supplied by certain energy utilities, natural gas utilities, natural gas transmission companies, and liquified petroleum gas companies.

Home Rule Authority and Preemption

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.[6] Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.[7] Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.[8]

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.[9] Where state preemption applies, a local government may not exercise authority in that area.[10] Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.[11]

Surplus Lands

State law designates the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees),[12] which holds the title to state lands, as the entity responsible for determining which state lands may be surplused.[13] There are two different categories of state-owned lands: conservation lands and nonconservation lands.[14] For surplusing any conservation lands, the Acquisition and Restoration Council (ARC)[15] must first make a recommendation to the

[4] Winter Park Ordinance 3292-24.
[5] S. 823.14, F.S.
[6] Art. VIII, s. 1(f), Fla. Const.
[7] Art. VIII, s. 1(g), Fla. Const.
[8] Art. VIII, s. 2(b); *see also* s. 166.021(1), F.S.
[9] Preemption Definition, Black's Law Dictionary (12th ed. 2024).
[10] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis,* 83 Fla. B.J. 92 (June 2009), *https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/* (last visited Jan. 12, 2026).
[11] See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).
[12] The Board of Trustees is a four-person board consisting of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. *See* s. 253.02(1), F.S.
[13] S. 253.0341(1), F.S.
[14] *Id.*
[15] Section 259.035, F.S., provides that the ARC is a 10-member group with representatives from four state agencies, four appointees by the Governor, one appointee by the Fish and Wildlife Conservation Commission, and one appointee by the

Board of Trustees whether the lands are no longer needed for conservation purposes,[16] and conservation lands may only be surplused if the Board of Trustees, by an affirmative vote of at least three members, determines that the lands are no longer needed for conservation purposes.[17] For surplusing any nonconservation lands, the Board of Trustees must determine whether the lands are no longer needed. If the Board of Trustees determines the nonconservation lands are no longer needed, it may dispose of such lands by an affirmative vote of at least three members.

Local government requests for surplus lands through purchase or exchange must be expedited throughout the surplusing process.[18]

Requests for surplusing lands may be made by any public or private entity or person. All requests to surplus conservation lands must be submitted to the lead managing agency for review and recommendation to the ARC, and all requests to surplus nonconservation lands must be submitted to the Division of State Lands for review and recommendation to the Board of Trustees.[19]

For all surplus lands, the Division of State Lands must determine the sale price based on the "highest and best use" of the property to ensure the maximum benefit and use to the state. "Highest and best use" means the reasonable, probable, and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and results in the highest value.[20] Agricultural use of a land is not always considered the "highest and best use" for that particular parcel. Instead, exceptions are made for the value of agricultural land to be assessed based on current use rather than its fair market value.[21]

The Board of Trustees owns approximately 3.3 million acres of uplands, 3.1 million acres of which are conservation lands and 0.2 million acres of which are nonconservation lands. There are also about 0.5 million acres of conservation easements.[22] As of June 30, 2025, there were 268 properties owned by the Board of Trustees that were candidates for disposition or in the disposition process, comprising an estimated 263 acres with an estimated value of $9.84 million.[23]

Bona fide Agricultural Purposes

When making a determination if land is used primarily for bona fide agricultural purposes when classifying land as agricultural for purposes of taxation, the term "bona fide agricultural purposes" means good faith commercial agricultural use of the land. The following factors may be taken into consideration:[24]

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

Commissioner of Agriculture and Consumer Services. ARC has responsibility for the evaluation, selection and ranking of state land acquisition projects on the Florida Forever priority list, as well as the review of management plans and land uses for all state-owned conservation lands. Department of Environmental Protection, *Acquisition and Restoration Council,* https://floridadep.gov/lands/environmental-services/content/acquisition-and-restoration-council-arc (last visited Dec. 29, 2025); *see also* s. 253.0341(6), F.S. (providing that before any decision by the Board of Trustees, ARC must review and make recommendations to the Board of Trustees concerning the request for surplusing, and must determine whether the request is compatible with the resource values of and management objectives for such lands).

[16] S. 253.0341(1), F.S.

[17] *Id*.

[18] S. 253.0341(1), F.S.

[19] S. 253.0341(11), F.S.

[20] S. 253.0341(8), F.S.

[21] Art. VII, s. 4(a), Fla. Const.

[22] DEP, *FAQ: Disposition of state lands and facilities annual report.* https://floridadep.gov/lands/bureau-public-land-administration/content/faq-disposition-state-lands-and-facilities-annual (last visited Dec. 29, 2025).

[23] Department of Management Services (DMS), *2025 Disposition of State Lands and Facilities Annual Report*, https://dms-media.ccplatform.net/content/download/439934/file/10.1.25%202025%20DEP%20Disposition%20of%20State%20Lands%20and%20Facilities%20Report.pdf (last visited Dec. 29, 2025).

[24] S. 193.461(3)(b), F.S.

- Whether the use has been continuous.
- The purchase price paid.
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- 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.
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- Such other factors as may become applicable.

Rural-Lands-Protection Easements

FDACS, through the Rural and Family Lands Protection Program, is authorized to acquire permanent agricultural land conservation easements, called rural-lands-protection easements.[25] Under this program, FDACS, on behalf of the Board of Trustees, 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.[26] These arrangements compensate property owners for restrictions on the future development of their land in perpetuity while allowing them to continue agricultural activities.[27]

Babcock Ranch Advisory Group

The Babcock Ranch Preserve (Preserve) occupies 67,618.81 acres in southeast Charlotte County, approximately 17.5 miles east of Punta Gorda and 34 miles west of Lake Okeechobee. The Preserve protects regionally important water resources, diverse natural habitats, scenic landscapes and historic and cultural resources in the rapidly developing southwest Florida corridor. Public recreational opportunities abound and include hunting, hiking, wildlife viewing, bicycling, fishing, camping and horseback riding.[28]

Prior to its purchase by the State of Florida and Lee County in 2006, the Preserve was part of the 91,361-acre working ranch known as Crescent B Ranch. Since 1914, Crescent B Ranch produced timber, cattle, row crops, and sod, and provided recreation opportunities such as hunting and ecotourism. During the sale of the property in 2006, a portion of the original Crescent B Ranch acreage was reserved for private residential development known as Babcock Ranch Community and the remainder was sold to the state.[29] FDACS, with the cooperation of the Florida Fish and Wildlife Conservation Commission (FWC), is the agency responsible for managing the Preserve.[30]

Section 259.1053, F.S., created the Babcock Ranch Advisory Group to assist FDACS by providing guidance and advice concerning the management and stewardship of the Preserve. The Babcock Ranch Advisory Group is comprised of nine members appointed to 5-year terms. Based on recommendations from the Governor and Cabinet, FWC, and the governing boards of Charlotte County and Lee County, the Commissioner of Agriculture appoints:[31]

- One member with experience in sustainable management of forest lands for commodity purposes.
- One member with experience in financial management, budget and program analysis, and small business operations.

[25] FDACS, Rural and Family Lands Protection Program, https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program (last visited May 2, 2025).
[26] S. 570.71, F.S.
[27] *Id. See also* FDACS, *supra* note 26.
[28] FWC, *Babcock Ranch Preserve*, https://myfwc.com/recreation/cooperative/babcock-ranch-preserve/ (last visited Dec. 23, 2025).
[29] *Id*.
[30] S. 259.1052(5), F.S.
[31] S. 259.1053(4), F.S.

- One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.
- One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.
- One member with experience in agriculture operations or forestry management.
- One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.
- One member with experience in public outreach and education.
- One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.
- One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.

The Babcock Ranch Advisory Group has not met since 2017.[32]

Theft of Construction Subcontractor and Supplier Services

Suspended Vendor List

Section 287.1351, F.S., prohibits a vendor that is in default on any contract with an agency or has otherwise repeatedly demonstrated an inability to fulfill the terms and conditions of previous state contracts from submitting a bid, proposal, or reply to an agency or enter into or renew a contract to provide goods or services to an agency after its placement on the suspended vendor list. The suspended vendor list[33] includes vendors that have been removed from the vendor list for "failing to fulfill any of its duties specified in a contract with the State."[34]

Construction Contracting

Part I of Chapter 489, F.S., regulates construction contracting in the state, including professional licensure. Construction contractors are certified or registered by the Construction Industry Licensing Board within the Department of Business and Professional Regulation (DBPR).[35] Contractors may be subject to disciplinary action for failing to comply with practice requirements.[36]

Part I of Chapter 489, F.S., does not provide a definition for "subcontractor" or "supplier."

Misapplication of Construction Funds

Section 713.345, F.S., provides penalties for misapplication of construction funds. A person, firm, or corporation, or an agent, officer, or employee thereof, who receives any payment on account of improving real property must apply such portion of any payment to the payment of all amounts then due and owing for services and labor which were performed on, or materials which were furnished for, such improvement prior to receipt of the payment. However, a person may withhold any payment, or any part of a payment, in accordance with the terms of a contract for services, labor, or materials, or pursuant to a bona fide dispute regarding the amount due, if any, for such services, labor, or materials.

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[32] *See* Babcock Ranch Advisory Group 10-year plan, https://www.fdacs.gov/Forest-Wildfire/Our-Forests/State-Forests/Babcock-Ranch-Preserve/Babcock-Ranch-Preserve-10-Year-Land-Management-Plan (last visited Dec. 23, 2025).
[33] DMS, *Vendor registration and vendor lists*, https://www.dms.myflorida.com/business_operations/state_purchasing/state_agency_resources/vendor_registration_and_vendor_lists (last visited Dec. 29, 2025).
[34] S. 287.042, F.S.; *see* Rule 60A-10.006, F.A.C.
[35] S. 489.107, F.S.
[36] S. 489.129, F.S.

A person who knowingly and intentionally fails to comply with these requirements is guilty of misapplication of construction funds, punishable as follows:[37]

- For misapplied funds with an aggregate value of $100,000 or more, a felony of the first degree.
- For misapplied funds with an aggregate value of $1,000 or more but less than $100,000, a felony of the second degree.
- For misapplied funds with an aggregate value of less than $1,000, a felony of the third degree.

An inference that a person knowingly and intentionally misapplied construction funds is created when:[38]

- A valid lien has been recorded against the property of an owner for labor, services, or materials;
- The person who ordered the labor, services, or materials has received sufficient funds to pay for such labor, services, or materials; and
- The person has failed, for a period of at least 45 days from receipt of the funds, to remit sufficient funds to pay for such labor, services, or materials, except for funds withheld in accordance with the terms of a contract for services, labor, or materials, or pursuant to a bona fide dispute regarding the amount due.

A state attorney or the statewide prosecutor, upon the filing of an indictment or information against a contractor, subcontractor, or sub-subcontractor, must forward a copy of the indictment or information to DBPR. DBPR must then promptly open an investigation into the matter.[39] If a contractor, subcontractor, sub-subcontractor, or other person who is licensed under Ch. 489, F.S., is convicted of misapplication of construction funds, the licensee is subject to disciplinary action. [40]

Construction Defects

Chapter 558, F.S., provides an alternative dispute resolution mechanism in certain construction defect matters. The claimant files a notice of claim with the contractor, subcontractor, supplier, or design professional that the claimant asserts is responsible for the defect, and provides the contractor, subcontractor, supplier, or design professional, and the insurer of the contractor, subcontractor, supplier, or design professional, with an opportunity to resolve the claim through confidential settlement negotiations without resorting to further legal process.[41]

Commercial Driver License Examination

Individuals applying for a commercial driver license (CDL) must undergo an exam that tests the applicant's:[42]

- Eyesight;
- Ability to read and understand highway signs regulating, warning, and directing traffic;
- Knowledge of the traffic laws of this state pertaining to the class of motor vehicle for which he or she is applying;
- Knowledge of the effects and dangers of driving under the influence of alcohol and controlled substances; and
- Knowledge of any special requirements for the safe operation of the class of vehicle for which he or she is applying to be licensed to operate.

The applicant must also perform an actual demonstration of his or her ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an exam of the applicant's ability to perform an inspection of his or her vehicle.[43]

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[37] S. 713.345(1)(b), F.S.
[38] S. 713.345(1)(c), F.S.
[39] S. 713.345(1)(d), F.S.
[40] S. 713.345(1)(e), F.S.
[41] S. 558.001, F.S.
[42] S. 322.12(4), F.S.
[43] *Id.*

Any person who provides false information when applying for a CDL or commercial learner's permit or is convicted of fraud in connection with testing for a CDL or commercial learner's permit is disqualified from operating a commercial motor vehicle for a period of 1 year.[44] Additionally, effective July 1, 2026, a CDL holder or applicant who is found to have cheated during, or to have otherwise circumvented, any portion of the CDL examination must retake the examination.[45]

Section 322.36, F.S., prohibits a person from authorizing or knowingly permitting a motor vehicle owned or controlled by him or her to be operated on any highway or public street except by a person authorized to operate a motor vehicle under this chapter. Anyone who violates this provision commits a misdemeanor of the second degree.

Southern States Energy Compact

Section 377.711, F.S., establishes Florida as a member of the Southern States Energy Compact (compact). The compact is performed by the Southern States Energy Board (SSEB). The SSEB is a non-profit interstate compact organization created by state law in 1960 and consented to by Congress[46] with a broad mandate to contribute to the economic and community well-being of the southern region of the United States.[47] Its mission is to enhance economic development and the quality of life through innovations in energy and environmental policies, programs, and technologies. The SSEB serves its members directly by providing assistance designed to develop effective energy and environmental policies and programs and represents its members before governmental agencies at all levels.

Section 377.712, F.S., provides for Florida's participation on the SSEB, including requiring the Governor, President of the Senate, and Speaker of the House of Representatives to each appoint one member to the SSEB. The section also authorizes departments, agencies, and officers of the state and its subdivisions to cooperate with the SSEB if the activities have been approved by either the Governor or the member appointed by the Governor.

Biosolids Management

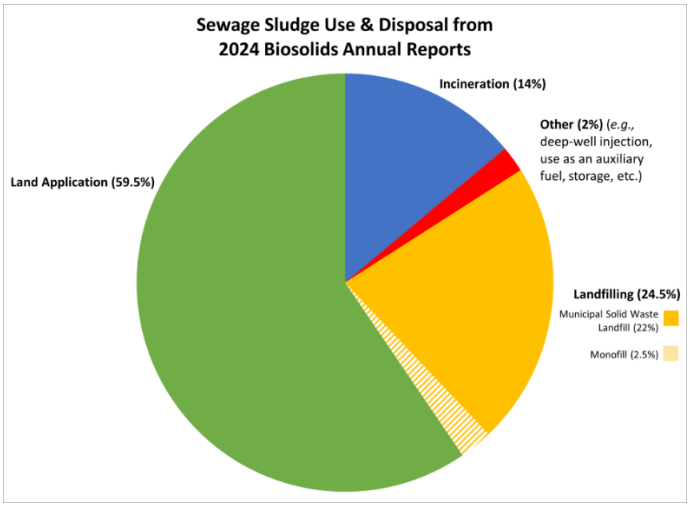
When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids[48] accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.[49] Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by DEP.[50] The collected residue is high in organic content and contains moderate amounts of nutrients.[51]

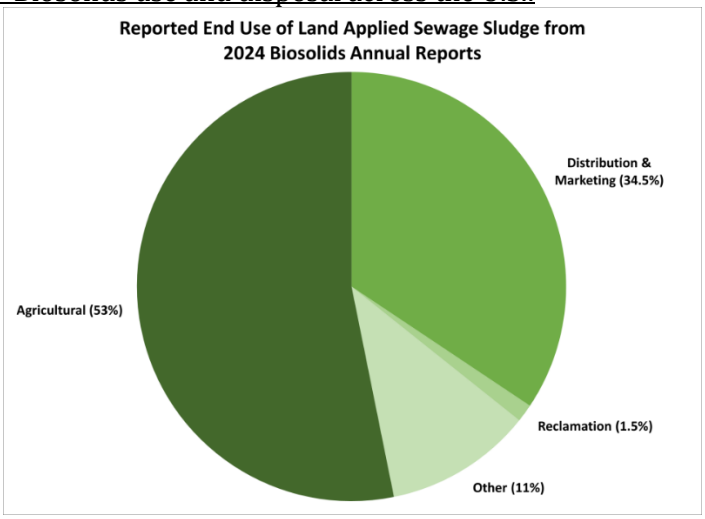
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[44] S. 322.212(7), F.S.
[45] S. 322.12(4), F.S.
[46] Public Laws 87-563 and 92-440.
[47] Southern States Energy Board, *About SSEB,* http://www.sseb.org/about/ (last visited Dec. 29, 2025).
[48] Section 373.4595, F.S., defines biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.
[49] DEP, *Domestic wastewater biosolids*, https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids (last visited Dec. 29, 2025).
[50] Rule 62-640.200(6), F.A.C.
[51] *Id*.

Wastewater treatment facilities produce about 340,000 dry tons of biosolids each year.[52] Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application to pasture or agricultural lands.[53] Biosolids are subject to regulatory requirements established by DEP to protect public health and the environment.[54]

U.S. Environmental Protection Agency – Biosolids use and disposal across the U.S.:[55]





Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at a permitted site.[56] This practice provides nutrients and organic matter to the soil on agricultural land, golf courses, forests, parks, mine reclamation sites, and other disturbed lands. Composted and treated biosolids are used by landscapers and nurseries, and by homeowners for their lawns and home gardens.[57]

Biosolids are classified at the federal level in two classes, "Class A" or "Class B."[58] In Florida, there is an additional "Class AA" designation for biosolids treated to the highest quality standard, which are distributed and marketed as fertilizer,[59] and DEP regulates the three classes of biosolids for beneficial use.[60] The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.[61] Treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for pests like insects and rodents, and the amount of toxic metals in the biosolids.[62]

Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal

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[52] DEP, *Biosolids in Florida,* https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf#:~:text=Biosolids%20and%20Management%20in%20Florida%20Estimated%20Total%20Production,two-thirds%20are%20beneficially%20used%20and%20onethird%20is%20landfilled (last visited Dec. 29, 2025).
[53] *Id*.
[54] Rule 62-640, F.A.C.
[55] EPA, *Basic Information about Sewage Sludge and Biosolids,* https://www.epa.gov/biosolids/fact-sheet-use-landfilling-biosolids-management (last visited Dec. 29, 2025).
[56] EPA, *Land application of biosolids*, https://www.epa.gov/biosolids/land-application-biosolids (last visited Dec. 29, 2025).
[57] *Id.*
[58] 40 C.F.R. Part 503; EPA, *Land Application of Biosolids*, https://www.epa.gov/biosolids/land-application-biosolids (last visited Jan. 12, 2026).
[59] R. 62-640.200(11), F.A.C.; *see also* National Biosolids Data Project, *Florida Biosolids* (last updated 2018), https://www.biosolidsdata.org/florida (last visited Jan. 15, 2026).
[60] Rule 62-640.200, F.A.C.
[61] *Id.*; DEP, *supra* note 50.
[62] Rule 62-640.200, F.A.C.

of biosolids. The rules are applicable to wastewater treatment facilities, appliers, and distributors[63] and include permit requirements for both treatment facilities and biosolids application sites.[64]

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to apply biosolids to land.[65] Biosolids may only be applied to land application sites that are permitted by DEP and have a valid NMP.[66] Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.[67]

Section 403.0855, F.S., requires all biosolids application sites to meet the DEP rules in effect at the time of the renewal of the biosolids application site permit or facility permit, effective July 1, 2020. Permittees applying Class A or Class B biosolids must ensure a minimum unsaturated soil depth of 2 feet between the depth of biosolids placement and the water table level at the time of application. Permittees must also be enrolled in FDACS best management practices (BMP) program or be within an agricultural operation enrolled in the program for the applicable commodity type.

Class AA biosolids may be distributed and marketed like other commercial fertilizers with few further restrictions and less regulation under Rule 62-640, F.A.C. than Class A and Class B biosolids;[68] and, like other commercial fertilizers, they are primarily regulated by FDACS's BMP Program.[69] Section 403.067, F.S., authorizes and directs FDACS to develop and adopt by rule BMPs that will help Florida's agricultural industry achieve the reductions allocated in basin management action plans (BMAPs), which are restoration plans developed for the watersheds and basins connected to certain impaired waterbodies.[70]

FDACS develops and adopts BMPs by rule for different types of agricultural commodities.[71] 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.[72] Such verification must include a collection and review of the BMP documentation from the previous 2 years, including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained.[73]

Producers or agricultural landowners who properly implement the applicable BMPs or who are in compliance with the Equivalent Program[74] requirements of Rule Chapter 5M-1, F.A.C., are entitled to a presumption of compliance with state water quality standards.[75]

The application of biosolids is prohibited in certain areas. The Legislature banned the disposal of domestic wastewater biosolids within the Lake Okeechobee,[76] Caloosahatchee River,[77] and St. Lucie River[78] watersheds unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient

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[63] Rule 62-640.100, F.A.C.
[64] Rule 62-640.300, F.A.C.
[65] Rule 62-640.500, F.A.C.
[66] *Id*.
[67] Rule 62-640.650, F.A.C.
[68] Rule 62-640.800, F.A.C.
[69] DEP. *Domestic wastewater biosolids*; National Biosolids Data Project. *Florida biosolids*. https://www.biosolidsdata.org/florida (last visited Dec. 29, 2025); Rule 62-640.850, F.A.C.; R. 62-640.850(2), F.A.C.; *see also* s. 576.181(1), F.S., and R. Ch. 5E-1, F.A.C.
[70] s. 403.067(7)(a)1., F.S.; Rule 62-303.100(1), F.A.C.
[71] *Id.*
[72] S. 403.067(7)(d)3., F.S.
[73] *Id.*
[74] Equivalent Programs provide water quality protections equal to or more stringent than the applicable BMPs.
[75] S. 403.067(7)(c)3., F.S.
[76] S. 373.4595(3)(b)16., F.S.
[77] S. 373.4595(4)(b)5., F.S.
[78] S. 373.4595(4)(d)5., F.S.

loadings in the watershed. The prohibition against land application in these watersheds does not apply to Class AA biosolids that are distributed as fertilizer products.[79]

Biosolids Rulemaking

The Legislature passed the Clean Waterways Act in 2020 to address a number of environmental issues relating to water quality improvement, including biosolids. DEP was directed to promulgate rules to implement the Clean Waterways Act, including rules addressing biosolids management in Florida.[80] All rules adopted by DEP related to biosolids management require ratification by the Legislature prior to taking effect.[81] The initial biosolids rulemaking process included multiple workshops and opportunities for public input, and the rules were developed to minimize the migration of nutrients to waterbodies.[82] In 2021, the Legislature ratified the initial biosolids rules.[83]

Food Establishment Inspections

The Division of Food Safety within FDACS is responsible for assuring the public of a safe, wholesome and properly represented food supply. It accomplishes this through the permitting and inspection of food establishments, inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold or produced in Florida.[84]

Section 500.147, F.S., authorizes FDACS to have free access at all reasonable hours to any food establishment, any food records, or any vehicle being used to transport or hold food in commerce for the purpose of inspection or sampling.

Section 500.04, F.S., prohibits refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by s. 500.147, F.S. Violating this requirement subjects the food establishment to disciplinary procedures under s. 500.121, F.S.

Healthy Food Financing Initiative

In 2016, the Legislature directed FDACS to establish a Healthy Food Financing Initiative Program (HFFI) to provide financial assistance for the rehabilitation or expansion of grocery retail outlets located in underserved or low-income communities.[85] FDACS was directed to draw upon and coordinate the use of federal, state, and private loans or grants, federal tax credits, and other types of financial assistance. The goal of the HFFI is to improve public health and the well-being of low-income children, families, and older adults by increasing access to fresh produce and other nutritious foods at participating grocery outlets that are required to allocate at least 30 percent of their retail space to the sale of perishable foods, which may include fresh or frozen dairy products, fresh produce, and fresh meats, poultry, and fish.[86]

For the 2016-2017 fiscal year, $500,000 in nonrecurring funds was appropriated to FDACS to implement the program.[87] To administer HFFI, FDACS contracted with the Florida Community Loan Fund (FCFL), a statewide program providing flexible financing to certain entities engaged in community development. FCLF disbursed the $500,000 to three recipients between December 2017 and April 2020: Evans Center, Fresh Choice Market, and

[79] *Id.*; ss. 373.4595(3)(b)16. and 373.4595(4)(b)5., F.S.; *see also* R. 62-640.850, F.A.C.
[80] Ch. 2020-150, Laws of Fla.
[81] S. 403.0855, F.S.
[82] DEP, *DEP Chapter 62-640, F.A.C., Rulemaking*, https://floridadep.gov/water/domestic-wastewater/content/dep-chapter-62-640-fac-rulemaking (last visited Dec. 29, 2025).
[83] Ch. 2021-153, Laws of Fla.
[84] *See* https://www.fdacs.gov/Divisions-Offices/Food-Safety (last visited Dec. 29, 2025).
[85] S. 500.81, F.S.
[86] S. 500.81, F.S.
[87] Chapter 2016-221, Laws of Florida.

Highpoint Food Rx Pharmacy. While food access improved across the three communities where entities received program funding, economic viability of the recipients and value to the local communities varied.[88] The program has not been funded since.

Health Studios

The Health Studio Act, ss. 501.012 - 501.019, F.S., regulates health studios that enter into contracts for health studio services with consumers. "Health studios" includes, among other things, a gym that offers its members the use of weight-training and cardiovascular equipment. The act requires studios to:

- Register with FDACS;
- Include specific provisions in every contract with a consumer, such as the consumer's total payment obligations, and cancellation provisions;
- Provide a security bond, generally ranging from $10,000 to $25,000, depending on the value of outstanding contracts with the studio; and
- Refrain from prohibited practices, such as committing an intentional fraud.

The following health studios or health-related businesses are exempt from registration:[89]

- Nonprofit organizations that have tax-exempt status with the Internal Revenue Service;
- Gymnastics schools that engage in instruction and training only;
- Golf, tennis, or racquetball clubs that do not offer physical exercise equipment;
- A program or facility offered and used solely for the purpose of dance, aerobic exercise, or martial arts that does not use physical exercise equipment;
- Country clubs that primarily provide social or recreational amenities to its members; and
- A program or facility offered by an organization for the exclusive use of its employees and their family members.

Commercial Solicitation

Section 501.022, F.S., prohibits home solicitation sales without first obtaining a valid home solicitation sale permit, unless there is a valid exception. Generally, a "home solicitation sale" is a sale, lease, or rental of consumer goods or services with a purchase price in excess of $25 in a place other than at the seller's fixed location business establishment.[90] Applicants for permits must file sworn applications in writing with the clerk of the circuit court for the county in which applicants intend to conduct home solicitation sales.[91] Violation of this requirement is a first-degree misdemeanor.[92] Additionally, anyone engaging in home solicitation sales must follow certain operational requirements, such as providing a written agreement and a right to cancel.[93]

Some local ordinances in Florida impose further restrictions on home solicitation sales. For example, Leon County prohibits such solicitation on properties that display a "No Solicitation" sign that meets certain requirements,[94] the

[88] OPPAGA, The Florida Healthy Food Financing Initiative, https://oppaga.fl.gov/Documents/Reports/23-09.pdf (last visited Dec. 23, 2025).
[89] Ss. 501.0125 - 501.013, F.S.
[90] S. 501.021(1), F.S.
[91] S. 501.022(2), F.S.
[92] S. 501.055, F.S.
[93] Ss. 501.025 and 501.031, F.S.
[94] Chapter 12, Article IV, Sec. 12-82, Leon County Code of Laws.

town of Palm Beach prohibits such solicitation outside of specified hours and on properties that display a "No Solicitation" sign, [95]and the city of Belle Isle[96] prohibits such solicitation outside of specified hours.[97]

Departmental Unit Reorganization

Section 20.04, F.S., outlines the required structure of the executive branch of state government. Section 20.04(7), F.S., states that unless authorized by law, department heads may not reallocate duties and functions specifically assigned by law to a specific unit of the department, but they can do so for duties and functions assigned generally to the department.

Department heads may recommend the establishment of additional divisions, bureaus, sections, and subsections of the department to promote efficient and effective operation of the department. Additional divisions may only be established by statutory enactment, but bureaus, sections, and subsections may be initiated by an agency and established as recommended by the Department of Management Services (DMS) and approved by the Executive Office of the Governor (EOG), or by statutory enactment.[98] For the purposes of such recommendations and approvals, DMS and EOG must adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies.[99]

Section 570.07, F.S., outlines the functions, powers, and duties of FDACS.

Agriculture and Aquaculture Producers Emergency Recovery Loan Program

The Agriculture and Aquaculture Producers Emergency Recovery Loan Program allows loans to be made to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property.[100]

Under the program, FDACS 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 three-year period. The term of each loan is 10 years.[101]

To be eligible, an applicant must:[102]

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

Food Animal Veterinary Medicine Loan Repayment Program

Florida has experienced a shortage of food animal veterinarians caring for livestock and food animals, particularly in rural areas. Nationally, over 72 percent of new veterinary graduates go into companion animal practices, with

[95] Chapter 78, Article I, sec. 78-1, Palm Beach, Florida, Code of Ordinances.
[96] Ch. 20, sec. 20-2, Belle Isle, Florida, Code of Ordinances, available at: https://library.municode.com/fl/belle_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH20PESO_S20-4PROBSOPE (last visited Dec. 29, 2025).
[97] Chapter 20, sec. 20-2, Belle Isle, Florida, Code of Ordinances.
[98] S. 20.04(7)(a), (b), F.S.
[99] S. 20.04(7)(c), F.S.
[100] S. 570.822(2), F.S.
[101] *Id.*
[102] S. 570.822(3), F.S.

average starting salaries of $140,000, while around 3 percent of new graduates pursue food animal practice, with starting salaries averaging $100,000.[103]

The federal Veterinary Medicine Loan Repayment Program, authorized by the National Veterinary Medical Services Act[104] and administered by the United States Department of Agriculture (USDA), provides veterinary medicine education loan repayments of up to $40,000 per year for veterinarians who provide agricultural animal veterinary services in a designated veterinary shortage area.[105]

Egg or Poultry Dealer

Section 583.01, F.S., defines the term "dealer" to mean any person, firm, or corporation, including a producer, processor, retailer, or wholesaler, that sells, offers for sale, or holds for the purpose of sale in this state 30 dozen or more eggs or its equivalent in any one week, or more than 384 dressed birds in any one week. The definition creates limited sale poultry requirements to benefit operators of small poultry farms, to provide a level of economic and regulatory relief relative to production and sale of limited poultry. Rule 5K-4.033, F.A.C., further defines a "Limited Poultry and Egg Farm Operation" as limited to 20,000 birds annually.

Federally, the Poultry Product Inspection Act exempts poultry producers who slaughter or process the products of 20,000 poultry birds or fewer from certain inspection requirements of the act.[106]

Florida Forest Service

The Florida Forest Service (FFS) has the primary responsibility for the prevention, detection, and suppression of wildfires wherever they may occur. FFS operates the Withlacoochee Training Center (center), which serves as a site where fire and forest resource managers can obtain current knowledge, techniques, skills, and theory as they relate to their respective disciplines. The center may:[107]

- Establish cooperative efforts involving federal, state, and local entities;
- Hire appropriate personnel; and '
- Engage others by contract or agreement with or without compensation to assist in carrying out the training and operations of the center.

The center must focus on curriculum related to, but not limited to:[108]

- Fuel reduction,
- An incident management system,
- Prescribed burning certification,
- Multiple-use land management,
- Water quality,
- Forest health,
- Environmental education, and
- Wildfire suppression training for structural firefighters.

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[103] Larkin, M, (2025, October 15). American Veterinary Medical Association. *Inflation continues to dampen gains in veterinarian salaries, fewer new grads entering full time employment.* https://www.avma.org/news/inflation-continues-dampen-gains-veterinarian-salaries-fewer-new-grads-entering-full-time (last visited Dec. 29, 2025).
[104] National Veterinary Services Act, Public Law No. 108-61, 117 Stat. 2014 (2003). https://www.congress.gov/108/plaws/publ161/PLAW-108publ161.pdf (last visited Dec. 29, 2025).
[105] USDA. *The Veterinary Medicine Loan Repayment Program*. https://www.nifa.usda.gov/grants/programs/veterinary-medicine-loan-repayment-program (last visited Dec. 29, 2025).
[106] 21 U.S.C. § 464. (2020).
[107] S. 590.02(7), F.S.
[108] *Id.*

The center may assess appropriate fees for food, lodging, travel, course materials, and supplies in order to meet its operational costs and may grant free meals, room, and scholarships to persons and other entities in exchange for instructional assistance.[109]

The center must provide wildfire suppression training opportunities for rural fire departments, volunteer fire departments, and other local fire response units.[110]

Section 590.02(1)(f), F.S., grants the FFS the authority to pay the cost of the initial CDL exam fee for employees whose position requires them to operate equipment requiring a license, but does not authorize paying the cost of CDL renewal. The Department of Financial Services prohibits the use of public funds to pay license or exam fees under Rule 69I-40.002(23), F.A.C., unless specifically authorized by law.

Farmers Feeding Florida Program

The Farmers Feeding Florida Program (program) was temporarily created during the 2025 legislative session and funded through the General Appropriations Act.[111] The program provides funding and authority to Feeding Florida to purchase, transport, and distribute non-Emergency Food Assistance Program (non-TEFAP)[112] fresh food products for the benefit of food insecure residents. The program supports Florida farmers while connecting them to families in need. In Florida, the USDA found that 12 percent of households were food insecure in 2023,[113] while Feeding America estimates that 3.2 million Floridians were food insecure that year.[114]

Aquaculture Facilities

The Florida Aquaculture Policy Act established that aquaculture is agriculture and consolidated state regulatory responsibilities under FDACS.[115] Florida's aquaculture industry produces the greatest variety of aquatic species of any state in the nation. There are approximately 1,000 certified aquaculture farms in Florida, located in every region of the state, which produce an estimated 1,500 varieties of fish, aquatic plants, mollusks, crustaceans, turtles, amphibians, and alligators for ornamental, food and bait markets as well as for sporting, conservation, and educational purposes.[116]

A person engaging in aquaculture must obtain an aquaculture certificate of registration from FDACS.[117] Each aquaculture certificate must be renewed annually.[118] Any person whose certificate of registration has been revoked or suspended must reapply for certification.[119]

Water Leases

Sovereign submerged lands are lands in Florida that include tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-

[109] *Id.*
[110] *Id.*
[111] Ch. 2025-198, Laws of Fla.
[112] TEFAP is a USDA U.S.-grown food distribution program for low-income households that is administered in Florida by FDACS.
[113] Rabbitt, M. P., Reed-Jones, M., Hales, L. J., & Burke, M. P., *Household food security in the United States in 2023*, USDA, https://ers.usda.gov/sites/default/files/_laserfiche/publications/109896/ERR-337.pdf?v=39293 (last visited Dec. 29, 2025).
[114] Feeding America, https://map.feedingamerica.org/county/2023/overall/florida (last visited Dec. 29, 2025).
[115] S. 597.002, F.S.
[116] FDACS, *Florida Aquaculture Industry Overview*, https://www.fdacs.gov/content/download/91723/file/FDACS-P-02145-2020FLAquacultureIndustryOverview.pdf (last visited Dec. 29, 2025); Ch. 597, F.S.
[117] S. 597.004(1), F.S.
[118] S. 597.004(7)(a), F.S.
[119] S. 597.004(7)(c), F.S.

influenced waters.[120] To conduct aquaculture activities on sovereign submerged lands in Florida, an individual must obtain a lease from the Board of Trustees.[121] FDACS accepts and reviews applications and provides recommendations to the Board of Trustees. The Board of Trustees may approve, approve with modifications, or deny the application.[122]

The annual rental fee charged for all water leases consist of the minimum rate of $15 per acre, or any fraction of an acre, per year and must be adjusted every 5 years, based on the 5-year average change in the CPI.[123]

Florida Wine Trust Fund

The Legislature has determined that viticulture, the production and utilization of grapes, is an underdeveloped agricultural commodity enterprise in this state. Florida possesses many resources and geographic advantages that favor the expansion and growth of present-day viticulture into a broad-based, economically viable industry. The growth potential of the present industry offers opportunities for local economic development and supply trade. The development of viticulture is compatible with the economies, lifestyles, and interests of both rural and urban Florida.[124] Further, the Legislature has determined that a multitude of factors are inhibitory to the development of viticulture in Florida, including: [125]

- Minimal new grape cultivar development,
- Lack of printed information on production and processing,
- Minimal understanding of winemaking techniques and requirements that will capitalize on the unique characteristics of available grape cultivars,
- Minimal understanding of grape juice processing requirements,
- Lack of fresh fruit handling and processing technology specifically for muscadine grape cultivars,
- Lack of quality standards for wine and other processed grapes,
- Lack of assistance and printed information for overall business planning and marketing, and
- Lack of coordination of the many diverse interests and expertise which could contribute to the further development of viticulture in the state.

In 1984, Florida passed the Florida Viticulture Policy Act, which created the Florida Wine Advisory Council, State Wine Plan, Florida Farm Winery Program, and Florida Wine Trust Fund to support the wine and viticulture industries in Florida.[126] FDACS must use moneys deposited into the Florida Wine Trust Fund to do the following:[127]

- Develop and coordinate the implementation of the State Wine Plan.
- Promote viticulture products manufactured from products grown in the state.
- Provide grants for viticultural research.

Fifty percent of the revenues collected from the excise taxes imposed under s. 564.06, F.S., on wine produced by manufacturers in this state from products grown in the state will be deposited in the Florida Wine Trust Fund.[128]

Fair Charters and Permitting

The Legislature first passed laws for the purpose of regulating state fair associations and operations in 1917.[129] In 1974, the Legislature created the Florida State Fair Authority to deal exclusively with the staging of the annual

[120] Rule 18-21.003(67), F.A.C.; s. 253.03(1), F.S.
[121] Ss. 253.68 and 597.010, F.S.
[122] Rule 18-21.021(1)(q), F.A.C.
[123] S. 597.010(5), F.S.
[124] S. 599.001, F.S.
[125] *Id.*
[126] Chapter 599, F.S.
[127] S. 599.012(1), F.S.
[128] S. 599.012(2), F.S.
[129] Ch. 7388, Laws of Fla.

state fair in Tampa, Florida.[130] The last major changes to the statute occurred in 1993 under provisions of the Regulatory Sunset Act.[131]

In order to form a fair association, 25 or more persons who are residents and qualified electors of the county in which the annual public fair is to be located must incorporate the charter. The proposed charter must contain certain specifications, including:[132]

- The name of the association and the place where the principal office is to be located.
- The name and residence of each subscriber.
- Procedures for the election of and governance by officers, who may be elected or appointed.
- Procedures for the adoption, amendment, or rescission of bylaws of the association.

The notice of intention to apply to the circuit court for the charter of a fair association must be published in a newspaper in the county where the principal office of the association will be located once each week for 4 consecutive weeks. The proposed charter must be approved by FDACS and the board of county commissioners of the county in which the principal office of the association will be located, before being submitted for approval to the circuit judge.[133]

A fair association may dissolve its charter by resolution. Upon approval by FDACS and publication of notice and proof that all debts have been paid and no claims are outstanding against the association, the circuit judge may dissolve the association and order its remaining public funds to be distributed as recommended by the board of directors.[134] Also, upon order of the circuit judge, any public funds or property remaining in a fair association when the association is dissolved must be distributed to any county or any municipality within the county. The board may designate in the distribution resolution the public project that will benefit from the funds or the manner in which the property will be used. If property has been contributed by a municipality or county, the property must be reconveyed to the municipality or county that gave the property to the association.[135]

An annual public fair may not be conducted by a fair association without a permit issued by FDACS at least 3 months before holding the annual public fair. FDACS must issue a permit within 10 days of receipt of a complete application, which includes:[136]

- The opening and closing dates of the proposed annual public fair.
- The main purpose of the association, which must be subscribed and acknowledged by an officer of the association.
- A premium[137] list of the current annual public fair to be conducted or a copy of the previous year's premium list. The premium list, which may be submitted separately from the application, must be submitted at least 60 days before the annual public fair begins operation.
- Proof of liability insurance in an amount of not less than $300,000 per occurrence.
- A list of all current members of the board of directors of the association.

FDACS regulates the following types of public fairs:[138]

- "Annual public fair" – a community, county, district, regional, or state fair that is held and conducted by a fair association and permitted by FDACS.

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[130] Ch. 74-322, Laws of Fla.
[131] Ch. 93-168, Laws of Fla.
[132] S. 616.01, F.S.
[133] S. 616.03, F.S.
[134] S. 616.05, F.S.
[135] S. 616.07, F.S.
[136] S. 616.15, F.S.
[137] Generally, a *premium* is a prize, bonus, or award given as an inducement, as to purchase products or enter competitions. Dictionary.com, *Premium*, https://www.dictionary.com/browse/premium (last visited Jan. 12, 2026).
[138] S. 616.001, F.S.

- "Community fair" – an annual public fair that serves an area of less than an entire county, has required exhibits, and gives premiums or awards to exhibitors. Agricultural products must be produced in the community the exhibit represents. The majority of the board of directors of the fair must reside, be employed, or operate a business in the community the fair represents.
- "County fair" – an annual public fair that serves an entire county and provides exhibitors with premiums or awards for required exhibits. Agricultural products must be typical of those produced in the county the exhibit represents. The majority of the board of directors of the fair must reside, be employed, or operate a business in the county that the fair association represents.
- "District fair" – an annual public fair that serves at least five counties and has required exhibits. A district fair must pay at least $25,000 in cash premiums or awards to exhibitors. Agricultural products must be typical of those produced in the counties the exhibit represents. Livestock may originate from outside the district, but must be registered in the exhibitor's name at least 30 days before the opening day of the fair. Each county is encouraged to have exhibits typical of its respective natural resources, and each county must have exhibits representing basic resources in agriculture and industry.
- "Public fair or exposition" – a project, activity, event, or program, and use by a fair association, including, but not limited to, the annual public fair, which develops the educational, agricultural, horticultural, livestock, charitable, historic, civic, cultural, scientific, and other resources of this state, or any county, municipality, or other community in this state.
- "Regional fair" or "interstate fair" – an annual public fair of this state and other states with certain fair exhibits. Agricultural products must be typical of those produced in the area the exhibit represents.
- "State fair" – an annual public fair that serves the entire state. Exhibits must meet certain requirements, and cash premiums or awards may be given to exhibitors.

The "Florida State Fair Authority," is a public body corporate and politic, charged with the responsibility of staging an annual fair to serve the entire state. Cash premiums or awards may be given to exhibitors.[139]

The 121st Florida State Fair was held in 2025, and attendance reached 397,922, an increase of 17.5 percent from 2024.[140]

Unlawful Use of Badges and Concealed Weapon Permits

Section 843.08, F.S., punishes false personation of a law enforcement officer or other specified person. A person commits a false personation offense if he or she falsely assumes or pretends to be a law enforcement officer or other person specified in the statute and takes upon himself or herself to act as such or to require any other person to aid or assist him or her in a matter pertaining to the duty of any specified person.

It is a first degree misdemeanor to wear or display any authorized indicia of authority, including any badge, insignia, emblem, identification card, or uniform, or any colorable imitation thereof, of any federal, state, county, or municipal law enforcement agency, or other criminal justice agency, with the intent to mislead or cause another person to believe that he or she is a member of the agency or is authorized to wear or display the item containing the indicia or related words, unless appointed by the Governor pursuant to Chapter 354, F.S., authorized by the appropriate agency, or displayed in a closed or mounted case as a collection or exhibit.[141]

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[139] S. 616.251, F.S.
[140] Timothy Herrick, *Let Your Funshine: 2025 Florida State Fair Rebounds with Strong Attendance & Record Wade Shows Midway*, CarnivalWarehouse.com, https://carnivalwarehouse.com/newsserver/let-your-funshine-2025-florida-state-fair-rebounds-with-strong-attendance-record-wade-shows-midway-1741910400#:~:text=Attendance%20Upticks,highest%20attended%20Saturday%20reached%2070%2C061. (last visited Jan. 12, 2026); FDACS, Florida State Fair Authority, 2025 Oversight Report, p. 5.
[141] S. 843.085(1), (5), F.S.

Disparagement of Agricultural Food Products

In 1989, the CBS network aired a documentary report, *A is for Apple*, on the television news program *60 Minutes*. The report asserted that many children in the United States were at risk of developing cancer later in life because a significant proportion of the apples grown in the country were sprayed with daminozide. Due to a large fall in demand for apples, the apple growers sued the CBS network for defamation. The court dismissed the case because the growers did not provide any evidence that the allegations in the report were false. In 1995, an appeals court affirmed the lower court decision, stating that "the growers have failed to raise a genuine issue of material fact as to the falsity of the broadcast."[142]

As a result, 13 states, including Florida, adopted food-disparagement laws in in the 1990s to lower a plaintiff's burden of proof.[143] Proponents argued that common law defamation and product disparagement claims were not adequate because perishable food items could spoil before false or misleading information could be corrected and transmitted out to the public.[144]

The Florida Legislature has determined that the production of agricultural food products constitutes an important and significant portion of the state economy and that it is imperative to protect the vitality of the agricultural economy for the citizens of this state by providing a cause of action for agricultural producers to recover damages for the disparagement of any perishable agricultural product.[145]

Any producer or any association representing producers of *perishable* agricultural food products which suffers damages as a result of another person's disparagement of any such perishable agricultural food product may bring an action for damages and for any other relief a court of competent jurisdiction deems appropriate, including, but not limited to, compensatory and punitive damages. The statute of limitations for disparagement of *perishable* agricultural food products is 2 years from the date the disparagement occurs.[146]

The law defines the following terms:[147]

- "Disparagement" means the willful or malicious dissemination to the public in any manner of any false information that a perishable agricultural food product is not safe for human consumption. False information is that information which is not based on reliable, scientific facts and reliable, scientific data which the disseminator knows or should have known to be false.
- "Perishable agricultural food product" means any agricultural or aquacultural food product or commodity grown or produced within Florida which is sold or distributed in a form that will perish or decay within a reasonable period of time.
- "Producer" means the person who actually grows or produces perishable agricultural food products.

Signal Jamming Devices

"Signal jammers" are devices commonly called signal blockers, GPS jammers, cell phone jammers, and text blockers, and they are illegal radio frequency transmitters that are designed to block, jam, or otherwise interfere

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[142] Brian Duignan, *How Oprah Got Sued for Dissing a Burger, A brief history of food-libel laws*, Britannica, https://www.britannica.com/story/a-brief-history-of-food-libel-laws (last visited Dec. 29, 2025); Megan Semple, *Veggie Libel Meets Free Speech: A Constitutional Analysis of Agricultural Disparagement Law*, 15 VA. ENVTL. L. J. 403 (1996), *available at* https://nationalaglawcenter.org/wp-content/uploads/assets/bibarticles/semple_veggie.pdf.
[143] *Id*.
[144] Erika K. Eckley and Roger A. McEowen, *Pink Slime and the Legal History of Food Disparagement*, Choices Magazine, 2012, https://www.choicesmagazine.org/choices-magazine/theme-articles/pink-slimemarketing-uncertainty-and-risk-in-the-24-hour-news-cycle/pink-slime-and-the-legal-history-of-food-disparagement (last visited Jan. 12, 2026).
[145] S. 865.065, F.S.
[146] S. 865.065(3), (4), F.S.
[147] S. 865.065(2), F.S.

with authorized radio communications.[148] A jammer can block all radio communications on any device that operates on radio frequencies within its range by emitting radio frequency waves that prevent the targeted device from establishing or maintaining a connection. Jammers can prevent:[149]

- Your cell phone from making or receiving calls, text messages, and emails;
- Your Wi-Fi enabled device from connecting to the Internet;
- Your GPS unit from receiving correct positioning signals; and
- A first responder from locating you in an emergency.

Chapter 934, F.S., governs the security of electronic and telephonic communications. Section 934.04, F.S., prohibits the manufacture, distribution, or possession of wire, oral, or electronic communication intercepting devices. Violation of this provision is a third-degree felony.

Section 843.165, F.S., prohibits knowingly transmitting jamming devices or jamming transmissions over radio frequencies assigned by the FCC to a state, county, or municipal governmental agency or water management district, or jamming radio transmissions made by volunteer communications personnel of such agencies or any public or private emergency medical services provider, unless authorized to do so. Violation of this provision is a first-degree misdemeanor.

Federally, the Federal Communications Commission (FCC) regulates the use of signal jamming devices. The FCC has authority to regulate radio frequency interference.[150] The use, manufacture, import, sale, or shipment of devices that can interfere with radio communications, except as authorized, is prohibited; however, "possession" of such devices is not explicitly prohibited.

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/CS/SB 700 - Department of Agriculture and Consumer Services	Alvarez, D./ *Truenow*	Became law on July 1, 2025.
2024	CS/CS/SB 1084 - Department of Agriculture and Consumer Services	Alvarez, D./ *Collins*	Became law on July 1, 2024.

[148] FCC, Enforcement Advisory No. 2012-02, Mar. 6, 2012, available at https://docs.fcc.gov/public/attachments/DA-12-347A1_Rcd.pdf (last visited Dec. 29, 2025).
[149] FCC, Enforcement Advisory No. 2014-05, Dec. 8, 2014, available at https://docs.fcc.gov/public/attachments/DA-14-1785A1_Rcd.pdf (last visited Dec. 29, 2025). Additionally, bad network connections can be caused by a variety of factors, including faulty equipment, physical obstructions that block the signal, or lawful devices that are operating on the same frequencies may interfere with signals and radio frequencies. FCC, *Jammer Enforcement*, https://www.fcc.gov/general/jammer-enforcement (last visited Dec. 29, 2025).
[150] 47 U.S.C. § 302a (2021).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Commerce Committee			Hamon	Wright
State Affairs Committee				
Agriculture & Natural Resources Budget Subcommittee				
Judiciary Committee				

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; creating ss. 125.489 and 166.063, F.S.; defining the terms "gasoline-powered farm equipment" and "gasoline-powered landscape equipment"; prohibiting counties and municipalities, respectively, from enacting or enforcing any law that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment or that distinguishes such equipment from any other equipment under certain circumstances; providing construction; amending s. 253.0341, F.S.; requiring the Acquisition and Restoration Council to determine whether certain surplused lands are suitable for bona fide agricultural purposes; prohibiting a local governmental entity from transferring future development rights for certain surplused lands determined to be suitable for bona fide agricultural purposes; requiring the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, to determine whether specified state-owned conservation lands are suitable for bona fide agricultural purposes; authorizing the Department of Environmental Protection to surplus state-owned lands determined to be suitable

for bona fide agricultural purposes; requiring the Department of Environmental Protection to retain a rural-lands-protection easement for such surplused lands; requiring that all proceeds from the sale of such surplused lands be deposited in the Department of Agriculture and Consumer Service's Incidental Trust Fund for less than fee simple; requiring the Department of Environmental Protection to annually provide a report of such surplused lands to the Board of Trustees of the Internal Improvement Trust Fund; prohibiting certain lands from being surplused; amending s. 259.1053, F.S.; deleting provisions relating to the Babcock Ranch Advisory Group; amending s. 287.1351, F.S.; revising circumstances under which a vendor is prohibited from submitting a bid, proposal, or reply to an agency or from entering into or renewing any contract to provide goods or services to an agency; amending s. 322.12, F.S.; providing penalties for an applicant for a commercial driver license who receives unauthorized assistance on certain portions of the examination; amending s. 322.36, F.S.; prohibiting a person from knowingly or willfully providing unauthorized assistance to an applicant for the examination required to hold a commercial driver license; repealing ss. 377.71,

377.711, and 377.712, F.S., relating to definitions and the Southern States Energy Compact, Florida as party to the Southern States Energy Compact, and Florida's participation in the Southern States Energy Board, respectively; amending s. 403.0855, F.S.; deleting provisions relating to legislative approval of certain rules adopted by the Department of Environmental Protection; revising requirements for permittees of biosolids land application sites; deleting an obsolete provision; amending s. 489.105, F.S.; defining the terms "subcontractor" and "supplier"; creating s. 489.1295, F.S.; prohibiting licensed contractors or persons holding themselves out as such from failing to pay their subcontractor or supplier within a specified timeframe without reasonable cause after receiving payment for the services the subcontractor or supplier performed; providing penalties; amending s. 500.04, F.S.; revising the list of prohibited acts related to the prevention of fraud, harm, adulteration, misbranding, or false advertising in the preparation, production, manufacture, storage, or sale of food; repealing s. 500.81, F.S., relating to the Healthy Food Financing Initiative; amending s. 500.93, F.S.; making a technical change; amending s. 501.013, F.S.;

authorizing the Department of Agriculture and Consumer Services to provide an exemption from certain health studio regulations; creating s. 501.062, F.S.; providing legislative intent; defining the terms "commercial solicitation" and "dwelling"; prohibiting a person from engaging in commercial solicitation under certain circumstances; providing construction; providing penalties; amending s. 570.07, F.S.; authorizing the Department of Agriculture and Consumer Services to reorganize departmental units upon the approval of the Commissioner of Agriculture; amending s. 570.822, F.S.; providing additional eligibility requirements for the Agriculture and Aquaculture Producers Emergency Recovery Loan Program; creating s. 570.846, F.S.; establishing the Food Animal Veterinary Medicine Loan Repayment Program; providing the purpose of the program; providing definitions; providing eligibility requirements for the program; authorizing the Department of Agriculture and Consumer Services to make loan principal repayments on behalf of eligible candidates up to a certain amount for a specified timeframe, subject to legislative appropriation; providing construction; authorizing the Department of Agriculture and Consumer Services to adopt rules; amending s. 583.01, F.S.; revising the definition of

the term "dealer"; amending s. 590.02, F.S.; revising the Florida Forest Service powers, authority, and duties; authorizing the Forest Service to manage the Welaka Training Center; conforming provisions to changes made by the act; authorizing the Withlacoochee or Welaka Training Centers to assess certain fees as determined by the Florida Forest Service, regardless of where certain training occurs; creating s. 595.421, F.S.; establishing the Farmers Feeding Florida Program for specified purposes; requiring Feeding Florida to take certain actions to implement the program; prohibiting the food purchased by Feeding Florida through such program from re-entering the wholesale, retail, or secondary market; prohibiting a candidate for elective office from hosting a food distribution event under certain circumstances; providing nonapplicability; amending s. 597.004, F.S.; prohibiting the Department of Agriculture and Consumer Services from renewing a certificate of registration for a noncompliant facility unless certain documentation is provided with the renewal application; prohibiting entities whose certificate of registration has been revoked from reapplying for a specified period of time; amending s. 597.010, F.S.; authorizing, rather than requiring, the periodic

adjustment of the annual rental fee charged for certain leases; amending s. 599.012, F.S.; making technical changes; amending s. 616.001, F.S.; revising and deleting definitions relating to public fairs and expositions; amending s. 616.01, F.S.; revising application requirements for a proposed charter for an association to conduct a public fair or exposition; requiring the Department of Agriculture and Consumer Services to provide an applicant for a proposed charter with specified information upon the denial of a proposed charter; revising requirements for information that must be included in the proposed charter; amending s. 616.02, F.S.; limiting the number of incorporated state fair associations per county; providing construction; authorizing the Department of Agriculture and Consumer Services to waive certain requirements at the discretion of the commissioner; authorizing fair associations incorporated before a certain date to conduct their affairs; deleting provisions relating to requirements for a proposed charter; amending s. 616.03, F.S.; revising requirements for the approval and recordation of the charter; amending s. 616.05, F.S.; revising the process by which a proposed charter amendment is incorporated into the original charter; amending s.

616.051, F.S.; revising the circumstances under which a circuit judge is authorized to dissolve an association and order the distribution of its remaining assets; requiring that such assets be distributed to certain counties; s. 616.07, F.S.; deleting provisions relating to distribution of public funds after the dissolution of an association; amending s. 616.101, F.S.; specifying the basis for annual public fair attendance records; requiring a fair association to review its charter every 5 years and submit an updated copy of the charter to the Department of Agriculture and Consumer Services; requiring a designated member of the association to make an attestation; amending s. 616.15, F.S.; revising the information that an applicant must submit to the Department of Agriculture and Consumer Services for the department to issue a permit for an association to conduct a fair; revising the timeframe within which the Department of Agriculture and Consumer Services is required to issue the permit upon the receipt of specified information; amending s. 616.251, F.S.; exempting the Florida State Fair Authority from specified provisions; amending s. 843.085, F.S.; prohibiting a person from wearing or displaying an item that displays the words "concealed

weapon permit" or "concealed weapon permit holder" with the intent to mislead another to believe that the person is authorized to wear or display such item; amending s. 865.065, F.S.; revising definitions; conforming provisions to changes made by the act; amending s. 934.02, F.S.; defining the term "signal jamming device"; creating s. 934.51, F.S.; prohibiting the possession, manufacture, sale, importation, distribution, or use of a signal jamming device; providing exceptions; providing criminal penalties; amending s. 288.1175, F.S.; conforming cross-references; reenacting ss. 287.056(4) and 287.138(5), F.S., relating to disqualification for state term contract eligibility, and contracting with entities of foreign countries of concern prohibited, respectively, to incorporate the amendment made to s. 287.1351, F.S., in references thereto; reenacting s. 500.177(1), F.S., relating to penalties for dissemination of a false advertisement, to incorporate the amendment made to s. 500.04, F.S., in a reference thereto; reenacting s. 212.08(13), F.S., relating to taxation and specified exemptions, to incorporate the amendment made to s. 616.07, F.S., in a reference thereto; reenacting s. 616.185, F.S., relating to trespass upon grounds or facilities of a public fair, to incorporate

the amendment made to s. 616.15, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 125.489, Florida Statutes, is created to read:

125.489 Preemption of restrictions on gasoline-powered farm equipment or gasoline-powered landscape equipment.—

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

(a) "Gasoline-powered farm equipment" means any machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used on a farm or used to transport farm products.

(b) "Gasoline-powered landscape equipment" means any machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used to provide landscape management or maintenance or to move leaves, dirt, grass, or other debris off of sidewalks, driveways, lawns, or other surfaces.

(2) A county may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment and may not create differing standards for such equipment or distinguish

such equipment from any electric or similar equipment in a retail, manufacturer, or distributor setting.

(3) This section does not prohibit or limit a county from encouraging the use of alternative farm or landscape equipment, such as battery-powered farm or landscape equipment.

Section 2. Section 166.063, Florida Statutes, is created to read:

166.063 Preemption of restrictions on gasoline-powered farm equipment or gasoline-powered landscape equipment.—

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

(a) "Gasoline-powered farm equipment" means a machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used on a farm or used to transport farm products.

(b) "Gasoline-powered landscape equipment" means any machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used to provide landscape management or maintenance or to move leaves, dirt, grass, or other debris off of sidewalks, driveways, lawns, or other surfaces.

(2) A municipality may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment and may not create differing standards for such equipment or distinguish

such equipment from any electric or similar equipment in a retail, manufacturer, or distributor setting.

(3) This section does not prohibit or limit a municipality from encouraging the use of alternative farm or landscape equipment, such as battery-powered farm or landscape equipment.

Section 3. Present subsection (19) of section 253.0341, Florida Statutes, is redesignated as subsection (21), and new subsections (19) and (20) are added to that section, to read:

253.0341 Surplus of state-owned lands.—

(19) The Acquisition and Restoration Council shall determine whether any lands surplused by a local governmental entity, as defined in s. 218.72, on or after January 1, 2024, are suitable for bona fide agricultural purposes, as defined in s. 193.461(3)(b). A local governmental entity may not transfer future development rights for any surplused lands determined to be suitable for bona fide agricultural purposes on or after January 1, 2024.

(20) The Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, shall determine whether any state-owned conservation lands acquired on or after January 1, 2024, are suitable for bona fide agricultural purposes, as defined in s. 193.461(3)(b).

(a) Notwithstanding any other law or rule, the Department of Environmental Protection may surplus state-owned conservation lands acquired on or after January 1, 2024, determined to be

suitable for bona fide agricultural purposes.

(b) For all state-owned conservation lands determined to be suitable for bona fide agricultural production and surplused by the Department of Environmental Protection, the department shall retain a rural-lands-protection easement pursuant to s. 570.71(3). All proceeds from the sale of such surplused lands 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.

(c) By January 1, 2027, and each January 1 thereafter, the Department of Environmental Protection shall provide a report of state-owned conversation lands surplused pursuant to this subsection to the Board of Trustees of the Internal Improvement Trust Fund.

(d) Designated state forest lands, state park lands, or wildlife management areas may not be surplused pursuant to this subsection.

Section 4. Section 259.1053, Florida Statutes, is amended to read:

259.1053 Babcock Ranch Preserve~~; Babcock Ranch Advisory Group~~.—

(1) SHORT TITLE.—This section may be cited as the "Babcock Ranch Preserve Act."

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

(a) "Babcock Ranch Preserve" and "preserve" mean the lands

and facilities acquired in the purchase of the Babcock Crescent B Ranch, as provided in s. 259.1052.

(b) "Commission" means the Fish and Wildlife Conservation Commission.

(c) "Commissioner" means the Commissioner of Agriculture.

(d) "Department" means the Department of Agriculture and Consumer Services.

(e) "Executive director" means the Executive Director of the Fish and Wildlife Conservation Commission.

(f) "Financially self-sustaining" means having management and operation expenditures not more than the revenues collected from fees and other receipts for resource use and development and from interest and invested funds.

(g) "Florida Forest Service" means the Florida Forest Service of the Department of Agriculture and Consumer Services.

(h) "Multiple use" means the management of all of the renewable surface resources of the Babcock Ranch Preserve to best meet the needs of the public, including the use of the land for some or all of the renewable surface resources or related services over areas large enough to allow for periodic adjustments in use to conform to the changing needs and conditions of the preserve while recognizing that a portion of the land will be used for some of the renewable surface resources available on that land. The goal of multiple use is the harmonious and coordinated management of the renewable

surface resources without impairing the productivity of the land and considering the relative value of the renewable surface resources, and not necessarily a combination of uses to provide the greatest monetary return or the greatest unit output.

(i) "Sustained yield of the renewable surface resources" means the achievement and maintenance of a high level of annual or regular periodic output of the various renewable surface resources of the preserve without impairing the productivity of the land.

(3) CREATION OF BABCOCK RANCH PRESERVE.—

(a) Upon the date of acquisition of the Babcock Crescent B Ranch, there is created the Babcock Ranch Preserve, which shall be managed in accordance with the purposes and requirements of this section.

(b) The preserve is established to protect and preserve the environmental, agricultural, scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the preserve, and to provide for the multiple use and sustained yield of the renewable surface resources within the preserve consistent with this section.

(c) This section does not preclude the use of common varieties of mineral materials such as sand, stone, and gravel for construction and maintenance of roads and facilities within the preserve.

(d) This section does not affect the constitutional

responsibilities of the commission in the exercise of its regulatory and executive power with respect to wild animal life and freshwater aquatic life, including the regulation of hunting, fishing, and trapping within the preserve.

(e) This section does not interfere with or prevent the implementation of agricultural practices authorized by the agricultural land use designations established in the local comprehensive plans of either Charlotte County or Lee County as those plans apply to the Babcock Ranch Preserve.

(f) This section does not preclude the maintenance and use of roads and trails or the relocation of roads in existence on the effective date of this section, or the construction, maintenance, and use of new trails, or any motorized access necessary for the administration of the land contained within the preserve, including motorized access necessary for emergencies involving the health or safety of persons within the preserve.

~~(4) BABCOCK RANCH ADVISORY GROUP.—~~

~~(a) The purpose of the Babcock Ranch Advisory Group is to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.~~

~~(b) The Babcock Ranch Advisory Group shall be comprised of nine members appointed to 5-year terms. Based on recommendations from the Governor and Cabinet, the commission, and the governing~~

~~boards of Charlotte County and Lee County, the commissioner shall appoint members as follows:~~

~~1. One member with experience in sustainable management of forest lands for commodity purposes.~~

~~2. One member with experience in financial management, budget and program analysis, and small business operations.~~

~~3. One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.~~

~~4. One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.~~

~~5. One member with experience in agriculture operations or forestry management.~~

~~6. One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.~~

~~7. One member with experience in public outreach and education.~~

~~8. One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.~~

~~9. One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.~~

~~Vacancies will be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of that term.~~

~~(c) Members of the Babcock Ranch Advisory Group shall:~~

~~1. Elect a chair and vice chair from among the group members.~~

~~2. Meet regularly as determined by the chair.~~

~~3. Serve without compensation but shall receive reimbursement for travel and per diem expenses as provided in s. 112.061.~~

(4)~~(5)~~ MANAGEMENT OF PRESERVE; FEES.—

(a) The department shall assume all authority provided by this section to manage and operate the preserve as a working ranch upon the termination or expiration of the management agreement attached as Exhibit "E" to that certain agreement for sale and purchase approved by the Board of Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County on November 20, 2005.

(b) Upon assuming management and operation of the preserve, the department shall:

1. Manage and operate the preserve and the uses thereof, including, but not limited to, the activities necessary to administer and operate the preserve as a working ranch; the activities necessary for the preservation and development of the land and renewable surface resources of the preserve; the

activities necessary for interpretation of the history of the preserve on behalf of the public; the activities necessary for the management, public use, and occupancy of facilities and lands within the preserve; and the maintenance, rehabilitation, repair, and improvement of property within the preserve.

2. Develop programs and activities relating to the management of the preserve as a working ranch.

3. Establish procedures for entering into lease agreements and other agreements for the use and occupancy of the facilities of the preserve. The procedures shall ensure reasonable competition and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

4. Assess reasonable fees for admission to, use of, and occupancy of the preserve to offset costs of operating the preserve as a working ranch. These fees are independent of fees assessed by the commission for the privilege of hunting, fishing, or pursuing outdoor recreational activities within the preserve, and shall be deposited into the Incidental Trust Fund of the Florida Forest Service, subject to appropriation by the Legislature.

(c) The commission, in cooperation with the department, shall:

1. Establish and implement public hunting and other fish and wildlife management activities. Tier I and Tier II public hunting opportunities shall be provided consistent with the

management plan and the recreation master plan. Tier I public hunting shall provide hunting opportunities similar to those offered on wildlife management areas with an emphasis on youth and family-oriented hunts. Tier II public hunting shall be provided specifically by fee-based permitting to ensure compatibility with livestock grazing and other essential agricultural operations on the preserve.

2. Establish and administer permit fees for Tier II public hunting to capitalize on the value of hunting on portions of the preserve and to help ensure the preserve is financially self-sufficient. The fees shall be deposited into the State Game Trust Fund of the Fish and Wildlife Conservation Commission to be used to offset the costs of providing public hunting and to support fish and wildlife management and other land management activities on the preserve.

(d) The Board of Trustees of the Internal Improvement Trust Fund or its designated agent may:

1. Negotiate directly with and enter into such agreements, leases, contracts, and other arrangements with any person, firm, association, organization, corporation, or governmental entity, including entities of federal, state, and local governments, as are necessary and appropriate to carry out the purposes and activities authorized by this section.

2. Grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors to the

preserve, provided no natural curiosities or objects of interest shall be granted, leased, or rented on such terms as shall deny or interfere with free access to them by the public. Such grants, leases, and permits may be made and given without advertisement or securing competitive bids. Such grants, leases, or permits may not be assigned or transferred by any grantee without consent of the Board of Trustees of the Internal Improvement Trust Fund or its designated agent.

(5)~~(6)~~ DISSOLUTION OF BABCOCK RANCH, INC.—Upon dissolution of the Babcock Ranch, Inc., all statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the corporation shall be transferred to the Department of Agriculture and Consumer Services unless otherwise provided by law. Any cash balances of funds shall revert to the Incidental Trust Fund of the Florida Forest Service.

Section 5. Paragraph (a) of subsection (2) of section 287.1351, Florida Statutes, is amended, and subsection (3) of that section is republished, to read:

287.1351 Suspended vendors; state contracts.—

(2)(a) A vendor that is in default on any contract with an agency, has failed to timely compensate its subcontractors or suppliers, or has otherwise repeatedly demonstrated a recent inability to fulfill the terms and conditions of previous state contracts or to adequately perform its duties under those

contracts may not submit a bid, proposal, or reply to an agency or enter into or renew a contract to provide any goods or services to an agency after its placement, pursuant to this section, on the suspended vendor list.

(3) An agency shall notify the department of any vendor that has met the grounds for suspension described in paragraph (2)(a). The agency must provide documentation to the department evidencing the vendor's default or other grounds for suspension. The department shall review the documentation provided and determine whether good cause exists to remove the vendor from the vendor list and to place it on the suspended vendor list. If good cause exists, the department must notify the vendor in writing of its intent to remove the vendor from the vendor list and of the vendor's right to an administrative hearing and the applicable procedures and time requirements for any such hearing. If the vendor does not request an administrative hearing, the department must enter a final order removing the vendor from the vendor list. A vendor may not be removed from the vendor list without receiving an individual notice of intent from the department.

Section 6. Paragraph (c) is added to subsection (4) of section 322.12, Florida Statutes, to read:

322.12 Examination of applicants.—

(4) The examination for an applicant for a commercial driver license shall include a test of the applicant's eyesight

given by a driver license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician and a test of the applicant's hearing given by a driver license examiner or a licensed physician. The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; his or her knowledge of the effects of alcohol and controlled substances and the dangers of driving a motor vehicle after having consumed alcohol or controlled substances; and his or her knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle which he or she is applying to be licensed to operate. In addition, the examination shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.

(c) An applicant for a commercial driver license who

receives unauthorized assistance from another person in completing the portion of the examination which tests the applicant's ability to read and understand highway signs regulating, warning, and directing traffic or his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle for which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Section 322.36, Florida Statutes, is amended to read:

322.36 Permitting unauthorized operator to drive.—

(1) A person may not authorize or knowingly permit a motor vehicle owned by him or her or under his or her dominion or control to be operated upon any highway or public street except by a person who is duly authorized to operate a motor vehicle under this chapter.

(2) A person may not knowingly or willfully provide unauthorized assistance to an applicant for the examination required to hold a commercial driver license pursuant to s. 322.12(4).

(3) A ~~Any~~ person who violates this section commits a misdemeanor of the second degree, punishable as provided in s.

775.082 or s. 775.083. If a person violates this section by knowingly loaning a vehicle to a person whose driver license is suspended and if that vehicle is involved in an accident resulting in bodily injury or death, the driver license of the person violating this section must ~~shall~~ be suspended for 1 year.

Section 8. Sections 377.71, 377.711, and 377.712, Florida Statutes, are repealed.

Section 9. Present paragraphs (a) and (b) of subsection (3) of section 403.0855, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and subsections (2) and (4) of that section are amended, to read:

403.0855 Biosolids management.—

(2) The department shall adopt rules for biosolids management. ~~Rules adopted by the department pursuant to this section may not take effect until ratified by the Legislature.~~

(3) For a new land application site permit or a permit renewal issued after July 1, 2020, the permittee of a biosolids land application site shall:

(a) Ensure that only Class AA biosolids are applied to the soil.

~~(4) All permits shall comply with the requirements of subsection (3) by July 1, 2022.~~

Section 10. Subsections (20) and (21) are added to section

489.105, Florida Statutes, to read:

489.105 Definitions.—As used in this part:

(20) "Subcontractor" has the same meaning as in s. 558.002.

(21) "Supplier" has the same meaning as in s. 558.002.

Section 11. Section 489.1295, Florida Statutes, is created to read:

489.1295 Theft of subcontractor or supplier services.—

(1) A person licensed as a contractor or who otherwise holds himself or herself out to be a contractor may not knowingly or willfully fail to compensate his or her subcontractors or suppliers without reasonable cause within 15 business days after receiving payment for the services performed by the subcontractor or supplier.

(2) A person licensed as a contractor or who otherwise holds himself or herself out to be a contractor who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a person licensed as a contractor or who otherwise holds himself or herself out to be a contractor violates this section and the services performed by the subcontractor or supplier are valued at $20,000 or more, such person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Subsection (6) of section 500.04, Florida

Statutes, is amended to read:

500.04 Prohibited acts.—The following acts and the causing thereof within the state are prohibited:

(6) The obstruction of or refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by s. 500.147.

Section 13. Section 500.81, Florida Statutes, is repealed.

Section 14. Subsection (5) of section 500.93, Florida Statutes, is amended to read:

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

(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 paragraphs (2)(a), (3)(a), and (4)(a) ~~subsections (2) and (3)~~.

Section 15. Section 501.013, Florida Statutes, is amended to read:

501.013 Health studios; exemptions.—

(1) The following businesses or activities may be declared exempt from ~~the provisions of~~ ss. 501.012-501.019 upon the filing of an affidavit with the department establishing that the

stated qualifications are met:

(a) ~~(1)~~ A bona fide nonprofit organization which has been granted tax-exempt status by the Internal Revenue Service.

(b) ~~(2)~~ A gymnastics school which engages only in instruction and training and in which exercise is only incidental to such instruction and training.

(c) ~~(3)~~ A golf, tennis, or racquetball club in which sports play is the only activity offered by the club. If the facility offers the use of physical exercise equipment, this exemption shall not apply.

(d) ~~(4)~~ A program or facility which is offered and used solely for the purpose of dance, aerobic exercise, or martial arts, and which utilizes no physical exercise equipment.

(e) ~~(5)~~ A country club that has as its primary function the provision of a social life and recreational amenities to its members, and for which a program of physical exercise is merely incidental to membership. As used in this paragraph ~~subsection~~, the term "country club" means a facility that offers its members a variety of services that may include, but need not be limited to, social activities; dining, banquet, catering, and lounge facilities; swimming; yachting; golf; tennis; card games such as bridge and canasta; and special programs for members' children. Upon the filing of an affidavit with the department establishing that the stated qualifications of this paragraph ~~subsection~~ were met before July 1, 1997, this paragraph ~~subsection~~ will apply

retroactively to the date that the country club met these qualifications.

(f) ~~(6)~~ A program or facility that is offered by an organization for the exclusive use of its employees and their family members.

(2) In addition to the businesses and activities listed in subsection (1), the department may exempt any other business or activity not in existence as of July 1, 2026, from ss. 501.012-501.019.

Section 16. Section 501.062, Florida Statutes, is created to read:

501.062 Unauthorized commercial solicitation; legislative intent; definitions; prohibited acts; penalties.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to protect, preserve, and promote the safety, welfare, and peace of the citizens of this state by adopting measure to reduce the threat to private property rights, including the right to exclude and to be free from trespass of unauthorized commercial solicitation on private property when noticed by the property owner. It is the intent of this section to protect such private property rights by creating a uniform standard for notifying individuals or groups of individuals that commercial solicitation is prohibited on private property.

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

(a) "Commercial solicitation" means the act of attempting

to sell goods or services, or to raise funds for a commercial purpose, through direct or indirect contact with individuals, including, but not limited to, using words, body gestures, or signs, on behalf of a business or commercial entity.

(b) "Dwelling" has the same meaning as in s. 810.011(2).

(3) PROHIBITED ACTS.—A person may not engage in commercial solicitation on any dwelling that clearly and prominently displays a sign that is no less than 8.5 by 11 inches, is visible to any person approaching the dwelling, and clearly displays a statement which identifies the dwelling as private property on which commercial solicitation is prohibited, in substantially the following manner with letters at least 1 inch in height:

THIS DWELLING IS DESIGNATED PRIVATE PROPERTY. NO COMMERCIAL SOLICITATION IS PERMITTED PURSUANT TO SECTION 501.062, FLORIDA STATUTES.

(4) PENALTIES.—A person who violates subsection (3) commits a noncriminal violation, punishable as provided in s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 17. Subsection (50) is added to section 570.07, Florida Statutes, 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:

(50) Notwithstanding s. 20.04(7), to reorganize departmental units upon the approval of the commissioner.

Section 18. Paragraph (c) is added to subsection (3) of section 570.822, Florida Statutes, to read:

570.822 Agriculture and Aquaculture Producers Emergency Recovery Loan Program.—

(3) ELIGIBLE APPLICANTS.—To be eligible for the program, an applicant must:

(c) Be a United States citizen and a legal resident of this state before or on the date of the declared emergency. If the applicant is an entity as defined in s. 605.0102, the entity must be wholly owned and operated in the United States and possess an active certificate of status issued by the Department of State pursuant to chapter 605.

Section 19. Section 570.846, Florida Statutes, is created to read:

570.846 Food Animal Veterinary Medicine Loan Repayment Program.—

(1) PURPOSE.—To encourage specialized and qualified veterinary professionals to practice in this state, to retain the employment of such professionals in this state, and to promote the care and treatment of food animals intended for

human consumption, there is established the Food Animal Veterinary Medicine Loan Repayment Program. The purpose of the program is authorize the department to make payments that offset loans incurred, for up to three new eligible candidates annually, for studies leading to a veterinary degree with a specialization in food animal veterinary medicine.

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

(a) "Food animal" means a species of animal raised for the human food supply. Food animal species include cattle, swine, sheep, goat, poultry, aquaculture, and apiary species.

(b) "Food animal veterinarian" means a veterinarian working in food animal veterinary medicine who focuses on the management and health of food animals, and who spends a minimum of 20 hours per week on food animal species care and treatment.

(c) "Food animal veterinary medicine" means veterinary medical practice that encompasses medical care, disease prevention, and consultation on feeding, housing, and overall herd management of food animals to ensure a safe, healthy, and sustainable food supply for the public.

(3) ELIGIBILITY.—To be eligible for the program, a candidate must have graduated from an American Veterinary Medical Association-accredited college of veterinary medicine, have received a Florida veterinary medical license, have obtained a Category II Accreditation from the United States Department of Agriculture, and be a practicing food animal

veterinarian in this state.

(4) FUNDING.—Subject to legislative appropriation, the department may make loan principal repayments of up to $25,000 a year for up to 5 years on behalf of eligible candidates. All repayments are contingent upon continued proof of employment in this state as a practicing food animal veterinarian.

(5) DUPLICATION OF FINANCIAL ASSISTANCE.—An eligible candidate receiving financial assistance from the federal veterinary medicine loan repayment program as established in 7 U.S.C. part 3151a is ineligible to receive financial assistance from the program under this section.

(6) RULEMAKING.—The department may adopt any rule necessary for the administration of the program.

Section 20. Subsection (4) of section 583.01, Florida Statutes, is amended to read:

583.01 Definitions.—For the purpose of this chapter, unless elsewhere indicated, the term:

(4) "Dealer" means a person, firm, or corporation, including a producer, processor, retailer, or wholesaler, that sells, offers for sale, or holds for the purpose of sale in this state 30 dozen or more eggs or its equivalent in any one week, or more than 20,000 ~~384~~ dressed birds annually ~~in any one week~~.

Section 21. Section 590.02, Florida Statutes, is amended to read:

590.02 Florida Forest Service; powers, authority, and

duties; liability; building structures; Withlacoochee and Welaka Training Centers ~~Center~~.—

(1) The Florida Forest Service has the following powers, authority, and duties to:

(a) Enforce the provisions of this chapter;

(b) Prevent, detect, and suppress wildfires wherever they may occur on public or private land in this state and do all things necessary in the exercise of such powers, authority, and duties;

(c) Provide firefighting crews, who shall be under the control and direction of the Florida Forest Service and its designated agents;

(d) Appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, forest operations administrators, senior forest rangers, investigators, forest rangers, firefighter rotorcraft pilots, and other employees who may, at the Florida Forest Service's discretion, be certified as forestry firefighters pursuant to s. 633.408(8). Other law notwithstanding, center managers, district managers, forest protection assistant bureau chief, and deputy chiefs of field operations have Selected Exempt Service status in the state personnel designation;

(e) Develop a training curriculum for wildland firefighters which must contain a minimum of 40 hours of structural firefighter training, a minimum of 40 hours of emergency medical training, and a minimum of 376 hours of wildfire training;

(f) Pay the cost of the initial commercial driver license examination fee, and renewal, for those employees whose position requires them to operate equipment requiring a license. This paragraph is intended to be an authorization to the department to pay such costs, not an obligation;

(g) Provide fire management services and emergency response assistance and set and charge reasonable fees for performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service;

(h) Require all state, regional, and local government agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan;

(i) Authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder; and

(j) Make rules to accomplish the purposes of this chapter.

(2) The Florida Forest Service's employees, and the firefighting crews under their control and direction, may enter

upon any lands for the purpose of preventing, detecting, and suppressing wildfires and investigating smoke complaints or open burning not in compliance with authorization and to enforce the provisions of this chapter.

(3) Employees of the Florida Forest Service and of federal, state, and local agencies, and all other persons and entities that are under contract or agreement with the Florida Forest Service to assist in firefighting operations as well as those entities, called upon by the Florida Forest Service to assist in firefighting may, in the performance of their duties, set counterfires, remove fences and other obstacles, dig trenches, cut firelines, use water from public and private sources, and carry on all other customary activities in the fighting of wildfires without incurring liability to any person or entity. The manner in which the Florida Forest Service monitors a smoldering wildfire or smoldering prescribed fire or fights any wildfire are planning level activities for which sovereign immunity applies and is not waived.

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

(b) Notwithstanding s. 553.80(1), the department shall exclusively enforce the Florida Building Code as it pertains to

wildfire, law enforcement, and other Florida Forest Service facilities under the jurisdiction of the department.

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

(6) The Florida Forest Service shall undertake privatization alternatives for fire prevention activities including constructing fire lines and conducting prescribed burns and, where appropriate, entering into agreements or contracts with the private sector to perform such activities.

(7) The Florida Forest Service may organize, staff, equip, and operate the Withlacoochee and Welaka Training Centers ~~Center~~. The centers ~~center~~ shall serve as sites ~~a site~~ where fire and forest resource managers can obtain current knowledge, techniques, skills, and theory as they relate to their respective disciplines, and the centers:~~.~~

(a) ~~The center~~ May establish cooperative efforts involving federal, state, and local entities; hire appropriate personnel;

and engage others by contract or agreement with or without compensation to assist in carrying out the training and operations of the centers ~~center~~.

(b) ~~The center~~ Shall provide wildfire suppression training opportunities for rural fire departments, volunteer fire departments, and other local fire response units.

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

(d) ~~The center~~ May assess appropriate fees for food, lodging, travel, course materials, and supplies in order to meet its operational costs and may grant free meals, room, and scholarships to persons and other entities as determined by the Florida Forest Service, regardless of whether training occurs at the Withlacoochee or Welaka Training Center or at another location ~~in exchange for instructional assistance~~.

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

(b) The Madison Forestry Station shall be named the Harvey Greene Sr. Forestry Station. This is to honor Mr. Harvey Greene

Sr., a World War I veteran and pioneer in forestry in Madison County. In 1947, Mr. Harvey Greene Sr. offered to give the land on which the forestry station is located to the state; however, at that time, the state could not accept donations of land. Instead, Mr. Harvey Greene Sr. sold the land to the state and, with the proceeds of the sale, purchased forestry equipment to be used by the citizens of Madison County to plant trees and fight wildfires.

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

(b) All money received from the disposition of state-owned equipment and vehicles that are used for wildland firefighting shall be retained by the department. Money received pursuant to this section is appropriated for and may be disbursed for the acquisition of exchange and surplus equipment used for wildland firefighting, and for all necessary operating expenditures related to such equipment, in the same fiscal year and the fiscal year following the disposition. The department shall maintain records of the accounts into which the money is deposited.

(10)(a) Notwithstanding the provisions of s. 252.38, the Florida Forest Service has exclusive authority to require and issue authorizations for broadcast burning and agricultural and

silvicultural pile burning. An agency, commission, department, county, municipality, or other political subdivision of the state may not adopt or enforce laws, regulations, rules, or policies pertaining to broadcast burning or agricultural and silvicultural pile burning.

(b) The Florida Forest Service may delegate to a county, municipality, or special district its authority:

1. As delegated by the Department of Environmental Protection pursuant to ss. 403.061(29) and 403.081, to manage and enforce regulations pertaining to the burning of yard trash in accordance with s. 590.125(6).

2. To manage the open burning of land clearing debris in accordance with s. 590.125.

Section 22. Section 595.421, Florida Statutes, is created to read:

595.421 Farmers Feeding Florida Program.—There is established the Farmers Feeding Florida Program to coordinate with Feeding Florida, or its successor entity, for the acquisition, transportation, and distribution of non-Emergency Food Assistance Program fresh food products for the benefit of residents who are food insecure due to a lack of local food resources, accessibility, and affordability.

(1) In order to implement the program, Feeding Florida shall:

(a) Enter into an agreement with the department to

provide, at a minimum, all of the following services:

1. Transportation of non-Emergency Food Assistance Program fresh food products using owned vehicles or contracted commercial vehicles.

2. Coordination of the purchase and pickup of food from the purchase location and delivery to the distribution location.

(b) Submit monthly reports to the department, beginning July 1, 2026, which include, at a minimum, all of the following:

1. A detailed record of the amount of food purchased, measured per pound and itemized according to its commodity type.

2. Food purchase locations.

3. Food purchase dates.

4. The date of delivery and locations to which the food was distributed.

(c) Submit quarterly reports, beginning July 1, 2026, to the chairs of the legislative appropriations committees, including all of the following information:

1. A detailed record of the amount of food distributed, measured per pound and itemized according to its commodity type.

2. The distribution locations.

3. An itemized list of the types of commodities distributed.

(2) Foods purchased by Feeding Florida through the program are restricted to charitable purposes for hunger relief and may not reenter the wholesale, retail, or secondary market.

(3) Feeding Florida may not, in implementing this section, allow a candidate for elective office to host a food distribution event during the period of time between the last day of the election qualifying period and the date of the election if the candidate is opposed for election or re-election at the time of the event. This subsection does not apply if the event is in response to a declared state of emergency.

Section 23. Present paragraph (c) of subsection (7) of section 597.004, Florida Statutes, is redesignated as paragraph (d) and amended, a new paragraph (c) is added to that subsection, and paragraph (a) of subsection (2) of that section is amended, to read:

597.004 Aquaculture certificate of registration.—

(2) RULES.—

(a) The department, in consultation with the Department of Environmental Protection, the water management districts, environmental groups, and representatives from the affected farming groups, shall adopt rules to:

1. Specify the requirement of best management practices to be implemented by holders of aquaculture certificates of registration.

2. Establish procedures for holders of aquaculture certificates of registration to submit the notice of intent to comply with best management practices.

3. Establish schedules for implementation of best

management practices, and of interim measures that can be taken prior to adoption of best management practices. Interim measures may include the continuation of regulatory requirements in effect on June 30, 1998.

4. Establish a system to assure the implementation of best management practices, including recordkeeping requirements.

5. Require any facility that cultures *Micropterus salmoides* ~~*floridanus*~~ to maintain stock acquisition documentation or records of genetic testing.

(7) REGISTRATION AND RENEWALS.—

(c) The department may not renew a certificate of registration for a facility that is not compliant with this section unless documentation of corrective action is provided with the renewal application.

(d) ~~(c)~~ A ~~Any~~ person whose certificate of registration has been revoked or suspended must reapply to the department for certification. A person, a company, or an entity, or a principal of a company or an entity whose certificate of registration has been revoked, may not reapply for a period of 3 years.

Section 24. Paragraph (a) of subsection (5) of section 597.010, Florida Statutes, is amended to read:

597.010 Shellfish regulation; leases.—

(5) LEASES IN PERPETUITY; RENT.—

(a) All leases issued previously under ~~the provisions of~~ s. 379.2525 shall be enforced under the authority of this

chapter, notwithstanding any other law to the contrary, and shall continue in perpetuity under such restrictions as stated in the lease agreement. The annual rental fee charged for all leases shall consist of the minimum rate of $15 per acre, or any fraction of an acre, per year and may ~~shall~~ be adjusted on January 1, 1995, and every 5 years thereafter, based on the 5-year average change in the Consumer Price Index. Rent must ~~shall~~ be paid in advance of January 1 of each year or, in the case of a new lease, at the time of signing, regardless of who holds the lease.

Section 25. Paragraphs (b) and (c) of subsection (1) of section 599.012, Florida Statutes, are amended to read:

599.012 Florida Wine Trust Fund; creation.—

(1) There is established the Florida Wine 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:

(b) Promote wine ~~viticulture~~ products manufactured from products grown in the state.

(c) Provide grants for wine and viticultural research.

Section 26. Section 616.001, Florida Statutes, is amended to read:

616.001 Definitions.—As used in this chapter, the term:

(1) "Annual public fair" means a ~~community, county, district, regional, or state~~ fair that is held and conducted by

a fair association and permitted by the department pursuant to s. 616.15.

(2) "Authority" means the Florida State Fair Authority.

~~(3) "Community fair" means an annual public fair that serves an area of less than an entire county, has exhibits that are in accordance with s. 616.17, and gives premiums or awards to exhibitors. Agricultural products shall be produced in the community the exhibit represents. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the community the fair represents.~~

(3)~~(4)~~ "Concession" means use by a fair association, or a grant, lease, or license to a third party, of a portion of the land under the ownership, custody, or control of a fair association for specific uses, or the right to enter upon the land for specific purposes, such as providing rides, games, food, beverage, merchandise for sale, exhibits, projects, activities, events, programs, or other uses authorized in this chapter.

~~(5) "County fair" means an annual public fair that serves an entire county and provides exhibitors with premiums or awards for exhibits that are in accordance with s. 616.17. Agricultural products must be typical of those produced in the county the exhibit represents. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the county that the fair association represents.~~

(4) ~~(6)~~ "Department" means the Department of Agriculture and Consumer Services.

~~(7) "District fair" means an annual public fair that serves at least five counties and has exhibits that meet the requirements of s. 616.17. A district fair shall pay at least $25,000 in cash premiums or awards to exhibitors. Agricultural products must be typical of those produced in the counties the exhibit represents. Livestock may originate from outside the district, but must be registered in the exhibitor's name at least 30 days before the opening day of the fair. Each county is encouraged to have proportionate exhibits, typical of its respective natural resources. Each county shall have exhibits representing basic resources in agriculture and industry.~~

(5) ~~(8)~~ "Entry" means one item entered for competition or show. An entry may constitute an exhibit, depending upon the regulations stated in the premium book.

(6) ~~(9)~~ "Exhibit" means one or more entries entered for exhibition and constituting a unit. An exhibit may consist of one or more entries, depending upon the regulations stated in the premium book. The term includes parades and displays of articles or a collection of articles, whether static, interactive, or dynamic, by a fair association or a third party contracting with a fair association, such as exhibits of animals, art, housewares, or motor vehicles.

(7) ~~(10)~~ "Exhibitor" means an individual, a group of

individuals, or a business, including a fair association or third party contracting with a fair association, which has an exhibit.

(8) ~~(11)~~ "Fair association" or "association" means an association not for profit incorporated under this chapter for the purpose of conducting and operating public fairs or expositions.

(9) ~~(12)~~ "Public fair or exposition" means a project, activity, event, or program, and use by a fair association, including, but not limited to, the annual public fair, which serves the purposes specified in s. 616.08 and benefits and develops the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of this state, or any county, municipality, or other community in this state.

~~(13) "Regional fair" or "interstate fair" means an annual public fair of this state and other states in which fair exhibits meet the requirements of s. 616.17. Agricultural products must be typical of those produced in the area the exhibit represents.~~

(10) ~~(14)~~ "Specialized show" means a show or an exhibition exhibiting and emphasizing livestock or poultry, or a fruit or vegetable festival, and must meet the minimum exhibit requirements specified in s. 616.17. ~~A specialized show may qualify under one of the definitions in subsections (3), (5),~~

~~(7), and (15).~~

(11)~~(15)~~ "State fair" means an annual public fair that serves the entire state. ~~Exhibits must comply with s. 616.17, and cash premiums or awards may be given to exhibitors.~~

Section 27. Section 616.01, Florida Statutes, is amended to read:

616.01 Requirements for ~~Number of persons required; requisites of~~ proposed charter. ~~Twenty-five or more persons who are~~ Residents and qualified electors of the county in which the annual public fair is to be located, who wish to form an association not for profit for the purpose of conducting and operating public fairs or expositions, may become incorporated in the following manner. The applicant must ~~subscribers shall~~ submit the proposed charter to the department for review and approval or denial. If the proposed charter is denied, the department must provide the applicant with a letter sent to the mailing address provided on the proposed charter and include a complete listing of all deficiencies, if any, which must be remedied before resubmittal of the proposed charter for approval. If the proposed charter is approved, the applicant must ~~subscribers shall~~ sign and present a notarized copy of the proposed charter to the judge of the circuit court for the county in which the principal office of the association will be located. The proposed charter must specify:

(1) The name of the association and the place where the

principal office is to be located. The name of the association must ~~shall~~ include the word, "Inc."

(2) The general nature of the objectives and powers of the association, including a provision that the association is incorporated for the sole purpose of conducting and operating public fairs or expositions.

(3) The qualifications and terms of association members and criteria for their admission and expulsion. Provision must ~~may~~ be made in the charter for ex officio membership.

(4) The time for which the association is to exist.

(5) The name and residence of each subscriber.

(6) Procedures for the election of and governance by officers, who may be elected or appointed.

(7) The designation of officers who will manage the affairs of the association until the first election or appointment under the charter.

(8) Procedures for the adoption, amendment, or rescission of bylaws of the association.

(9) The highest amount of indebtedness or liability that may be accrued by the association.

(10) The name an elected member of the board of county commissioners of the county in which the principal office of the association will be located, who will serve as an ex officio member of the board of directors the association.

(11) The official e-mail address of the association which

will be used for the purpose of official communication between the association and governmental entities.

(12) The language for the oath that will be taken by the applicant, which must include, but is not limited to, all of the following:

(a) That the primary objective of the association is for public service and to hold, conduct, and promote public fairs or expositions.

(b) That money and other available assets in value exceeding $5,000 have been provided for purposes designated by the association.

(c) That the association will operate in good faith to carry out the purposes and objectives set forth in the charter.

Section 28. Section 616.02, Florida Statutes, is amended to read:

616.02 Fair associations per county ~~Acknowledgment of charter~~.—

(1) Beginning July 1, 2026, there may be only one incorporated fair association per county in this state, excluding the state fair, which may be incorporated and conducted in any county. The department may not approve a proposed charter incorporating a fair association within the same county in which a fair association currently exists. The department may waive this requirement at the discretion of the Commissioner of Agriculture.

(2) Any fair association incorporated before July 1, 2026, may conduct public fairs or expositions and exercise the authority provided them pursuant to this chapter ~~The proposed charter of a fair association shall be acknowledged by at least three of its subscribers before an officer authorized to make acknowledgment of deeds. Subscribers shall also make and take an oath, which must be attached to the proposed charter, stating that the primary objective of the association is public service and holding, conducting, and promoting public fairs or expositions; that money and other available assets in value exceeding $5,000 have been provided for the purposes of the association; and that the association will operate in good faith to carry out the purposes and objectives set forth in its charter~~.

Section 29. Section 616.03, Florida Statutes, is amended to read:

616.03 ~~Notice of application;~~ Approval and record of charter.—Upon approval by the department, ~~A notice of intention to apply to the circuit court for the charter of a fair association must specify the date that application will be made, shall be sent to the department for approval, and shall be published in a newspaper in the county where the principal office of the association will be located once each week for 4 consecutive weeks. The notice must briefly summarize the charter and objectives of the proposed association.~~ the proposed charter

must ~~shall~~ be submitted to and approved by the board of county commissioners of the county in which the principal office of the association will be located. After approval by the ~~department and the~~ board of county commissioners, the proposed charter and proof of approval must ~~and publication shall~~ be submitted to the circuit judge ~~on the date specified in the notice~~. If no cause is shown to the contrary and the judge finds that the proposed charter is in proper form and will serve the primary objective of public service, the judge must ~~shall~~ approve the charter and issue an order incorporating the applicant ~~subscribers~~ under the charter for the objectives and purposes specified in the charter. The charter and order of incorporation must ~~shall~~ be recorded in the office of the clerk of the circuit court in the county where the principal office of the association will be located and provided to the department. After the order is recorded, the applicant ~~subscribers~~ and any ~~their~~ associates are incorporated with the objectives and powers established in the charter and under the name given in the charter. ~~During the publication period, the proposed charter shall be on file in the office of the clerk of the circuit court.~~ This section does not preclude a fair association from also filing its duly approved charter with the Department of State pursuant to chapter 617 for notice purposes.

Section 30. Subsection (2) of section 616.05, Florida Statutes, is amended to read:

616.05 Amendment of charter.—A fair association may propose an amendment to its charter by resolution as provided in its charter or bylaws.

(2) After the department approves the proposed amendment, it will be incorporated into the original charter upon:

(a) ~~Publication of notice in the same manner as provided in s. 616.03;~~

~~(b)~~ Filing the order of the circuit judge approving the amendment with the office of the clerk of the circuit court and the department; and

(b) ~~(c)~~ Being recorded in the clerk's office.

If a fair association has filed its charter with the Department of State pursuant to chapter 617, a copy of any amendment to the charter must be filed with the Department of State for notice purposes.

Section 31. Section 616.051, Florida Statutes, is amended to read:

616.051 Dissolving a charter.—

(1) A fair association may dissolve its charter by resolution as provided in its charter or bylaws. The proposal for dissolving the charter shall be submitted to the department for approval.

(2) Upon approval by the department and upon presentation of sufficient evidence demonstrating ~~and publication of notice~~

~~and proof~~ that all indebtedness has been paid and no claims are outstanding against the association, the circuit judge may, by decree, dissolve the association and order the distribution of its remaining assets. Such assets must be distributed, by resolution of the board of directors, to the county in which the principal office of the association is located unless otherwise specified by the deed of the property held by the association ~~its remaining public funds to be distributed as recommended by the board of directors~~.

Section 32. Subsection (3) of section 616.07, Florida Statutes, is amended, and subsections (1) and (2) of that section are republished, to read:

616.07 Members not personally liable; property of association held in trust; exempt from taxation.—

(1) A member, officer, director, or trustee of a fair association is not personally liable for any of the debts of the association, and money or property of a fair association may not be distributed as profits or dividends among its members, officers, directors, or trustees.

(2) All money and property of the association, except that necessary for the payment of its just debts and liabilities, are public property, shall be administered by the association as trustee, and shall be used exclusively for the legitimate purpose of the association. So long as they are used for that purpose, all money and property of the association are exempt

from all forms of taxation, including special assessments, and any projects, activities, events, programs, and uses authorized by this part serve an essential governmental purpose and, therefore, are not taxable and are not subject to assessments. This subsection does not apply to chapter 212.

~~(3) Upon order of the circuit judge, any public funds or property remaining in a fair association when the association is dissolved shall be distributed by resolution of the board of directors to any county or any municipality within the county. The board may designate in the distribution resolution the public project that will benefit from the funds or the manner in which the property will be used. If property has been contributed by a municipality or county, the property shall be reconveyed to the municipality or county that gave the property to the association.~~

Section 33. Section 616.101, Florida Statutes, is amended to read:

616.101 Annual review of accounts and records; review of charter.—

(1) The accounts and records of a ~~every~~ fair association whose annual public fair has an annual attendance of more than 25,000, based upon recorded attendance from the previous year, must ~~shall~~ be reviewed annually by a qualified accountant licensed by the state. A fair association whose annual public fair has an annual attendance of 25,000 or fewer, based upon

recorded attendance from the previous year, or a fair association that is holding an annual public fair for the first time, must submit an annual financial statement that has been signed by an officer of the county. The results of the reviews must ~~shall~~ be kept in the official records of each association, available to all directors of the association. A certified copy of the review must ~~shall~~ be filed with the department:

(a)~~(1)~~ On request by the department to certify expenditures of the premiums awarded to exhibitors of a fair or of building funds if ~~when~~ there is evidence of a violation of state laws; or

(b)~~(2)~~ When the association is applying for a fair permit.

(2) A fair association shall, every 5 years beginning July 1, 2026, review its charter and submit to the department a certified copy of the charter which incorporates any amendment made during the last 5 years. A designated member of the association shall attest that the charter is accurate and factual when submitting the certified copy to the department.

Section 34. Section 616.15, Florida Statutes, is amended to read:

616.15 Permit from Department of Agriculture and Consumer Services required.—

(1) An annual public fair may not be conducted by a fair association without a permit issued by the department. The association shall present to the department an application for a

permit, signed by an officer of the association, at least 90 calendar days ~~3 months~~ before holding the annual public fair. The application must ~~shall~~ be accompanied by a fee in an amount to be determined by the department for processing the application and making any required investigation. The application fee must be at least $183 and may not exceed $366. Fees collected under this subsection shall be deposited in the General Inspection Trust Fund of the State Treasury in a special account to be known as the "Agricultural and Livestock Fair Account." A copy of the application must be sent to each fair association located within 50 miles of the site of the proposed annual public fair at the same time the application is sent to the department. The department may issue a permit if the applicant provides:

(a) The opening and closing dates of the proposed annual public fair.

(b) The name and address of the owner of the central amusement attraction that will operate during the annual public fair.

(c) An affidavit properly executed by the president or chief executive officer of the applicant association certifying the existence of a binding contract entered into by the association and the owner of the central amusement attraction covering the period for which the permit from the department is applied. The contract between the parties must ~~shall~~ be

available for inspection by duly authorized agents of the department in administering this chapter.

(d) A copy of the association's charter which incorporates all amendments made ~~A written statement that the main purpose of the association is to conduct and operate a public fair and exposition, including the annual fair, for the benefit and development of the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of the geographical area the fair association represents and serves. The statement must be subscribed and acknowledged by an officer of the association before an officer authorized to take acknowledgments~~.

(e) A premium list of the current annual public fair to be conducted and ~~or~~ a copy of the previous year's premium list showing all premiums and awards to be offered to exhibitors in various departments of the annual public fair, which may include, but are not limited to, art exhibition, beef cattle, county exhibits, dairy cattle, horticulture, swine, women's department, 4-H Club activities, Future Farmers of America activities, Future Homemakers of America activities, poultry and egg exhibits, and community exhibits. The premium list, which may be submitted separately from the application, must be submitted at least 60 calendar days before the annual public fair begins operation.

(f) A complete listing of all exhibits required pursuant

to s. 616.17 ~~Proof of liability insurance insuring the association against liability for injury to persons, in an amount of not less than $300,000 per occurrence~~.

~~(g) A copy of the most recent review.~~

~~(h) A list of all current members of the board of directors of the association and their contact information, including home address.~~

The department shall issue the permit within 10 calendar days after it receives ~~all~~ the information required by this subsection ~~and the applicant qualifies pursuant to this section~~.

(2) At least 21 calendar days before holding the annual public fair, the association shall present the department with all of the following information:

(a) Proof of liability insurance insuring the association against liability for injury to persons, in an amount not less than $300,000 per occurrence.

(b) A copy of the association's most recent annual financial statement pursuant to s. 616.101.

(c) A list of all current members of the board of directors of the association and their contact information, including home addresses.

(3)~~(2)~~ The department shall administer and enforce ~~the provisions of~~ this chapter except as to the regulation of games, which shall be regulated by local law enforcement agencies. The

department shall adopt rules to administer this chapter, including rules governing the form and contents of the application for the permit and any reports that it deems ~~may deem~~ necessary in enforcing the provisions of this chapter.

(4)~~(3)~~ Notwithstanding any fair association meeting the requirements set forth in subsection (1), the department may order a full investigation to determine if the fair association meets the requirements of this part ~~s. 616.01~~, and may withhold a permit from, deny a permit to, or withdraw a permit once issued to the association. The department shall also consider whether any proposed annual public fair, as set forth in an application for a permit, will compete with another annual public fair within 50 miles of the proposed annual public fair with respect to name, dates of operation, or market. The department may deny, withhold, or withdraw a permit from a fair association if the department determines that such fair association will compete with another association. The department shall give preference to existing fair associations with established dates, locations, and names. The determination by the department is final.

Section 35. Section 616.251, Florida Statutes, is amended to read:

616.251 Florida State Fair Authority; creation; responsibility for staging annual state fair; exemptions.—

(1) There is created and constituted the "Florida State

Fair Authority," a public body corporate and politic, for the purposes and with the powers set forth in this part. Such instrumentality, hereinafter referred to as "the authority," shall have perpetual succession. For the purposes of implementing the intent of this part, the authority shall be considered an instrumentality of the state, subject to the jurisdiction of the state. Any conflict with respect to that jurisdiction will be resolved by the authority and respective state agencies.

(2) The authority shall operate under the supervision of the Commissioner of Agriculture, which supervision may include, but is not limited to, assisting, advising, and making recommendations regarding the financing and operation of the authority. In assisting and advising the authority, the Commissioner of Agriculture may make appropriate staff of the department available to the authority.

(3) The authority is charged with the responsibility of staging an annual fair to serve the entire state. Cash premiums or awards may be given to exhibitors.

(4) The authority shall be exempt from part I of this chapter.

(5) ~~(4)~~ The principal offices of the authority shall be in such place or places in or near the City of Tampa as the authority may from time to time designate.

Section 36. Subsection (1) of section 843.085, Florida

Statutes, is amended, and subsection (5) of that section is republished, to read:

843.085 Unlawful use of badges or other indicia of authority.—

(1) It is unlawful for any person, unless appointed by the Governor pursuant to chapter 354, authorized by the appropriate agency, or displayed in a closed or mounted case as a collection or exhibit, to wear or display any authorized indicia of authority, including any badge, insignia, emblem, identification card, or uniform, or any colorable imitation thereof, of any federal, state, county, or municipal law enforcement agency, or other criminal justice agency as defined in s. 943.045, with the intent to mislead or cause another person to believe that he or she is a member of that agency or is authorized to display or wear such item, or to wear or display any item that displays in any manner or combination the word or words "police," "patrolman," "patrolwoman," "agent," "sheriff," "deputy," "trooper," "highway patrol," "commission officer," "Wildlife Officer," "Department of Environmental Protection officer," "Marine Patrol Officer," "state attorney," "public defender," "marshal," "constable," "bailiff," ~~or~~ "fire department," "concealed weapon permit," or "concealed weapon permitholder" with the intent to mislead or cause another person to believe that he or she is a member of that agency, if applicable, or is authorized to wear or display such item.

(5) A violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section is cumulative to any law now in force in the state.

Section 37. Section 865.065, Florida Statutes, is amended to read:

865.065 Disparagement of ~~perishable~~ agricultural food products; cause of action; limitation.—

(1) The Legislature finds, determines, and declares that the production of agricultural food products constitutes an important and significant portion of the state economy and that it is imperative to protect the vitality of the agricultural economy for the citizens of this state by providing a cause of action for agricultural producers to recover damages for the disparagement of any ~~perishable~~ agricultural product.

(2) For purposes of this section, the term:

(a)~~(b)~~ "~~Perishable~~ Agricultural food product" means any agricultural or aquacultural food product or commodity grown or produced within this ~~the~~ state for a commercial purpose. The term also includes any agricultural practices used in the production of such products ~~of Florida which is sold or distributed in a form that will perish or decay within a reasonable period of time~~.

(b)~~(a)~~ "Disparagement" means the willful or malicious dissemination to the public in any manner of any false

information that a ~~perishable~~ agricultural food product is not safe for human consumption. False information is that information which is not based on reliable, scientific facts and reliable, scientific data which the disseminator knows or should have known to be false.

(c) "Producer" means the person who actually grows or produces ~~perishable~~ agricultural food products.

(3) Any producer or any association representing producers of ~~perishable~~ agricultural food products which suffers damages as a result of another person's disparagement of any such ~~perishable~~ agricultural food product may bring an action for damages and for any other relief a court of competent jurisdiction deems appropriate, including, but not limited to, compensatory and punitive damages, reasonable attorney fees, and costs of the action.

(4) The statute of limitations for disparagement of ~~perishable~~ agricultural food products is 2 years from the date the disparagement occurs.

Section 38. Subsection (27) is added to section 934.02, Florida Statutes, to read:

934.02 Definitions.—As used in this chapter:

(27) "Signal jamming device" means a device or process, such as a phone jammer, global positioning systems blocker, or other similar device designed to intentionally block, jam, or interfere with radio communications, such as cellular and

personal communication services, police radar, or global positioning systems.

Section 39. Section 934.51, Florida Statutes, is created to read:

934.51 Possession, use, and sale of signal jamming device; prohibition; exceptions; penalties.—

(1) PROHIBITION.—It is unlawful to possess, manufacture, hold or offer for sale, sell, import, distribute, or use a signal jamming device in this state.

(2) EXCEPTIONS.—This section does not apply to a federal or military law enforcement agency that lawfully installs, places, or uses a signal jamming device as part of a criminal investigation, or to any person duly authorized by the Federal Communications Commission.

(3) PENALTIES.—A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 40. Paragraph (a) of subsection (4) and subsection (6) of section 288.1175, Florida Statutes, are amended to read:

288.1175 Agriculture education and promotion facility.—

(4) The Department of Agriculture and Consumer Services shall certify a facility as an agriculture education and promotion facility if the Department of Agriculture and Consumer Services determines that:

(a) The applicant is a unit of local government as defined

in s. 218.369, or a fair association as defined in s. 616.001(8) ~~s. 616.001(11)~~, which is responsible for the planning, design, permitting, construction, renovation, management, and operation of the agriculture education and promotion facility or holds title to the property on which such facility is to be developed and located.

(6) Funds may not be expended to develop or subsidize privately owned facilities, except for facilities owned by fair associations as defined in s. 616.001(8) ~~s. 616.001(11)~~.

Section 41. For the purpose of incorporating the amendment made by this act to section 287.1351, Florida Statutes, in a reference thereto, subsection (4) of section 287.056, Florida Statutes, is reenacted to read:

287.056 Purchases from purchasing agreements and state term contracts; vendor disqualification.—

(4) A firm or individual placed on the suspended vendor list pursuant to s. 287.1351 or placed on a disqualified vendor list pursuant to s. 287.133 or s. 287.134 is immediately disqualified from state term contract eligibility.

Section 42. For the purpose of incorporating the amendment made by this act to section 287.1351, Florida Statutes, in a reference thereto, subsection (5) of section 287.138, Florida Statutes, is reenacted to read:

287.138 Contracting with entities of foreign countries of concern prohibited.—

(5) The Attorney General may bring a civil action in any court of competent jurisdiction against an entity that violates this section. Violations of this section may result in:

(a) A civil penalty equal to twice the amount of the contract for which the entity submitted a bid or proposal for, replied to, or entered into;

(b) Ineligibility to enter into, renew, or extend any contract, including any grant agreements, with any governmental entity for up to 5 years;

(c) Ineligibility to receive or renew any license, certification, or credential issued by a governmental entity for up to 5 years; and

(d) Placement on the suspended vendor list pursuant to s. 287.1351.

Section 43. For the purpose of incorporating the amendment made by this act to section 500.04, Florida Statutes, in a reference thereto, subsection (1) of section 500.177, Florida Statutes, is reenacted to read:

500.177 Penalty for violation of s. 500.04; dissemination of false advertisement.—

(1) Any person who violates any provision of s. 500.04 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; but, if the violation is committed after a conviction of such person under this section has become final, such person is guilty of a misdemeanor of the

first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 44. For the purpose of incorporating the amendment made by this act to section 616.07, Florida Statutes, in a reference thereto, subsection (13) of section 212.08, Florida Statutes, is 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.

(13) LIMITATIONS ON EXEMPTIONS.—No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13,

chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.

Section 45. For the purpose of incorporating the amendment made by this act to section 616.15, Florida Statutes, in a reference thereto, section 616.185, Florida Statutes, is reenacted to read:

616.185 Trespass upon grounds or facilities of public fair; penalty; arrests.—

(1) For the purposes of this chapter, trespass upon the grounds of the Florida State Fair Authority or any other fair association permitted under s. 616.15 means:

(a) Entering and remaining upon any grounds or facilities owned, operated, or controlled by the Florida State Fair Authority or any other association permitted under s. 616.15 and committing any act that disrupts the orderly conduct of any authorized activity of the fair association in charge, or its lessees, licensees, or the general public on those grounds or facilities; or

(b) Entering and remaining on those grounds or facilities after being directed not to enter or to leave them by the executive director of the authority, chief administrative

officer of the fair association, or any employee or agent of the association designated by the executive director or administrator to maintain order on those grounds and facilities, after a determination by the executive director, administrator, employee, or agent that the entering or remaining on those grounds or facilities is in violation of the rules and regulations of the Florida State Fair Authority or permitted fair association or is disrupting the orderly conduct of any authorized activity of the fair association in charge, or its lessees, licensees, or the general public on those grounds or facilities.

(2) Any person committing the offense of trespass upon the grounds of the Florida State Fair Authority or any other fair association permitted under s. 616.15 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A law enforcement officer may arrest any person on or off the premises, without a warrant, if the officer has probable cause for believing such person has committed the offense of trespass upon the grounds of the Florida State Fair Authority or any fair association permitted under s. 616.15. Such an arrest does not render the law enforcement officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

Section 46. This act shall take effect July 1, 2026.

COMMERCE COMMITTEE

HB 433 by Rep. Alvarez, D. and Johnson
Department of Agriculture and Consumer Services

AMENDMENT SUMMARY
January 21, 2026

Amendment #353073 by Rep. Alvarez, D. (strike-all):

- Provides a prohibition on developing an ecologically significant parcel in a low-density municipality exceeding a maximum density of 1 residential unit per 20 acres, with certain exceptions.
- Delays implementation of new biosolids land application site requirements until July 1, 2028.
- Requires each person applying for a pest control business license or renewal to have certain bodily injury and property damage insurance coverage.
- Increases fines for failing to follow the pest control practice act or acting without a license to a Class III fine, from a Class II.
- Increases the number of days a construction contractor has to pay subcontractors and suppliers before being liable for theft of contractor or supplier services to 30 days, from 15 business days.
- Creates the Florida Native Seed Research and Marketing Program.
- Prohibits a local government from requiring a property owner to obtain a rural event venue permit or license.
- Renames the Bonifay Forestry Station in memory of John Michael Mathis.
- Requires a fair association board member to list their mailing address in the fair documents, rather than their home address.
- Removes antiquated language from a fair provision.
- Clarifies that each eligible candidate under the Food Animal Veterinary Medicine Loan Repayment Program may receive up to $25,000 per year for 5 years, and FDACS may add 3 new eligible candidates per year.
- Provides that the term “nonprofit agricultural organization” means an organization that is exempt from federal income tax under s. 501(c)(5) of the Internal Revenue Code, rather than s. 501(c)(3).

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: Commerce Committee
Representative Alvarez, D. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 125.489, Florida Statutes, is created to read:

125.489 Preemption of restrictions on gasoline-powered farm equipment or gasoline-powered landscape equipment.—

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

(a) "Gasoline-powered farm equipment" means any machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used on a farm or used to transport farm products.

(b) "Gasoline-powered landscape equipment" means any machine powered by an internal combustion engine or motor that

uses gasoline, diesel, or a blend of gasoline and oil which is used to provide landscape management or maintenance or to move leaves, dirt, grass, or other debris off of sidewalks, driveways, lawns, or other surfaces.

(2) A county may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment and may not create differing standards for such equipment or distinguish such equipment from any electric or similar equipment in a retail, manufacturer, or distributor setting.

(3) This section does not prohibit or limit a county from encouraging the use of alternative farm or landscape equipment, such as battery-powered farm or landscape equipment.

Section 2. Present subsections (18) through (30) and (31) through (54) of section 163.3164, Florida Statutes, are redesignated as subsections (19) through (31) and (33) through (56), respectively, and new subsections (18) and 32 are added to that section, to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(18) "Ecologically significant parcel" means a parcel of land located within the boundaries of a low-density municipality which is currently undeveloped and has been designated as either rural, conservation, agricultural, or greenspace as provided by

a local government comprehensive plan developed pursuant to the provisions of s. 163.3177.

(32) "Low-density municipality" means a municipality existing on or before January 1, 2025, which is less than 2,500 acres in total size and contains a population of 5,000 or fewer legal residents.

Section 3. Present subsection (7) of section 163.3202, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

163.3202 Land development regulations.—

(8)(a) Notwithstanding any ordinance to the contrary, an application for a development on an ecologically significant parcel in a low-density municipality may not be administratively approved without an attestation provided by the developer, under penalty of perjury, to the low-density municipality which states that the development will not exceed a maximum density of 1 residential unit per 20 acres.

(b) This subsection does not apply to applications for the construction of residential units on an ecologically significant parcel for the express purpose of providing housing for family members of the applicant. However, the applicant must provide an attestation, under penalty of perjury, to the low-density municipality which states that the residential units being constructed will be used for such express purpose before the administrative approval of an application for development.

(c) The density requirements provided in this subsection may be waived upon a resolution approved by a unanimous vote of the commission or council of the low-density municipality.

Section 4. Section 166.063, Florida Statutes, is created to read:

166.063 Preemption of restrictions on gasoline-powered farm equipment or gasoline-powered landscape equipment.—

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

(a) "Gasoline-powered farm equipment" means a machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used on a farm or used to transport farm products.

(b) "Gasoline-powered landscape equipment" means any machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used to provide landscape management or maintenance or to move leaves, dirt, grass, or other debris off of sidewalks, driveways, lawns, or other surfaces.

(2) A municipality may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment and may not create differing standards for such equipment or distinguish such equipment from any electric or similar equipment in a retail, manufacturer, or distributor setting.

(3) This section does not prohibit or limit a municipality from encouraging the use of alternative farm or landscape equipment, such as battery-powered farm or landscape equipment.

Section 5. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public

recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" has the same meaning ~~means facilities~~ as defined in s. 163.3164(43) ~~s. 163.3164(41)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for

nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school district's classrooms. As used in this sub-subparagraph, the term "instructional technology" means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

4. Surtax revenues that are shared with eligible charter schools pursuant to paragraph (c) shall be allocated among such schools based on each school's proportionate share of total school district capital outlay full-time equivalent enrollment as adopted by the education estimating conference established in s. 216.136. Surtax revenues must be expended by the charter school in a manner consistent with the allowable uses provided in s. 1013.62(4). All revenues and expenditures shall be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9). If a school's charter is not renewed or is terminated and the school is dissolved under the provisions of law under which the school was organized, any unencumbered funds received under this paragraph shall revert to the sponsor.

Section 6. Present subsection (19) of section 253.0341, Florida Statutes, is redesignated as subsection (21), and new subsections (19) and (20) are added to that section, to read:

253.0341 Surplus of state-owned lands.—

(19) The Acquisition and Restoration Council shall determine whether any lands surplused by a local governmental entity, as defined in s. 218.72, on or after January 1, 2024, are suitable for bona fide agricultural purposes, as defined in s. 193.461(3)(b). A local governmental entity may not transfer future development rights for any surplused lands determined to be suitable for bona fide agricultural purposes on or after January 1, 2024.

(20) The Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, shall determine whether any state-owned conservation lands acquired on or after January 1, 2024, are suitable for bona fide agricultural purposes, as defined in s. 193.461(3)(b).

(a) Notwithstanding any other law or rule, the Department of Environmental Protection may surplus state-owned conservation lands acquired on or after January 1, 2024, determined to be suitable for bona fide agricultural purposes.

(b) For all state-owned conservation lands determined to be suitable for bona fide agricultural production and surplused by the Department of Environmental Protection, the department shall retain a rural-lands-protection easement pursuant to s.

570.71(3). All proceeds from the sale of such surplused lands 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.

(c) By January 1, 2027, and each January 1 thereafter, the Department of Environmental Protection shall provide a report of state-owned conversation lands surplused pursuant to this subsection to the Board of Trustees of the Internal Improvement Trust Fund.

(d) Designated state forest lands, state park lands, or wildlife management areas may not be surplused pursuant to this subsection.

Section 7. Section 259.1053, Florida Statutes, is amended to read:

259.1053 Babcock Ranch Preserve~~; Babcock Ranch Advisory Group~~.—

(1) SHORT TITLE.—This section may be cited as the "Babcock Ranch Preserve Act."

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

(a) "Babcock Ranch Preserve" and "preserve" mean the lands and facilities acquired in the purchase of the Babcock Crescent B Ranch, as provided in s. 259.1052.

(b) "Commission" means the Fish and Wildlife Conservation Commission.

(c) "Commissioner" means the Commissioner of Agriculture.

(d) "Department" means the Department of Agriculture and Consumer Services.

(e) "Executive director" means the Executive Director of the Fish and Wildlife Conservation Commission.

(f) "Financially self-sustaining" means having management and operation expenditures not more than the revenues collected from fees and other receipts for resource use and development and from interest and invested funds.

(g) "Florida Forest Service" means the Florida Forest Service of the Department of Agriculture and Consumer Services.

(h) "Multiple use" means the management of all of the renewable surface resources of the Babcock Ranch Preserve to best meet the needs of the public, including the use of the land for some or all of the renewable surface resources or related services over areas large enough to allow for periodic adjustments in use to conform to the changing needs and conditions of the preserve while recognizing that a portion of the land will be used for some of the renewable surface resources available on that land. The goal of multiple use is the harmonious and coordinated management of the renewable surface resources without impairing the productivity of the land and considering the relative value of the renewable surface resources, and not necessarily a combination of uses to provide the greatest monetary return or the greatest unit output.

(i) "Sustained yield of the renewable surface resources" means the achievement and maintenance of a high level of annual or regular periodic output of the various renewable surface resources of the preserve without impairing the productivity of the land.

(3) CREATION OF BABCOCK RANCH PRESERVE.—

(a) Upon the date of acquisition of the Babcock Crescent B Ranch, there is created the Babcock Ranch Preserve, which shall be managed in accordance with the purposes and requirements of this section.

(b) The preserve is established to protect and preserve the environmental, agricultural, scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the preserve, and to provide for the multiple use and sustained yield of the renewable surface resources within the preserve consistent with this section.

(c) This section does not preclude the use of common varieties of mineral materials such as sand, stone, and gravel for construction and maintenance of roads and facilities within the preserve.

(d) This section does not affect the constitutional responsibilities of the commission in the exercise of its regulatory and executive power with respect to wild animal life and freshwater aquatic life, including the regulation of hunting, fishing, and trapping within the preserve.

(e) This section does not interfere with or prevent the implementation of agricultural practices authorized by the agricultural land use designations established in the local comprehensive plans of either Charlotte County or Lee County as those plans apply to the Babcock Ranch Preserve.

(f) This section does not preclude the maintenance and use of roads and trails or the relocation of roads in existence on the effective date of this section, or the construction, maintenance, and use of new trails, or any motorized access necessary for the administration of the land contained within the preserve, including motorized access necessary for emergencies involving the health or safety of persons within the preserve.

~~(4) BABCOCK RANCH ADVISORY GROUP.—~~

~~(a) The purpose of the Babcock Ranch Advisory Group is to assist the department by providing guidance and advice concerning the management and stewardship of the Babcock Ranch Preserve.~~

~~(b) The Babcock Ranch Advisory Group shall be comprised of nine members appointed to 5-year terms. Based on recommendations from the Governor and Cabinet, the commission, and the governing boards of Charlotte County and Lee County, the commissioner shall appoint members as follows:~~

~~1. One member with experience in sustainable management of forest lands for commodity purposes.~~

~~2. One member with experience in financial management, budget and program analysis, and small business operations.~~

~~3. One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.~~

~~4. One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.~~

~~5. One member with experience in agriculture operations or forestry management.~~

~~6. One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.~~

~~7. One member with experience in public outreach and education.~~

~~8. One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.~~

~~9. One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.~~

~~Vacancies will be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of that term.~~

~~(c) Members of the Babcock Ranch Advisory Group shall:~~

~~1. Elect a chair and vice chair from among the group members.~~

~~2. Meet regularly as determined by the chair.~~

~~3. Serve without compensation but shall receive reimbursement for travel and per diem expenses as provided in s. 112.061.~~

(4)~~(5)~~ MANAGEMENT OF PRESERVE; FEES.—

(a) The department shall assume all authority provided by this section to manage and operate the preserve as a working ranch upon the termination or expiration of the management agreement attached as Exhibit "E" to that certain agreement for sale and purchase approved by the Board of Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County on November 20, 2005.

(b) Upon assuming management and operation of the preserve, the department shall:

1. Manage and operate the preserve and the uses thereof, including, but not limited to, the activities necessary to administer and operate the preserve as a working ranch; the activities necessary for the preservation and development of the land and renewable surface resources of the preserve; the activities necessary for interpretation of the history of the preserve on behalf of the public; the activities necessary for the management, public use, and occupancy of facilities and

lands within the preserve; and the maintenance, rehabilitation, repair, and improvement of property within the preserve.

2. Develop programs and activities relating to the management of the preserve as a working ranch.

3. Establish procedures for entering into lease agreements and other agreements for the use and occupancy of the facilities of the preserve. The procedures shall ensure reasonable competition and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

4. Assess reasonable fees for admission to, use of, and occupancy of the preserve to offset costs of operating the preserve as a working ranch. These fees are independent of fees assessed by the commission for the privilege of hunting, fishing, or pursuing outdoor recreational activities within the preserve, and shall be deposited into the Incidental Trust Fund of the Florida Forest Service, subject to appropriation by the Legislature.

(c) The commission, in cooperation with the department, shall:

1. Establish and implement public hunting and other fish and wildlife management activities. Tier I and Tier II public hunting opportunities shall be provided consistent with the management plan and the recreation master plan. Tier I public hunting shall provide hunting opportunities similar to those offered on wildlife management areas with an emphasis on youth

and family-oriented hunts. Tier II public hunting shall be provided specifically by fee-based permitting to ensure compatibility with livestock grazing and other essential agricultural operations on the preserve.

2. Establish and administer permit fees for Tier II public hunting to capitalize on the value of hunting on portions of the preserve and to help ensure the preserve is financially self-sufficient. The fees shall be deposited into the State Game Trust Fund of the Fish and Wildlife Conservation Commission to be used to offset the costs of providing public hunting and to support fish and wildlife management and other land management activities on the preserve.

(d) The Board of Trustees of the Internal Improvement Trust Fund or its designated agent may:

1. Negotiate directly with and enter into such agreements, leases, contracts, and other arrangements with any person, firm, association, organization, corporation, or governmental entity, including entities of federal, state, and local governments, as are necessary and appropriate to carry out the purposes and activities authorized by this section.

2. Grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors to the preserve, provided no natural curiosities or objects of interest shall be granted, leased, or rented on such terms as shall deny or interfere with free access to them by the public. Such

grants, leases, and permits may be made and given without advertisement or securing competitive bids. Such grants, leases, or permits may not be assigned or transferred by any grantee without consent of the Board of Trustees of the Internal Improvement Trust Fund or its designated agent.

(5)~~(6)~~ DISSOLUTION OF BABCOCK RANCH, INC.—Upon dissolution of the Babcock Ranch, Inc., all statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the corporation shall be transferred to the Department of Agriculture and Consumer Services unless otherwise provided by law. Any cash balances of funds shall revert to the Incidental Trust Fund of the Florida Forest Service.

Section 8. Paragraph (a) of subsection (2) of section 287.1351, Florida Statutes, is amended, and subsection (3) of that section is republished, to read:

287.1351 Suspended vendors; state contracts.—

(2)(a) A vendor that is in default on any contract with an agency, has failed to timely compensate its subcontractors or suppliers, or has otherwise repeatedly demonstrated a recent inability to fulfill the terms and conditions of previous state contracts or to adequately perform its duties under those contracts may not submit a bid, proposal, or reply to an agency or enter into or renew a contract to provide any goods or

services to an agency after its placement, pursuant to this section, on the suspended vendor list.

(3) An agency shall notify the department of any vendor that has met the grounds for suspension described in paragraph (2)(a). The agency must provide documentation to the department evidencing the vendor's default or other grounds for suspension. The department shall review the documentation provided and determine whether good cause exists to remove the vendor from the vendor list and to place it on the suspended vendor list. If good cause exists, the department must notify the vendor in writing of its intent to remove the vendor from the vendor list and of the vendor's right to an administrative hearing and the applicable procedures and time requirements for any such hearing. If the vendor does not request an administrative hearing, the department must enter a final order removing the vendor from the vendor list. A vendor may not be removed from the vendor list without receiving an individual notice of intent from the department.

Section 9. Paragraph (c) is added to subsection (4) of section 322.12, Florida Statutes, to read:

322.12 Examination of applicants.—

(4) The examination for an applicant for a commercial driver license shall include a test of the applicant's eyesight given by a driver license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician and

a test of the applicant's hearing given by a driver license examiner or a licensed physician. The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; his or her knowledge of the effects of alcohol and controlled substances and the dangers of driving a motor vehicle after having consumed alcohol or controlled substances; and his or her knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle which he or she is applying to be licensed to operate. In addition, the examination shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.

(c) An applicant for a commercial driver license who receives unauthorized assistance from another person in completing the portion of the examination which tests the

applicant's ability to read and understand highway signs regulating, warning, and directing traffic or his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle for which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Section 322.36, Florida Statutes, is amended to read:

322.36 Permitting unauthorized operator to drive.—

(1) A person may not authorize or knowingly permit a motor vehicle owned by him or her or under his or her dominion or control to be operated upon any highway or public street except by a person who is duly authorized to operate a motor vehicle under this chapter.

(2) A person may not knowingly or willfully provide unauthorized assistance to an applicant for the examination required to hold a commercial driver license pursuant to s. 322.12(4).

(3) A ~~Any~~ person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. If a person violates this section by knowingly loaning a vehicle to a person whose driver license is

suspended and if that vehicle is involved in an accident resulting in bodily injury or death, the driver license of the person violating this section must ~~shall~~ be suspended for 1 year.

Section 11. Sections 377.71, 377.711, and 377.712, Florida Statutes, are repealed.

Section 12. Present paragraphs (a) and (b) of subsection (3) of section 403.0855, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and subsections (2) and (4) of that section are amended, to read:

403.0855 Biosolids management.—

(2) The department shall adopt rules for biosolids management. ~~Rules adopted by the department pursuant to this section may not take effect until ratified by the Legislature.~~

(3) For a new land application site permit or a permit renewal issued after July 1, 2020, the permittee of a biosolids land application site shall:

(a) Ensure that only Class AA biosolids are applied to the soil.

(4) All permits shall comply with the requirements of subsection (3)(a) by July 1, 2028~~2022~~.

Section 13. Subsection (5) of section 482.071, Florida Statutes, is amended, and present subsection (5) is renumbered to read:

482.071 Licenses.—

(5) Each person making application for a pest control business license or renewal thereof who will offer and perform fumigations as a part of their regular business operations must furnish to the department a certificate of insurance that meets the requirement for minimum financial responsibility for bodily injury and property damage consisting of:

1. Bodily injury: $1,000,000 per person and $2,000,000 per occurrence; and property damage: $1,000,000 per occurrence and $2,000,000 in the aggregate; or

2. Combined single-limit coverage: $2,000,000 in the aggregate.

(6) ~~(5)~~ A license under this section is a prerequisite for the issuance of a local occupational license to engage in pest control, as provided in s. 205.1967.

Section 14. Subsection (7) of section 482.161, Florida Statutes, is amended to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(7) The department, pursuant to chapter 120, in addition to or in lieu of any other remedy provided by state or local law, may impose an administrative fine in the Class III ~~II~~ category pursuant to s. 570.971 for a violation of this chapter or of the rules adopted pursuant to this chapter. In determining the amount of fine to be levied for a violation, the following factors shall be considered:

Section 15. Subsections (3) and (5) of section 482.165, Florida Statutes, are amended to read:

482.165 Unlicensed practice of pest control; cease and desist order; injunction; civil suit and penalty.—

(3) In addition to or in lieu of any remedy provided under subsection (2), the department may institute a civil suit in circuit court to recover a civil penalty for any violation for which the department may issue a notice to cease and desist under subsection (2). The civil penalty shall be in the Class III ~~II~~ category pursuant to s. 570.971 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees.

(5) In addition to or in lieu of any remedy provided under subsections (2) and (3), the department may, even in the case of a first offense, impose a fine not less than twice the cost of a pest control business license, but not more than a fine in the Class III ~~II~~ category pursuant to s. 570.971, upon a determination by the department that a person is in violation of subsection (1). For the purposes of this subsection, the lapse of a previously issued license for a period of less than 1 year is not considered a violation.

Section 16. Subsections (20) and (21) are added to section 489.105, Florida Statutes, to read:

489.105 Definitions.—As used in this part:

(20) "Subcontractor" has the same meaning as in s. 558.002.

(21) "Supplier" has the same meaning as in s. 558.002.

Section 17. Section 489.1295, Florida Statutes, is created to read:

489.1295 Theft of subcontractor or supplier services.—

(1) A person licensed as a contractor or who otherwise holds himself or herself out to be a contractor may not knowingly or willfully fail to compensate his or her subcontractors or suppliers without reasonable cause within 30 days after receiving payment for the services performed by the subcontractor or supplier.

(2) A person licensed as a contractor or who otherwise holds himself or herself out to be a contractor who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a person licensed as a contractor or who otherwise holds himself or herself out to be a contractor violates this section and the services performed by the subcontractor or supplier are valued at $20,000 or more, such person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 18. Subsection (6) of section 500.04, Florida Statutes, is amended to read:

500.04 Prohibited acts.—The following acts and the causing thereof within the state are prohibited:

(6) The obstruction of or refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by s. 500.147.

Section 19. Section 500.81, Florida Statutes, is repealed.

Section 20. Subsection (5) of section 500.93, Florida Statutes, is amended to read:

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

(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 paragraphs (2)(a), (3)(a), and (4)(a) ~~subsections (2) and (3)~~.

Section 21. Section 501.013, Florida Statutes, is amended to read:

501.013 Health studios; exemptions.—

(1) The following businesses or activities may be declared exempt from ~~the provisions of~~ ss. 501.012-501.019 upon the filing of an affidavit with the department establishing that the stated qualifications are met:

(a) ~~(1)~~ A bona fide nonprofit organization which has been granted tax-exempt status by the Internal Revenue Service.

(b) ~~(2)~~ A gymnastics school which engages only in instruction and training and in which exercise is only incidental to such instruction and training.

(c) ~~(3)~~ A golf, tennis, or racquetball club in which sports play is the only activity offered by the club. If the facility offers the use of physical exercise equipment, this exemption shall not apply.

(d) ~~(4)~~ A program or facility which is offered and used solely for the purpose of dance, aerobic exercise, or martial arts, and which utilizes no physical exercise equipment.

(e) ~~(5)~~ A country club that has as its primary function the provision of a social life and recreational amenities to its members, and for which a program of physical exercise is merely incidental to membership. As used in this paragraph ~~subsection~~, the term "country club" means a facility that offers its members a variety of services that may include, but need not be limited to, social activities; dining, banquet, catering, and lounge facilities; swimming; yachting; golf; tennis; card games such as bridge and canasta; and special programs for members' children. Upon the filing of an affidavit with the department establishing that the stated qualifications of this paragraph ~~subsection~~ were met before July 1, 1997, this paragraph ~~subsection~~ will apply

retroactively to the date that the country club met these qualifications.

(f) ~~(6)~~ A program or facility that is offered by an organization for the exclusive use of its employees and their family members.

(2) In addition to the businesses and activities listed in subsection (1), the department may exempt any other business or activity not in existence as of July 1, 2026, from ss. 501.012-501.019.

Section 22. Section 501.062, Florida Statutes, is created to read:

501.062 Unauthorized commercial solicitation; legislative intent; definitions; prohibited acts; penalties.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to protect, preserve, and promote the safety, welfare, and peace of the citizens of this state by adopting measure to reduce the threat to private property rights, including the right to exclude and to be free from trespass of unauthorized commercial solicitation on private property when noticed by the property owner. It is the intent of this section to protect such private property rights by creating a uniform standard for notifying individuals or groups of individuals that commercial solicitation is prohibited on private property.

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

(a) "Commercial solicitation" means the act of attempting to sell goods or services, or to raise funds for a commercial purpose, through direct or indirect contact with individuals, including, but not limited to, using words, body gestures, or signs, on behalf of a business or commercial entity.

(b) "Dwelling" has the same meaning as in s. 810.011(2).

(3) PROHIBITED ACTS.—A person may not engage in commercial solicitation on any dwelling that clearly and prominently displays a sign that is no less than 8.5 by 11 inches, is visible to any person approaching the dwelling, and clearly displays a statement which identifies the dwelling as private property on which commercial solicitation is prohibited, in substantially the following manner with letters at least 1 inch in height:

THIS DWELLING IS DESIGNATED PRIVATE PROPERTY. NO COMMERCIAL SOLICITATION IS PERMITTED PURSUANT TO SECTION 501.062, FLORIDA STATUTES.

(4) PENALTIES.—A person who violates subsection (3) commits a noncriminal violation, punishable as provided in s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 23. Subsection (50) is added to section 570.07, Florida Statutes, 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:

(50) Notwithstanding s. 20.04(7), to reorganize departmental units upon the approval of the commissioner.

Section 24. Paragraph (c) is added to subsection (3) of section 570.822, Florida Statutes, to read:

570.822 Agriculture and Aquaculture Producers Emergency Recovery Loan Program.—

(3) ELIGIBLE APPLICANTS.—To be eligible for the program, an applicant must:

(c) Be a United States citizen and a legal resident of this state before or on the date of the declared emergency. If the applicant is an entity as defined in s. 605.0102, the entity must be wholly owned and operated in the United States and possess an active certificate of status issued by the Department of State pursuant to chapter 605.

Section 25. Section 570.832, Florida Statutes, is created to read:

570.832 Florida Native Seed Research and Marketing Program.— The Florida Wildflower Foundation, in coordination with the department, shall, subject to appropriation, establish the Florida native Seed Research and Marketing Program to

conduct research designed to expand the availability and uses of native seeds and strengthen the market position of this state's native seed industry through marketing campaigns and promotions within this state and the nation.

Section 26. Section 570.846, Florida Statutes, is created to read:

570.846 Food Animal Veterinary Medicine Loan Repayment Program.—

(1) PURPOSE.—To encourage specialized and qualified veterinary professionals to practice in this state, to retain the employment of such professionals in this state, and to promote the care and treatment of food animals intended for human consumption, there is established the Food Animal Veterinary Medicine Loan Repayment Program. The purpose of the program is to authorize the department to make payments that offset loans incurred for studies leading to a veterinary degree and a specialization in food animal veterinary medicine.

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

(a) "Food animal" means a species of animal raised for the human food supply. Food animal species include cattle, swine, sheep, goat, poultry, aquaculture, and apiary species.

(b) "Food animal veterinarian" means a veterinarian working in food animal veterinary medicine who focuses on the management and health of food animals, and who spends a minimum of 20 hours per week on food animal species care and treatment.

(c) "Food animal veterinary medicine" means veterinary medical practice that encompasses medical care, disease prevention, and consultation on feeding, housing, and overall herd management of food animals to ensure a safe, healthy, and sustainable food supply for the public.

(3) ELIGIBILITY.—To be eligible for the program, a candidate must have graduated from an American Veterinary Medical Association-accredited college of veterinary medicine, have received a Florida veterinary medical license, have obtained a Category II Accreditation from the United States Department of Agriculture, and be a practicing food animal veterinarian in this state.

(4) FUNDING.—Subject to legislative appropriation, the department may make loan principal repayments of up to $25,000 per eligible candidate per year. Loan principle repayments may be made on behalf of each eligible candidate each year for up to 5 years. The department may select up to three new eligible candidates each year. All repayments are contingent upon continued proof of employment in this state as a practicing food animal veterinarian.

(5) DUPLICATION OF FINANCIAL ASSISTANCE.—An eligible candidate receiving financial assistance from the federal veterinary medicine loan repayment program as established in 7 U.S.C. part 3151a is ineligible to receive financial assistance from the program under this section.

(6) RULEMAKING.—The department may adopt any rule necessary for the administration of the program.

Section 27. Subsection (1) of section 570.85, Florida Statutes, is amended 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, and may not require a property owner to obtain a rural event venue permit or license. 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 28. Subsection (6) is added to section 570.86, Florida Statutes, to read:

570.86 Definitions.—As used in ss. 570.85-570.89, the term:

(6) "Rural event venue" means a venue located on property classified as agricultural pursuant to the provisions of s. 193.461, and used for special functions such as weddings, receptions, corporate meetings, or similar gatherings.

Section 29. Subsection (4) of section 583.01, Florida Statutes, is amended to read:

583.01 Definitions.—For the purpose of this chapter, unless elsewhere indicated, the term:

(4) "Dealer" means a person, firm, or corporation, including a producer, processor, retailer, or wholesaler, that sells, offers for sale, or holds for the purpose of sale in this state 30 dozen or more eggs or its equivalent in any one week, or more than 20,000 ~~384~~ dressed birds annually ~~in any one week~~.

Section 30. Section 590.02, Florida Statutes, is amended to read:

590.02 Florida Forest Service; powers, authority, and duties; liability; building structures; Withlacoochee and Welaka Training Centers ~~Center~~.—

(1) The Florida Forest Service has the following powers, authority, and duties to:

(a) Enforce the provisions of this chapter;

(b) Prevent, detect, and suppress wildfires wherever they may occur on public or private land in this state and do all things necessary in the exercise of such powers, authority, and duties;

(c) Provide firefighting crews, who shall be under the control and direction of the Florida Forest Service and its designated agents;

(d) Appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, forest operations administrators, senior forest rangers, investigators, forest rangers, firefighter rotorcraft pilots, and other employees who may, at the Florida Forest Service's discretion, be certified as forestry firefighters pursuant to s. 633.408(8). Other law notwithstanding, center managers, district managers, forest protection assistant bureau chief, and deputy chiefs of field operations have Selected Exempt Service status in the state personnel designation;

(e) Develop a training curriculum for wildland firefighters which must contain a minimum of 40 hours of structural firefighter training, a minimum of 40 hours of emergency medical training, and a minimum of 376 hours of wildfire training;

(f) Pay the cost of the initial commercial driver license examination fee, and renewal, for those employees whose position requires them to operate equipment requiring a license. This

paragraph is intended to be an authorization to the department to pay such costs, not an obligation;

(g) Provide fire management services and emergency response assistance and set and charge reasonable fees for performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service;

(h) Require all state, regional, and local government agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan;

(i) Authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder; and

(j) Make rules to accomplish the purposes of this chapter.

(2) The Florida Forest Service's employees, and the firefighting crews under their control and direction, may enter upon any lands for the purpose of preventing, detecting, and suppressing wildfires and investigating smoke complaints or open burning not in compliance with authorization and to enforce the provisions of this chapter.

(3) Employees of the Florida Forest Service and of federal, state, and local agencies, and all other persons and entities that are under contract or agreement with the Florida Forest Service to assist in firefighting operations as well as

those entities, called upon by the Florida Forest Service to assist in firefighting may, in the performance of their duties, set counterfires, remove fences and other obstacles, dig trenches, cut firelines, use water from public and private sources, and carry on all other customary activities in the fighting of wildfires without incurring liability to any person or entity. The manner in which the Florida Forest Service monitors a smoldering wildfire or smoldering prescribed fire or fights any wildfire are planning level activities for which sovereign immunity applies and is not waived.

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

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

(5) The Florida Forest Service shall organize its operational units to most effectively prevent, detect, and suppress wildfires, and to that end, may employ the necessary personnel to manage its activities in each unit. The Florida Forest Service may construct lookout towers, roads, bridges, firelines, and other facilities and may purchase or fabricate

tools, supplies, and equipment for firefighting. The Florida Forest Service may reimburse the public and private entities that it engages to assist in the suppression of wildfires for their personnel and equipment, including aircraft.

(6) The Florida Forest Service shall undertake privatization alternatives for fire prevention activities including constructing fire lines and conducting prescribed burns and, where appropriate, entering into agreements or contracts with the private sector to perform such activities.

(7) The Florida Forest Service may organize, staff, equip, and operate the Withlacoochee and Welaka Training Centers ~~Center~~. The centers ~~center~~ shall serve as sites ~~a site~~ where fire and forest resource managers can obtain current knowledge, techniques, skills, and theory as they relate to their respective disciplines, and the centers:~~.~~

(a) ~~The center~~ May establish cooperative efforts involving federal, state, and local entities; hire appropriate personnel; and engage others by contract or agreement with or without compensation to assist in carrying out the training and operations of the centers ~~center~~.

(b) ~~The center~~ Shall provide wildfire suppression training opportunities for rural fire departments, volunteer fire departments, and other local fire response units.

(c) ~~The center~~ Shall focus on curriculum related to, but not limited to, fuel reduction, an incident management system,

prescribed burning certification, multiple-use land management, water quality, forest health, environmental education, and wildfire suppression training for structural firefighters.

(d) ~~The center~~ May assess appropriate fees for food, lodging, travel, course materials, and supplies in order to meet its operational costs and may grant free meals, room, and scholarships to persons and other entities as determined by the Florida Forest Service, regardless of whether training occurs at the Withlacoochee or Welaka Training Center or at another location ~~in exchange for instructional assistance~~.

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

(b) The Madison Forestry Station shall be named the Harvey Greene Sr. Forestry Station. This is to honor Mr. Harvey Greene Sr., a World War I veteran and pioneer in forestry in Madison County. In 1947, Mr. Harvey Greene Sr. offered to give the land on which the forestry station is located to the state; however, at that time, the state could not accept donations of land. Instead, Mr. Harvey Greene Sr. sold the land to the state and, with the proceeds of the sale, purchased forestry equipment to be used by the citizens of Madison County to plant trees and fight wildfires.

(c) The Bonifay Forestry Station shall be named the John Michael Mathis Forestry Station. This is to honor the late Mr. John Michael Mathis, the Chipola Forestry Center manager whose distinguished career spanned 18 years, and who received many awards for his service, including commendation for leadership in wildfire mitigation for his service during Hurricane Michael. Mr. John Michael Mathis was a proud husband, father, forester, and friend.

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

(b) All money received from the disposition of state-owned equipment and vehicles that are used for wildland firefighting shall be retained by the department. Money received pursuant to this section is appropriated for and may be disbursed for the acquisition of exchange and surplus equipment used for wildland firefighting, and for all necessary operating expenditures related to such equipment, in the same fiscal year and the fiscal year following the disposition. The department shall maintain records of the accounts into which the money is deposited.

(10)(a) Notwithstanding the provisions of s. 252.38, the Florida Forest Service has exclusive authority to require and issue authorizations for broadcast burning and agricultural and

silvicultural pile burning. An agency, commission, department, county, municipality, or other political subdivision of the state may not adopt or enforce laws, regulations, rules, or policies pertaining to broadcast burning or agricultural and silvicultural pile burning.

(b) The Florida Forest Service may delegate to a county, municipality, or special district its authority:

1. As delegated by the Department of Environmental Protection pursuant to ss. 403.061(29) and 403.081, to manage and enforce regulations pertaining to the burning of yard trash in accordance with s. 590.125(6).

2. To manage the open burning of land clearing debris in accordance with s. 590.125.

Section 31. Section 595.421, Florida Statutes, is created to read:

595.421 Farmers Feeding Florida Program.—There is established the Farmers Feeding Florida Program to coordinate with Feeding Florida, or its successor entity, for the acquisition, transportation, and distribution of non-Emergency Food Assistance Program fresh food products for the benefit of residents who are food insecure due to a lack of local food resources, accessibility, and affordability.

(1) In order to implement the program, Feeding Florida shall:

(a) Enter into an agreement with the department to provide, at a minimum, all of the following services:

1. Transportation of non-Emergency Food Assistance Program fresh food products using owned vehicles or contracted commercial vehicles.

2. Coordination of the purchase and pickup of food from the purchase location and delivery to the distribution location.

(b) Submit monthly reports to the department, beginning July 1, 2026, which include, at a minimum, all of the following:

1. A detailed record of the amount of food purchased, measured per pound and itemized according to its commodity type.

2. Food purchase locations.

3. Food purchase dates.

4. The date of delivery and locations to which the food was distributed.

(c) Submit quarterly reports, beginning July 1, 2026, to the chairs of the legislative appropriations committees, including all of the following information:

1. A detailed record of the amount of food distributed, measured per pound and itemized according to its commodity type.

2. The distribution locations.

3. An itemized list of the types of commodities distributed.

(2) Foods purchased by Feeding Florida through the program are restricted to charitable purposes for hunger relief and may not reenter the wholesale, retail, or secondary market.

(3) Feeding Florida may not, in implementing this section, allow a candidate for elective office to host a food distribution event during the period of time between the last day of the election qualifying period and the date of the election if the candidate is opposed for election or re-election at the time of the event. This subsection does not apply if the event is in response to a declared state of emergency.

Section 32. Present paragraph (c) of subsection (7) of section 597.004, Florida Statutes, is redesignated as paragraph (d) and amended, a new paragraph (c) is added to that subsection, and paragraph (a) of subsection (2) of that section is amended, to read:

597.004 Aquaculture certificate of registration.—

(2) RULES.—

(a) The department, in consultation with the Department of Environmental Protection, the water management districts, environmental groups, and representatives from the affected farming groups, shall adopt rules to:

1. Specify the requirement of best management practices to be implemented by holders of aquaculture certificates of registration.

2. Establish procedures for holders of aquaculture certificates of registration to submit the notice of intent to comply with best management practices.

3. Establish schedules for implementation of best management practices, and of interim measures that can be taken prior to adoption of best management practices. Interim measures may include the continuation of regulatory requirements in effect on June 30, 1998.

4. Establish a system to assure the implementation of best management practices, including recordkeeping requirements.

5. Require any facility that cultures *Micropterus salmoides* ~~*floridanus*~~ to maintain stock acquisition documentation or records of genetic testing.

(7) REGISTRATION AND RENEWALS.—

(c) The department may not renew a certificate of registration for a facility that is not compliant with this section unless documentation of corrective action is provided with the renewal application.

(d)~~(c)~~ A ~~Any~~ person whose certificate of registration has been revoked or suspended must reapply to the department for certification. A person, a company, or an entity, or a principal of a company or an entity whose certificate of registration has been revoked, may not reapply for a period of 3 years.

Section 33. Paragraph (a) of subsection (5) of section 597.010, Florida Statutes, is amended to read:

597.010 Shellfish regulation; leases.—

(5) LEASES IN PERPETUITY; RENT.—

(a) All leases issued previously under ~~the provisions of~~ s. 379.2525 shall be enforced under the authority of this chapter, notwithstanding any other law to the contrary, and shall continue in perpetuity under such restrictions as stated in the lease agreement. The annual rental fee charged for all leases shall consist of the minimum rate of $15 per acre, or any fraction of an acre, per year and may ~~shall~~ be adjusted on January 1, 1995, and every 5 years thereafter, based on the 5-year average change in the Consumer Price Index. Rent must ~~shall~~ be paid in advance of January 1 of each year or, in the case of a new lease, at the time of signing, regardless of who holds the lease.

Section 34. Paragraphs (b) and (c) of subsection (1) of section 599.012, Florida Statutes, are amended to read:

599.012 Florida Wine Trust Fund; creation.—

(1) There is established the Florida Wine 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:

(b) Promote wine ~~viticulture~~ products manufactured from products grown in the state.

(c) Provide grants for wine and viticultural research.

Section 35. Section 616.001, Florida Statutes, is amended to read:

616.001 Definitions.—As used in this chapter, the term:

(1) "Annual public fair" means a ~~community, county, district, regional, or state~~ fair that is held and conducted by a fair association and permitted by the department pursuant to s. 616.15.

(2) "Authority" means the Florida State Fair Authority.

~~(3) "Community fair" means an annual public fair that serves an area of less than an entire county, has exhibits that are in accordance with s. 616.17, and gives premiums or awards to exhibitors. Agricultural products shall be produced in the community the exhibit represents. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the community the fair represents.~~

(3)~~(4)~~ "Concession" means use by a fair association, or a grant, lease, or license to a third party, of a portion of the land under the ownership, custody, or control of a fair association for specific uses, or the right to enter upon the land for specific purposes, such as providing rides, games, food, beverage, merchandise for sale, exhibits, projects, activities, events, programs, or other uses authorized in this chapter.

~~(5) "County fair" means an annual public fair that serves an entire county and provides exhibitors with premiums or awards~~

~~for exhibits that are in accordance with s. 616.17. Agricultural products must be typical of those produced in the county the exhibit represents. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the county that the fair association represents.~~

(4)~~(6)~~ "Department" means the Department of Agriculture and Consumer Services.

~~(7) "District fair" means an annual public fair that serves at least five counties and has exhibits that meet the requirements of s. 616.17. A district fair shall pay at least $25,000 in cash premiums or awards to exhibitors. Agricultural products must be typical of those produced in the counties the exhibit represents. Livestock may originate from outside the district, but must be registered in the exhibitor's name at least 30 days before the opening day of the fair. Each county is encouraged to have proportionate exhibits, typical of its respective natural resources. Each county shall have exhibits representing basic resources in agriculture and industry.~~

(5)~~(8)~~ "Entry" means one item entered for competition or show. An entry may constitute an exhibit, depending upon the regulations stated in the premium book.

(6)~~(9)~~ "Exhibit" means one or more entries entered for exhibition and constituting a unit. An exhibit may consist of one or more entries, depending upon the regulations stated in the premium book. The term includes parades and displays of

articles or a collection of articles, whether static, interactive, or dynamic, by a fair association or a third party contracting with a fair association, such as exhibits of animals, art, housewares, or motor vehicles.

(7) ~~(10)~~ "Exhibitor" means an individual, a group of individuals, or a business, including a fair association or third party contracting with a fair association, which has an exhibit.

(8) ~~(11)~~ "Fair association" or "association" means an association not for profit incorporated under this chapter for the purpose of conducting and operating public fairs or expositions.

(9) ~~(12)~~ "Public fair or exposition" means a project, activity, event, or program, and use by a fair association, including, but not limited to, the annual public fair, which serves the purposes specified in s. 616.08 and benefits and develops the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of this state, or any county, municipality, or other community in this state.

~~(13) "Regional fair" or "interstate fair" means an annual public fair of this state and other states in which fair exhibits meet the requirements of s. 616.17. Agricultural products must be typical of those produced in the area the exhibit represents.~~

(10) ~~(14)~~ "Specialized show" means a show or an exhibition exhibiting and emphasizing livestock or poultry, or a fruit or vegetable festival, and must meet the minimum exhibit requirements specified in s. 616.17. ~~A specialized show may qualify under one of the definitions in subsections (3), (5), (7), and (15).~~

(11) ~~(15)~~ "State fair" means an annual public fair that serves the entire state. ~~Exhibits must comply with s. 616.17, and cash premiums or awards may be given to exhibitors.~~

Section 36. Section 616.01, Florida Statutes, is amended to read:

616.01 Requirements for ~~Number of persons required; requisites of~~ proposed charter. ~~Twenty-five or more persons who are~~ Residents and qualified electors of the county in which the annual public fair is to be located, who wish to form an association not for profit for the purpose of conducting and operating public fairs or expositions, may become incorporated in the following manner. The applicant must ~~subscribers shall~~ submit the proposed charter to the department for review and approval or denial. If the proposed charter is denied, the department must provide the applicant with a letter sent to the mailing address provided on the proposed charter and include a complete listing of all deficiencies, if any, which must be remedied before resubmittal of the proposed charter for approval. If the proposed charter is approved, the applicant

must ~~subscribers shall~~ sign and present a notarized copy of the proposed charter to the judge of the circuit court for the county in which the principal office of the association will be located. The proposed charter must specify:

(1) The name of the association and the place where the principal office is to be located. The name of the association must ~~shall~~ include the word, "Inc."

(2) The general nature of the objectives and powers of the association, including a provision that the association is incorporated for the sole purpose of conducting and operating public fairs or expositions.

(3) The qualifications and terms of association members and criteria for their admission and expulsion. Provision must ~~may~~ be made in the charter for ex officio membership.

(4) The time for which the association is to exist.

(5) The name and residence of each subscriber.

(6) Procedures for the election of and governance by officers, who may be elected or appointed.

(7) The designation of officers who will manage the affairs of the association until the first election or appointment under the charter.

(8) Procedures for the adoption, amendment, or rescission of bylaws of the association.

(9) The highest amount of indebtedness or liability that may be accrued by the association.

(10) The name an elected member of the board of county commissioners of the county in which the principal office of the association will be located, who will serve as an ex officio member of the board of directors the association.

(11) The official e-mail address of the association which will be used for the purpose of official communication between the association and governmental entities.

(12) The language for the oath that will be taken by the applicant, which must include, but is not limited to, all of the following:

(a) That the primary objective of the association is for public service and to hold, conduct, and promote public fairs or expositions.

(b) That money and other available assets in value exceeding $5,000 have been provided for purposes designated by the association.

(c) That the association will operate in good faith to carry out the purposes and objectives set forth in the charter.

Section 37. Section 616.02, Florida Statutes, is amended to read:

616.02 Fair associations per county ~~Acknowledgment of charter~~.—

(1) Beginning July 1, 2026, there may be only one incorporated fair association per county in this state, excluding the state fair, which may be incorporated and

conducted in any county. The department may not approve a proposed charter incorporating a fair association within the same county in which a fair association currently exists. The department may waive this requirement at the discretion of the Commissioner of Agriculture.

(2) Any fair association incorporated before July 1, 2026, may conduct public fairs or expositions and exercise the authority provided them pursuant to this chapter ~~The proposed charter of a fair association shall be acknowledged by at least three of its subscribers before an officer authorized to make acknowledgment of deeds. Subscribers shall also make and take an oath, which must be attached to the proposed charter, stating that the primary objective of the association is public service and holding, conducting, and promoting public fairs or expositions; that money and other available assets in value exceeding $5,000 have been provided for the purposes of the association; and that the association will operate in good faith to carry out the purposes and objectives set forth in its charter~~.

Section 38. Section 616.03, Florida Statutes, is amended to read:

616.03 ~~Notice of application;~~ Approval and record of charter.—Upon approval by the department, ~~A notice of intention to apply to the circuit court for the charter of a fair association must specify the date that application will be made,~~

~~shall be sent to the department for approval, and shall be published in a newspaper in the county where the principal office of the association will be located once each week for 4 consecutive weeks. The notice must briefly summarize the charter and objectives of the proposed association.~~ the proposed charter must ~~shall~~ be submitted to and approved by the board of county commissioners of the county in which the principal office of the association will be located. After approval by the ~~department and the~~ board of county commissioners, the proposed charter and proof of approval must ~~and publication shall~~ be submitted to the circuit judge ~~on the date specified in the notice~~. If no cause is shown to the contrary and the judge finds that the proposed charter is in proper form and will serve the primary objective of public service, the judge must ~~shall~~ approve the charter and issue an order incorporating the applicant ~~subscribers~~ under the charter for the objectives and purposes specified in the charter. The charter and order of incorporation must ~~shall~~ be recorded in the office of the clerk of the circuit court in the county where the principal office of the association will be located and provided to the department. After the order is recorded, the applicant ~~subscribers~~ and any ~~their~~ associates are incorporated with the objectives and powers established in the charter and under the name given in the charter. ~~During the publication period, the proposed charter shall be on file in the office of the clerk of the circuit court.~~ This section does not

preclude a fair association from also filing its duly approved charter with the Department of State pursuant to chapter 617 for notice purposes.

Section 39. Subsection (2) of section 616.05, Florida Statutes, is amended to read:

616.05 Amendment of charter.—A fair association may propose an amendment to its charter by resolution as provided in its charter or bylaws.

(2) After the department approves the proposed amendment, it will be incorporated into the original charter upon:

(a) ~~Publication of notice in the same manner as provided in s. 616.03;~~

~~(b)~~ Filing the order of the circuit judge approving the amendment with the office of the clerk of the circuit court and the department; and

(b)~~(c)~~ Being recorded in the clerk's office.

If a fair association has filed its charter with the Department of State pursuant to chapter 617, a copy of any amendment to the charter must be filed with the Department of State for notice purposes.

Section 40. Section 616.051, Florida Statutes, is amended to read:

616.051 Dissolving a charter.—

(1) A fair association may dissolve its charter by resolution as provided in its charter or bylaws. The proposal for dissolving the charter shall be submitted to the department for approval.

(2) Upon approval by the department and upon presentation of sufficient evidence demonstrating ~~and publication of notice and proof~~ that all indebtedness has been paid and no claims are outstanding against the association, the circuit judge may, by decree, dissolve the association and order the distribution of its remaining assets. Such assets must be distributed, by resolution of the board of directors, to the county in which the principal office of the association is located unless otherwise specified by the deed of the property held by the association ~~its remaining public funds to be distributed as recommended by the board of directors~~.

Section 41. Subsection (3) of section 616.07, Florida Statutes, is amended, and subsections (1) and (2) of that section are republished, to read:

616.07 Members not personally liable; property of association held in trust; exempt from taxation.—

(1) A member, officer, director, or trustee of a fair association is not personally liable for any of the debts of the association, and money or property of a fair association may not be distributed as profits or dividends among its members, officers, directors, or trustees.

(2) All money and property of the association, except that necessary for the payment of its just debts and liabilities, are public property, shall be administered by the association as trustee, and shall be used exclusively for the legitimate purpose of the association. So long as they are used for that purpose, all money and property of the association are exempt from all forms of taxation, including special assessments, and any projects, activities, events, programs, and uses authorized by this part serve an essential governmental purpose and, therefore, are not taxable and are not subject to assessments. This subsection does not apply to chapter 212.

~~(3) Upon order of the circuit judge, any public funds or property remaining in a fair association when the association is dissolved shall be distributed by resolution of the board of directors to any county or any municipality within the county. The board may designate in the distribution resolution the public project that will benefit from the funds or the manner in which the property will be used. If property has been contributed by a municipality or county, the property shall be reconveyed to the municipality or county that gave the property to the association.~~

Section 42. Section 616.101, Florida Statutes, is amended to read:

616.101 Annual review of accounts and records; review of charter.—

(1) The accounts and records of a ~~every~~ fair association whose annual public fair has an annual attendance of more than 25,000, based upon recorded attendance from the previous year, must ~~shall~~ be reviewed annually by a qualified accountant licensed by the state. A fair association whose annual public fair has an annual attendance of 25,000 or fewer, based upon recorded attendance from the previous year, or a fair association that is holding an annual public fair for the first time, must submit an annual financial statement that has been signed by an officer of the county. The results of the reviews must ~~shall~~ be kept in the official records of each association, available to all directors of the association. A certified copy of the review must ~~shall~~ be filed with the department:

(a) ~~(1)~~ On request by the department to certify expenditures of the premiums awarded to exhibitors of a fair or of building funds if ~~when~~ there is evidence of a violation of state laws; or

(b) ~~(2)~~ When the association is applying for a fair permit.

(2) A fair association shall, every 5 years beginning July 1, 2026, review its charter and submit to the department a certified copy of the charter which incorporates any amendment made during the last 5 years. A designated member of the association shall attest that the charter is accurate and factual when submitting the certified copy to the department.

Section 43. Section 616.15, Florida Statutes, is amended to read:

616.15 Permit from Department of Agriculture and Consumer Services required.—

(1) An annual public fair may not be conducted by a fair association without a permit issued by the department. The association shall present to the department an application for a permit, signed by an officer of the association, at least 90 calendar days ~~3 months~~ before holding the annual public fair. The application must ~~shall~~ be accompanied by a fee in an amount to be determined by the department for processing the application and making any required investigation. The application fee must be at least $183 and may not exceed $366. Fees collected under this subsection shall be deposited in the General Inspection Trust Fund of the State Treasury in a special account to be known as the "Agricultural and Livestock Fair Account." A copy of the application must be sent to each fair association located within 50 miles of the site of the proposed annual public fair at the same time the application is sent to the department. The department may issue a permit if the applicant provides:

(a) The opening and closing dates of the proposed annual public fair.

(b) The name and address of the owner of the central amusement attraction that will operate during the annual public fair.

(c) An affidavit properly executed by the president or chief executive officer of the applicant association certifying the existence of a binding contract entered into by the association and the owner of the central amusement attraction covering the period for which the permit from the department is applied. The contract between the parties must ~~shall~~ be available for inspection by duly authorized agents of the department in administering this chapter.

(d) A copy of the association's charter which incorporates all amendments made ~~A written statement that the main purpose of the association is to conduct and operate a public fair and exposition, including the annual fair, for the benefit and development of the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of the geographical area the fair association represents and serves. The statement must be subscribed and acknowledged by an officer of the association before an officer authorized to take acknowledgments~~.

(e) A premium list of the current annual public fair to be conducted and ~~or~~ a copy of the previous year's premium list showing all premiums and awards to be offered to exhibitors in various departments of the annual public fair, which may

include, but are not limited to, art exhibition;~~,~~ beef cattle;~~,~~ county exhibits;~~,~~ dairy cattle;~~,~~ horticulture;~~,~~ swine;~~,~~ ~~women's department,~~ 4-H Club activities;~~,~~ Future Farmers of America activities;~~,~~ Family, Career and Community Leaders of America ~~Future Homemakers of America activities~~;~~,~~ poultry and egg exhibits;~~,~~ and community exhibits. The premium list, which may be submitted separately from the application, must be submitted at least 60 calendar days before the annual public fair begins operation.

(f) A complete listing of all exhibits required pursuant to s. 616.17 ~~Proof of liability insurance insuring the association against liability for injury to persons, in an amount of not less than $300,000 per occurrence~~.

~~(g) A copy of the most recent review.~~

~~(h) A list of all current members of the board of directors of the association and their contact information, including home address.~~

The department shall issue the permit within 10 calendar days after it receives ~~all~~ the information required by this subsection ~~and the applicant qualifies pursuant to this section~~.

(2) At least 21 calendar days before holding the annual public fair, the association shall present the department with all of the following information:

(a) Proof of liability insurance insuring the association against liability for injury to persons, in an amount not less than $300,000 per occurrence.

(b) A copy of the association's most recent annual financial statement pursuant to s. 616.101.

(c) A list of all current members of the board of directors of the association and their contact information, including mailing addresses.

(3) ~~(2)~~ The department shall administer and enforce ~~the provisions of~~ this chapter except as to the regulation of games, which shall be regulated by local law enforcement agencies. The department shall adopt rules to administer this chapter, including rules governing the form and contents of the application for the permit and any reports that it deems ~~may deem~~ necessary in enforcing the provisions of this chapter.

(4) ~~(3)~~ Notwithstanding any fair association meeting the requirements set forth in subsection (1), the department may order a full investigation to determine if the fair association meets the requirements of this part ~~s. 616.01~~, and may withhold a permit from, deny a permit to, or withdraw a permit once issued to the association. The department shall also consider whether any proposed annual public fair, as set forth in an application for a permit, will compete with another annual public fair within 50 miles of the proposed annual public fair with respect to name, dates of operation, or market. The

department may deny, withhold, or withdraw a permit from a fair association if the department determines that such fair association will compete with another association. The department shall give preference to existing fair associations with established dates, locations, and names. The determination by the department is final.

Section 44. Section 616.251, Florida Statutes, is amended to read:

616.251 Florida State Fair Authority; creation; responsibility for staging annual state fair; exemptions.—

(1) There is created and constituted the "Florida State Fair Authority," a public body corporate and politic, for the purposes and with the powers set forth in this part. Such instrumentality, hereinafter referred to as "the authority," shall have perpetual succession. For the purposes of implementing the intent of this part, the authority shall be considered an instrumentality of the state, subject to the jurisdiction of the state. Any conflict with respect to that jurisdiction will be resolved by the authority and respective state agencies.

(2) The authority shall operate under the supervision of the Commissioner of Agriculture, which supervision may include, but is not limited to, assisting, advising, and making recommendations regarding the financing and operation of the authority. In assisting and advising the authority, the

Commissioner of Agriculture may make appropriate staff of the department available to the authority.

(3) The authority is charged with the responsibility of staging an annual fair to serve the entire state. Cash premiums or awards may be given to exhibitors.

(4) The authority shall be exempt from the requirements of Part I of this chapter.

(5)~~(4)~~ The principal offices of the authority shall be in such place or places in or near the City of Tampa as the authority may from time to time designate.

Section 45. Paragraph (b) of subsection (2) of section 624.4032, Florida Statutes, is amended to read:

(2) For purposes of this section, the term "nonprofit agricultural organization" means an organization that meets all of the following criteria:

(b) Is exempt from federal income tax under s. 501(c)(5) ~~s. 501(c)(3)~~ of the Internal Revenue Code.

Section 46. Subsection (1) of section 843.085, Florida Statutes, is amended, and subsection (5) of that section is republished, to read:

843.085 Unlawful use of badges or other indicia of authority.—

(1) It is unlawful for any person, unless appointed by the Governor pursuant to chapter 354, authorized by the appropriate agency, or displayed in a closed or mounted case as a collection

or exhibit, to wear or display any authorized indicia of authority, including any badge, insignia, emblem, identification card, or uniform, or any colorable imitation thereof, of any federal, state, county, or municipal law enforcement agency, or other criminal justice agency as defined in s. 943.045, with the intent to mislead or cause another person to believe that he or she is a member of that agency or is authorized to display or wear such item, or to wear or display any item that displays in any manner or combination the word or words "police," "patrolman," "patrolwoman," "agent," "sheriff," "deputy," "trooper," "highway patrol," "commission officer," "Wildlife Officer," "Department of Environmental Protection officer," "Marine Patrol Officer," "state attorney," "public defender," "marshal," "constable," "bailiff," ~~or~~ "fire department," "concealed weapon permit," or "concealed weapon permitholder" with the intent to mislead or cause another person to believe that he or she is a member of that agency, if applicable, or is authorized to wear or display such item.

(5) A violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section is cumulative to any law now in force in the state.

Section 47. Section 865.065, Florida Statutes, is amended to read:

865.065 Disparagement of ~~perishable~~ agricultural food products; cause of action; limitation.—

(1) The Legislature finds, determines, and declares that the production of agricultural food products constitutes an important and significant portion of the state economy and that it is imperative to protect the vitality of the agricultural economy for the citizens of this state by providing a cause of action for agricultural producers to recover damages for the disparagement of any ~~perishable~~ agricultural product.

(2) For purposes of this section, the term:

(a)~~(b)~~ "~~Perishable~~ Agricultural food product" means any agricultural or aquacultural food product or commodity grown or produced within this ~~the~~ state for a commercial purpose. The term also includes any agricultural practices used in the production of such products ~~of Florida which is sold or distributed in a form that will perish or decay within a reasonable period of time~~.

(b)~~(a)~~ "Disparagement" means the willful or malicious dissemination to the public in any manner of any false information that a ~~perishable~~ agricultural food product is not safe for human consumption. False information is that information which is not based on reliable, scientific facts and reliable, scientific data which the disseminator knows or should have known to be false.

(c) "Producer" means the person who actually grows or produces ~~perishable~~ agricultural food products.

(3) Any producer or any association representing producers of ~~perishable~~ agricultural food products which suffers damages as a result of another person's disparagement of any such ~~perishable~~ agricultural food product may bring an action for damages and for any other relief a court of competent jurisdiction deems appropriate, including, but not limited to, compensatory and punitive damages, reasonable attorney fees, and costs of the action.

(4) The statute of limitations for disparagement of ~~perishable~~ agricultural food products is 2 years from the date the disparagement occurs.

Section 48. Subsection (27) is added to section 934.02, Florida Statutes, to read:

934.02 Definitions.—As used in this chapter:

(27) "Signal jamming device" means a device or process, such as a phone jammer, global positioning systems blocker, or other similar device designed to intentionally block, jam, or interfere with radio communications, such as cellular and personal communication services, police radar, or global positioning systems.

Section 49. Section 934.51, Florida Statutes, is created to read:

934.51 Possession, use, and sale of signal jamming device; prohibition; exceptions; penalties.—

(1) PROHIBITION.—It is unlawful to possess, manufacture, hold or offer for sale, sell, import, distribute, or use a signal jamming device in this state.

(2) EXCEPTIONS.—This section does not apply to a federal or military law enforcement agency that lawfully installs, places, or uses a signal jamming device as part of a criminal investigation, or to any person duly authorized by the Federal Communications Commission.

(3) PENALTIES.—A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 50. Paragraph (a) of subsection (4) and subsection (6) of section 288.1175, Florida Statutes, are amended to read:

288.1175 Agriculture education and promotion facility.—

(4) The Department of Agriculture and Consumer Services shall certify a facility as an agriculture education and promotion facility if the Department of Agriculture and Consumer Services determines that:

(a) The applicant is a unit of local government as defined in s. 218.369, or a fair association as defined in s. 616.001(8) ~~s. 616.001(11)~~, which is responsible for the planning, design, permitting, construction, renovation, management, and operation of the agriculture education and promotion facility or holds

title to the property on which such facility is to be developed and located.

(6) Funds may not be expended to develop or subsidize privately owned facilities, except for facilities owned by fair associations as defined in s. 616.001(8) ~~s. 616.001(11)~~.

Section 51. For the purpose of incorporating the amendment made by this act to section 287.1351, Florida Statutes, in a reference thereto, subsection (4) of section 287.056, Florida Statutes, is reenacted to read:

287.056 Purchases from purchasing agreements and state term contracts; vendor disqualification.—

(4) A firm or individual placed on the suspended vendor list pursuant to s. 287.1351 or placed on a disqualified vendor list pursuant to s. 287.133 or s. 287.134 is immediately disqualified from state term contract eligibility.

Section 52. For the purpose of incorporating the amendment made by this act to section 287.1351, Florida Statutes, in a reference thereto, subsection (5) of section 287.138, Florida Statutes, is reenacted to read:

287.138 Contracting with entities of foreign countries of concern prohibited.—

(5) The Attorney General may bring a civil action in any court of competent jurisdiction against an entity that violates this section. Violations of this section may result in:

(a) A civil penalty equal to twice the amount of the contract for which the entity submitted a bid or proposal for, replied to, or entered into;

(b) Ineligibility to enter into, renew, or extend any contract, including any grant agreements, with any governmental entity for up to 5 years;

(c) Ineligibility to receive or renew any license, certification, or credential issued by a governmental entity for up to 5 years; and

(d) Placement on the suspended vendor list pursuant to s. 287.1351.

Section 53. For the purpose of incorporating the amendment made by this act to section 500.04, Florida Statutes, in a reference thereto, subsection (1) of section 500.177, Florida Statutes, is reenacted to read:

500.177 Penalty for violation of s. 500.04; dissemination of false advertisement.—

(1) Any person who violates any provision of s. 500.04 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; but, if the violation is committed after a conviction of such person under this section has become final, such person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 54. For the purpose of incorporating the amendment made by this act to section 616.07, Florida Statutes, in a reference thereto, subsection (13) of section 212.08, Florida Statutes, is 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.

(13) LIMITATIONS ON EXEMPTIONS.—No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter

65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.

Section 55. For the purpose of incorporating the amendment made by this act to section 616.15, Florida Statutes, in a reference thereto, section 616.185, Florida Statutes, is reenacted to read:

616.185 Trespass upon grounds or facilities of public fair; penalty; arrests.—

(1) For the purposes of this chapter, trespass upon the grounds of the Florida State Fair Authority or any other fair association permitted under s. 616.15 means:

(a) Entering and remaining upon any grounds or facilities owned, operated, or controlled by the Florida State Fair Authority or any other association permitted under s. 616.15 and committing any act that disrupts the orderly conduct of any authorized activity of the fair association in charge, or its lessees, licensees, or the general public on those grounds or facilities; or

(b) Entering and remaining on those grounds or facilities after being directed not to enter or to leave them by the executive director of the authority, chief administrative officer of the fair association, or any employee or agent of the association designated by the executive director or

administrator to maintain order on those grounds and facilities, after a determination by the executive director, administrator, employee, or agent that the entering or remaining on those grounds or facilities is in violation of the rules and regulations of the Florida State Fair Authority or permitted fair association or is disrupting the orderly conduct of any authorized activity of the fair association in charge, or its lessees, licensees, or the general public on those grounds or facilities.

(2) Any person committing the offense of trespass upon the grounds of the Florida State Fair Authority or any other fair association permitted under s. 616.15 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A law enforcement officer may arrest any person on or off the premises, without a warrant, if the officer has probable cause for believing such person has committed the offense of trespass upon the grounds of the Florida State Fair Authority or any fair association permitted under s. 616.15. Such an arrest does not render the law enforcement officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

Section 56. This act shall take effect July 1, 2026.

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

Remove lines 3-173 and insert:

Consumer Services; creating s. 125.489, F.S.; defining the terms "gasoline-powered farm equipment" and "gasoline-powered landscape equipment"; prohibiting counties from enacting or enforcing any law that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment or that distinguishes such equipment from any other equipment under certain circumstances; providing construction; amending s. 163.3164, F.S.; defining the terms "ecologically significant parcel" and "low-density municipality"; amending s. 163.3202, F.S.; prohibiting an application for a development on an ecologically significant parcel in a low-density municipality from being administratively approved without an attestation provided by the developer; specifying requirements for such attestation; providing applicability; specifying requirements for the attestation included in certain applications; providing for a waiver; creating s. 166.063, F.S.; defining the terms "gasoline-powered farm equipment" and "gasoline-powered landscape equipment"; prohibiting municipalities from enacting or enforcing any law that restricts or prohibits the use of

gasoline-powered farm equipment or gasoline-powered landscape equipment or that distinguishes such equipment from any other equipment under certain circumstances; providing construction; amending s. 212.055, F.S.; conforming a cross-reference; making a technical change; amending s. 253.0341, F.S.; requiring the Acquisition and Restoration Council to determine whether certain surplused lands are suitable for bona fide agricultural purposes; prohibiting a local governmental entity from transferring future development rights for certain surplused lands determined to be suitable for bona fide agricultural purposes; requiring the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, to determine whether specified state-owned conservation lands are suitable for bona fide agricultural purposes; authorizing the Department of Environmental Protection to surplus state-owned lands determined to be suitable for bona fide agricultural purposes; requiring the Department of Environmental Protection to retain a rural-lands-protection easement for such surplused lands; requiring that all proceeds from the sale of such surplused lands be deposited in the Department of Agriculture and Consumer Service's Incidental Trust

Fund for less than fee simple; requiring the Department of Environmental Protection to annually provide a report of such surplused lands to the Board of Trustees of the Internal Improvement Trust Fund; prohibiting certain lands from being surplused; amending s. 259.1053, F.S.; deleting provisions relating to the Babcock Ranch Advisory Group; amending s. 287.1351, F.S.; revising circumstances under which a vendor is prohibited from submitting a bid, proposal, or reply to an agency or from entering into or renewing any contract to provide goods or services to an agency; amending s. 322.12, F.S.; providing penalties for an applicant for a commercial driver license who receives unauthorized assistance on certain portions of the examination; amending s. 322.36, F.S.; prohibiting a person from knowingly or willfully providing unauthorized assistance to an applicant for the examination required to hold a commercial driver license; repealing ss. 377.71, 377.711, and 377.712, F.S., relating to definitions and the Southern States Energy Compact, Florida as party to the Southern States Energy Compact, and Florida's participation in the Southern States Energy Board, respectively; amending s. 403.0855, F.S.; deleting provisions relating to legislative approval

of certain rules adopted by the Department of Environmental Protection; revising requirements for permittees of biosolids land application sites; deleting an obsolete provision; amending s. 482.071, F.S.; requiring certain persons applying for a pest control business license or renewal to provide the department with a certificate of insurance; specifying requirements for such certificate of insurance; amending s. 482.161, F.S.; revising the severity of an administrative fine for violations of certain provisions; amending s. 482.165, F.S.; revising civil penalties; amending s. 489.105, F.S.; defining the terms "subcontractor" and "supplier"; creating s. 489.1295, F.S.; prohibiting licensed contractors or persons holding themselves out as such from failing to pay their subcontractor or supplier within a specified timeframe without reasonable cause after receiving payment for the services the subcontractor or supplier performed; providing penalties; amending s. 500.04, F.S.; revising the list of prohibited acts related to the prevention of fraud, harm, adulteration, misbranding, or false advertising in the preparation, production, manufacture, storage, or sale of food; repealing s. 500.81, F.S., relating to the Healthy Food Financing Initiative; amending s. 500.93, F.S.;

making a technical change; amending s. 501.013, F.S.; authorizing the Department of Agriculture and Consumer Services to provide an exemption from certain health studio regulations; creating s. 501.062, F.S.; providing legislative intent; defining the terms "commercial solicitation" and "dwelling"; prohibiting a person from engaging in commercial solicitation under certain circumstances; providing construction; providing penalties; amending s. 570.07, F.S.; authorizing the Department of Agriculture and Consumer Services to reorganize departmental units upon the approval of the Commissioner of Agriculture; amending s. 570.822, F.S.; providing additional eligibility requirements for the Agriculture and Aquaculture Producers Emergency Recovery Loan Program; creating s. 570.832, F.S.; requiring the Florida Wildflower Foundation, in coordination with the Department of Agriculture and Consumer Services, to establish the Florida Native Seed Research and Marketing Program, subject to legislative appropriation; providing the purpose of the program; creating s. 570.846, F.S.; establishing the Food Animal Veterinary Medicine Loan Repayment Program; providing the purpose of the program; providing definitions; providing eligibility requirements for the program; authorizing the

Department of Agriculture and Consumer Services to make loan principal repayments on behalf of eligible candidates up to a certain amount for a specified timeframe, subject to legislative appropriation; providing construction; authorizing the Department of Agriculture and Consumer Services to adopt rules; amending s. 570.85, F.S.; prohibiting a local government from requiring a property owner to obtain a rural event venue permit or license; amending s. 570.86, F.S.; defining "rural event venue"; amending s. 583.01, F.S.; revising the definition of the term "dealer"; amending s. 590.02, F.S.; revising the Florida Forest Service powers, authority, and duties; authorizing the Forest Service to manage the Welaka Training Center; conforming provisions to changes made by the act; authorizing the Withlacoochee or Welaka Training Centers to assess certain fees as determined by the Florida Forest Service, regardless of where certain training occurs; creating s. 595.421, F.S.; establishing the Farmers Feeding Florida Program for specified purposes; requiring Feeding Florida to take certain actions to implement the program; prohibiting the food purchased by Feeding Florida through such program from re-entering the wholesale, retail, or secondary market; prohibiting a candidate for elective

office from hosting a food distribution event under certain circumstances; providing nonapplicability; amending s. 597.004, F.S.; prohibiting the Department of Agriculture and Consumer Services from renewing a certificate of registration for a noncompliant facility unless certain documentation is provided with the renewal application; prohibiting entities whose certificate of registration has been revoked from reapplying for a specified period of time; amending s. 597.010, F.S.; authorizing, rather than requiring, the periodic adjustment of the annual rental fee charged for certain leases; amending s. 599.012, F.S.; making technical changes; amending s. 616.001, F.S.; revising and deleting definitions relating to public fairs and expositions; amending s. 616.01, F.S.; revising application requirements for a proposed charter for an association to conduct a public fair or exposition; requiring the Department of Agriculture and Consumer Services to provide an applicant for a proposed charter with specified information upon the denial of a proposed charter; revising requirements for information that must be included in the proposed charter; amending s. 616.02, F.S.; limiting the number of incorporated state fair associations per county; providing construction; authorizing the Department of

Agriculture and Consumer Services to waive certain requirements at the discretion of the commissioner; authorizing fair associations incorporated before a certain date to conduct their affairs; deleting provisions relating to requirements for a proposed charter; amending s. 616.03, F.S.; revising requirements for the approval and recordation of the charter; amending s. 616.05, F.S.; revising the process by which a proposed charter amendment is incorporated into the original charter; amending s. 616.051, F.S.; revising the circumstances under which a circuit judge is authorized to dissolve an association and order the distribution of its remaining assets; requiring that such assets be distributed to certain counties; s. 616.07, F.S.; deleting provisions relating to distribution of public funds after the dissolution of an association; amending s. 616.101, F.S.; specifying the basis for annual public fair attendance records; requiring a fair association to review its charter every 5 years and submit an updated copy of the charter to the Department of Agriculture and Consumer Services; requiring a designated member of the association to make an attestation; amending s. 616.15, F.S.; revising the information that an applicant must submit

to the Department of Agriculture and Consumer Services for the department to issue a permit for an association to conduct a fair; revising the timeframe within which the Department of Agriculture and Consumer Services is required to issue the permit upon the receipt of specified information; amending s. 616.251, F.S.; exempting the Florida State Fair Authority from specified provisions; amending s. 843.085, F.S.; prohibiting a person from wearing or displaying an item that displays the words "concealed weapon permit" or "concealed weapon permit holder" with the intent to mislead another to believe that the person is authorized to wear or display such item; amending s. 624.4032, F.S.; amending a definition; amending s.

HB 543

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 543	**COMPANION BILL:** SB 1274 (DiCeglie)
TITLE: Transportation	**LINKED BILLS:** None
SPONSOR(S): McFarland	**RELATED BILLS:** None

Committee References

Commerce ➤ Ways & Means ➤ Budget ➤ State Affairs

SUMMARY

Effect of the Bill:
The bill addresses several matters related to state transportation policy, including:

- Yellow light intervals;
- Traffic signal modernization funding;
- Digital driver licenses and identification;
- Uses of automated license plate readers by private entities;
- Florida Department of Transportation contracting;
- Motor vehicle exhaust systems and noise limits;
- Definitions and regulation of micromobility devices, off-highway vehicles, and electric bicycles;
- Titling and registering golf carts converted to low-speed vehicles;
- Seaport uses; and
- Motor fuel use taxes.

Fiscal or Economic Impact:
The bill appears to have a negative impact on state government expenditures.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill addresses several matters related to state transportation policy.

Traffic Signals

Yellow Light Intervals
The bill requires the Florida Department of Transportation (FDOT) to increase the minimum perception reaction time of all steady yellow traffic signals in the state by 0.4 seconds. (Section 1)

Traffic Signal Modernization
The bill requires FDOT to implement a "Next-generation Traffic Signal Modernization Grant Program" for the purpose of assisting counties and municipalities in upgrading eligible signalized intersections with certain updated technology. The program replaces the Next-generation Traffic Signal Modernization Program created by the Legislature in 2025.[1] The bill provides legislative findings regarding the importance of modern signal controls that implement updated technology for the benefit of the state's economic and public safety. (Section 20)

[1] *See* Ch. 2025-149, Laws of Fla., codified at s. 339.85, F.S.

The bill requires FDOT to implement a state-local partnership through a cost-sharing arrangement and authorizes FDOT to fund up to 80% of eligible costs for first-year pilot corridors and up to 50% of ensuing year research, development, and installation. The bill provides that ongoing maintenance after signal modernization is the responsibility of the local government and the vendor. The bill also allows FDOT to waive any local match requirement for state-owned or state-operated intersections. (Section 20).

The bill requires FDOT to prioritize grant applications for intersections at which a signal modernization will measurably:

- Reduce average control delay and corridor travel times.
- Improve surrogate safety measures and support emergency vehicle preemption.
- Provide transit signal priority and multimodal benefits to pedestrians and cyclists.

The bill requires FDOT to use competitive procurement to find vendors that comply with leading cybersecurity standards to ensure robust data protection. (Section 20)

The bill provides that the grant program must:

- Require open, interoperable, and secure systems that avoid "vendor lock in" and protect cybersecurity.
- Ensure data transparency through standardized performance dashboards and annual public reports demonstrating benefits relative to cost.
- Coordinate with metropolitan planning organizations, regional traffic management centers, and law enforcement, fire rescue, and transit agencies to maximize systemwide benefits.
- Encourage use of state-based pilot programs, sandboxes, and independent evaluations to validate performance before large-scale rollout.
- Support workforce development and local operations staff training so upgrades remain effective over the life of the equipment. (Section 20)

The bill requires that, beginning in fiscal year 2026-2027, $20 million will be appropriated annually from the State Transportation Trust Fund to FDOT to fund the Next-generation Traffic Signal Modernization Grant Program. (Section 20)

Driver and Vehicle Data Privacy

Digital Driver Licenses and Identification

The bill provides technical requirements related to electronic credentialing systems developed pursuant to a contract with the Department of Highway Safety and Motor Vehicles (DHSMV) for purposes of establishing an optional digital proof of driver license or identification card. (Section 17)

The bill requires that electronic credentialing systems must:

- Require the explicit consent of the credentialholder[2] before performing any communication.
- Provide offline cryptographic verification mechanisms that:
  - Do not require communication with DHSMV.
  - Are fully auditable and interoperable with open standards.
  - Preserve the anonymity and unlinkability of transactions unless explicitly waived by the credentialholder.
- Adhere to fair information practice principles,[3] including collecting only the minimum data strictly necessary to fulfill the stated purpose of verification.
- Collect data only for a single, clearly defined, and limited purpose that is explicitly communicated to the credentialholder.

[2] The bill defines "credentialholder" to mean "a person who is issued a digital proof of driver license or identification card."
[3] The bill defines "fair information practice principles" to mean "internationally recognized privacy principles, including data minimization, purpose specification, use limitation, transparency, and strict data retention controls."

- Ensure that data is not reused, repurposed, shared, or transmitted beyond the initial purpose without the explicit consent of the credentialholder.
- Securely delete data or render data irreversibly anonymized immediately upon fulfillment of the stated purpose unless a longer retention period is required by law and narrowly tailored to that legal necessity.
- Implement measures to ensure record integrity.[4] The electronic credentials must be verified based solely on the record integrity and without relying on third parties.
- Implement verifiable receipt mechanisms that ensure any changes made to electronic credentials are independently confirmable and auditable by any relying party. (Section 17)

The bill requires that electronic credential verifiers must:

- Perform full cryptographic validation of electronic credential authenticity, integrity, and issuer attribution without requiring online access to external systems, the department's systems, or any state system.
- Retain only temporary user-authorized verification data that is strictly necessary for the transaction.
- Create written strict data minimization principles that must be provided to a credentialholder upon request.
- Provide a credentialholder with the ability to audit verification requests and control the sharing of electronic credential attributes. (Section 17)

The bill requires that electronic credentials must:

- Be issued as tamper-evident, cryptographically verifiable statements capable of being selectively disclosed.
- Contain clear metadata specifying cryptographic material necessary for independent verification.
- Be controlled by the credentialholder, who may choose to disclose only the minimum information necessary for a transaction.
- Use a cryptographically derived identifier format that:
    - Is capable of secure key rotation, recovery, delegation, and revocation without requiring a centralized registry or continuous third-party oversight.
    - Rotates cryptographic keys without requiring reissuance or reregistration with a central authority.
    - Is resolvable to metadata that contains authentication and authorization material without dependence on a single service endpoint or central registry.
    - Implements delegation, recovery, and secure binding to cryptographic keys without requiring persistent correlatable identifiers across contexts. (Section 17)

The bill authorizes a private entity that scans a digital proof of driver license or identification to store, sell, or share personal information collected from such scan only if the credentialholder has provided "clear, informed, and revocable consent" and the private entity's retention "serves a legally justified, narrowly tailored, and time-limited purpose." The bill provides that a private entity that stores, sells, or shares such personal information contrary to this subsection is subject to suspension of eligibility in DHSMV's electronic credentialing system and public disclosure of the private entity's noncompliance. (Section 17)

The bill provides that courts must afford strict scrutiny to any unnecessary government or commercial surveillance or remote verification practices that do not comply with the bill. (Section 17)

[4] The bill defines "record integrity" to mean "the capability of ensuring historical continuity and verifiability of electronic credentials by maintaining a tamper-evident, append-only record of digital driver license and identification card issuance, renewal, replacement, or revocation."

Automated License Plate Readers

The bill provides that a private entity may install an automated license plate recognition system solely for use on and within the property owned or controlled by the entity and for a public safety-related purpose, subject to the conditions that the private entity:

- May not access motor vehicle registration data generated by the system, except to the extent that such data cannot reasonably be linked to an identified or identifiable individual.
- May not share or sell images or data generated by the system, except to the extent required to respond to a lawful request from a law enforcement agency.
- Must contractually obligate any third party that installs, maintains, or operates the system to protect the images or data generated by the system from disclosure, including a prohibition on sharing or selling such images or data, except to the extent required to respond to a lawful request from a law enforcement agency.
- May not offer or provide as payment or other consideration any portion of the proceeds derived from a fine or charge imposed based on images or data generated by the system to any third party that installs, maintains, or operates the system. (Section 12)

FDOT Contracting

Payments to Subcontractors

The bill authorizes FDOT to make direct payments to first-tier subcontractors and deduct such amounts otherwise due the contractor if:

- The contractor has not requested payment from FDOT for at least 6 months.
- There is a binding, written subcontract between the contractor and the subcontractor, and FDOT is in possession of a complete copy of the subcontract.
- The subcontractor has performed work that is unpaid by the contractor, and FDOT has sufficient documentation of such unpaid work.
- There is no bona fide, documented dispute between the contractor and the subcontractor. (Section 18)

Sureties

The bill requires that sureties engaged by FDOT to perform for a defaulted contractor must meet the same prequalifications required of the original contracting bid solicitation. Further, the bill requires the surety to follow the contract's procedures regarding the completion contractor default and certification of disbursement of payment to subcontractors. (Section 19)

Vehicle Regulation

Exhaust System Noise Regulation

The bill repeals sections 316.272 and 316.293, F.S., which regulate noise levels produced by motor vehicle exhaust systems based on specified decibel levels. The bill adds a new provision governing exhaust pipe noise. Under the bill, the standard for excessive exhaust noise will be whether it is "plainly audible from a distance of 100 feet or more." (Sections 14 and 15)

Off-Highway Vehicles

The bill expands the definition of the term "off-highway vehicles" by including "other vehicle[s] with motive power specifically designed by the manufacturer." The expanded definition appears to cover e-motos and other electronically powered vehicles similar to off-highway motorcycles (OHMs), which are two-wheeled vehicles used off roads or highways excluding tractors, mopeds, or electric bicycles.[5] The bill prohibits operation of off-highway vehicles on public sidewalks. The bill provides that an initial violation of this prohibition is punishable as a moving violation, while a second or subsequent violation will be punishable as a second-degree misdemeanor. (Sections 8 and 9)

[5] S. 261.03(4), F.S.

Micromobility Devices
The bill narrows the definition of "micromobility device" by removing traditional bicycles and generally limiting the scope to electric bicycles and motorized scooters. This change has the effect of ensuring that traditional human-powered bicycles are not subject to local regulations and ordinances governing micromobility devices, including age limits. (Section 11)

Electric Bicycles
The bill clarifies that an "electric bicycle" is not subject to regulations for traditional motorized vehicles. (Section 11)

Golf Cart Conversions
The bill allows a golf cart that is converted into a low-speed vehicle to be titled and registered for operation on roads with speed limits not exceeding 35mph without inspection by DHSMV, if the owner of the converted vehicle submits a written affidavit that the vehicle complies with the requirements of Chapter 316, F.S., for classification as a low-speed vehicle. (Section 16)

Seaport Operations

The bill provides requirements for seaports that are located in counties with designated spaceport territory and that use land, facilities, or infrastructure for the purpose of supporting spacecraft launch and recovery operations. Each such seaport:

- Beginning February 1, 2027, must submit to the chair of Space Florida and post on its website an annual report describing all measures the seaport has taken to support the commercial space launch industry.[6]
- May not convert any planned or existing land, facility, or infrastructure that supports cargo purposes[7] to any alternative purpose unless all of the following conditions are met:
    - The governing body of the seaport provides public notice[8] at least 30 days before holding a public meeting on the proposed conversion.
    - The governing board of the seaport, at least 30 days before holding a public meeting on the proposed conversion, prominently posts on the seaport's website a report estimating the impact of the conversion on the cargo operations of the seaport.
    - The conversion is approved by a two-thirds vote of the governing board of the seaport at a publicly noticed meeting as a separate item on the agenda and with a reasonable opportunity for public comment. (Section 10)

Motor Fuel Use Tax

The bill renames the Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981 as the "Florida Motor Fuel Use Tax Act" and revises the Act to bring it into conformance with the International Fuel Tax Agreement (IFTA). (Sections 2, 3, 4, 5, 6, 7)

As defined in the bill, the IFTA is a "reciprocal agreement among certain states of the United States, provinces of Canada, and other member jurisdictions which provides for the administration, collection, and enforcement of taxes on the basis of fuel consumed or distance accrued, or both, in member jurisdictions." The bill revises existing definitions in the Act to align them with the IFTA. In particular, the bill replaces the term "commercial motor vehicle" with the term "qualified motor vehicle" and revises the definition of "motor fuel" to include all forms of

[6] The bill defines "commercial space launch industry" to mean "any company substantially engaged in the transport, operation, and recovery of space launch or landing services with active maritime operations."
[7] The bill defines "cargo purposes" to mean "any facility, activity, property, energy source, or infrastructure asset that is not intended to facilitate the transport of passengers and includes, but is not limited to, such facilities, activities, properties, energy sources, or infrastructure assets that support spaceport activities."
[8] The public notice required by the bill must conform to the requirements of s. 50.011, F.S., regarding publication of civil legal notices.

fuel used by qualified motor vehicles, including, among other energy sources, hydrogen, natural gas, biodiesel, and electricity.[9] The bill excludes recreational vehicles from the term "qualified motor vehicles." (Section 3)

The bill requires that DHSMV or its authorized agent to issue fuel tax decals and temporary fuel-use permits for each qualified motor vehicle. Further, the bill requires that fuel tax decal renewal orders be submitted electronically through a system set up by DHSMV, beginning October 1, 2026. (Section 4)

The bill changes the filing deadline for motor fuel use taxes from the beginning of designated months to the end of those months, while extending deadlines falling on holidays or weekends to the next day that is not a holiday or weekend. (Section 5)

The bill provides that the interest charged for delinquent motor fuel use taxes will be determined in accordance with the IFTA. The bill provides that anyone who counterfeits or alters fuel tax licenses, fuel tax decals, or temporary fuel-use permits commits a third-degree felony as provided in Chapter 775, F.S. (Section 6)

The bill provides that a person discontinuing the usage of fuel tax decals must destroy the decals and notify DHSMV of their destruction. (Section 7)

The bill updates cross-references and makes other conforming changes in accordance with the provisions of the bill. (Sections 21 to 36)

The bill provides an effective date of July 1, 2026. (Section 37)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill appears to have a negative impact on state government expenditures. The bill appropriates $20 million annually from the State Transportation Trust Fund for purposes of funding the Next-generation Traffic Signal Modernization Grant Program created by the bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Department of Transportation (FDOT)

FDOT is an executive agency responsible for providing a safe statewide transportation system that promotes the efficient movement of people and goods, supports the state's economic competitiveness, prioritizes Florida's environment and natural resources, and preserves the quality of life and connectedness of the state's communities.[10] Florida law requires FDOT to annually develop and adopt a tentative work program, a five-year plan to maximize FDOT's production and service capabilities and to capitalize on the innovative use of resources, increased productivity, reduced cost, and strengthened organizational effectiveness and efficiency.[11] The tentative work program must be submitted to the Florida Legislature, the Florida Transportation Commission, the

[9] The bill defines "motor fuel" to mean "any fuel placed in the fuel supply storage unit of a qualified motor vehicle, including an alternative fuel such as pure methanol, ethanol, or other alcohol; a blend of 85 percent or more alcohol with gasoline; natural gas and liquid fuel produced from natural gas; propane; coal-derived liquified fuel; hydrogen; electricity; pure biodiesel (B100) fuel, other than alcohol, derived from biological materials; P-series fuel; or any other type of fuel or energy used to propel a qualified motor vehicle."

[10] S. 20.23, F.S.; FDOT, *About FDOT*, https://www.fdot.gov/agencyresources/aboutfdot.shtm (last visited Jan. 15, 2026).

[11] S. 339.135, F.S.; FDOT, *Work Program Instructions, FY 26/27 – 30/31*, Sep. 5, 2025, Part II, Chapter 1, at page 3, available at https://fdotewp1.dot.state.fl.us/fmsupportapps/Documents/development/WorkProgramInstructions.pdf (last visited Jan. 15, 2026).

Department of Commerce, and the Executive Office of the Governor for review.[12] On July 1 of each year, the tentative work program, as conformed to the Legislature's appropriations act, becomes FDOT's adopted work program.[13] An adopted work program may be amended in accordance with the certain procedural requirements, including a comment period for each affected county and municipality, an opportunity for review by legislative members and substantive committee chairs, and final approval by the Governor.[14]

FDOT Contracting

FDOT may enter into contracts for the construction and maintenance of all roads on the State Highway System, the State Park Road System, or any other road under its supervision.[15] FDOT may also enter into contracts for the construction and maintenance of rest areas, weigh stations, and other structures used in connection with such facilities. However, these contracts do not create third-party beneficiary rights in any person that is not a party to the contract.[16]

Driver and Vehicle Data Privacy

Digital Proof of Driver License or Identification

Since 2014, the Department of Highway Safety and Motor Vehicles (DHSMV) has been required to prepare for the development of a secure and uniform system for issuing an optional digital proof of driver license. DHSMV may contract with one or more private entities to develop a digital proof of driver license system.[17] The digital proof of driver license must be in such a format as to allow law enforcement to verify the authenticity of the digital proof of driver license.[18] DSHMV has authority to adopt rules to ensure valid authentication of digital driver licenses by law enforcement.[19]

Florida law provides that a private entity that scans a digital proof of driver license or identification card may not store, sell, or share personal information collected from such scanning of the digital proof of driver license or identification card, except with informed consent of the individual.[20]

Automated License Plate Recognition Systems

An automatic license plate recognition system (ALPRS) is a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.[21] An ALPRS scans and captures optical license plate information, and can store the digital image of the license plate, the time, date, location of the image capture, and the capturing camera information.[22] Stored ALPR data does not include any Personal Identifying Information (PII) of individuals associated with the license plate.[23] Obtaining personal information associated with license plate information requires a separate, legally authorized, inquiry to another restricted-access database.[24]

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[12] *Id.*
[13] *Id.*
[14] S. 339.135(7), F.S.
[15] S. 337.11(1), F.S.
[16] *Id.*
[17] S. 322.032(2), F.S.
[18] S. 322.032(3), F.S.
[19] *Id.*
[20] S. 322.032(7), F.S.
[21] S. 316.0777, F.S.
[22] Criminal and Juvenile Justice Information System, *Guidelines for the Use of Automated License Plate Readers*, Nov. 13, 2024, at page 1, available at https://www.fdle.state.fl.us/getContentAsset/dcdfae6a-0ec7-45e8-9112-b21f0d3415bb/73aabf56-e6e5-4330-95a3-5f2a270a1d2b/CJJIS-Council-ALPR-Guidelines-Revised-Approved-on-11-13-2024.pdf?language=en (last visited Jan. 15, 2026).
[23] *Id.*
[24] *Id.*

Historically, ALPRS systems have been used by law enforcement to compare and identify vehicles for law enforcement purposes such as detection, identification, and recovery of stolen vehicles, wanted persons, missing or endangered persons, and persons wanted for crimes.[25] Florida law provides that records gathered by law enforcement agencies that contains images and data generated through the use of an ALPRS is subject to the retention schedule established by the Department of State.[26] The retention period for such information is prescribed by rule and requires license plate recognition records to be retained until obsolete, superseded, or their administrative value is lost, but for no longer than three years unless retention is otherwise required.[27]

Florida law provides circumstances in which an ALPRS may be installed within the right-of-way at the request of a law enforcement agency and for the purpose of collecting active criminal intelligence information or active criminal investigative information.[28] However, an ALPR cannot be used to issue a notice of violation for a traffic infraction or a uniform traffic citation.[29] However, Florida law is silent regarding the use of an ALPRS by private sector persons.

Some private ALPRS companies compile data into a private database, sometimes in combination with AI-powered recognition technology, and partner with local governments and law enforcement agencies to install and gain access to their private database.[30] One such company active in Florida, Flock Safety, states on its website that its customers own the data it collects, and that it never shares data without the consent of the contracting customer.[31]

Motor Vehicle Registration Data

The Florida Department of Highway Safety and Motor Vehicles (DHSMV) maintains the Driver and Vehicle Information Database (DAVID), a multifaceted database that affords immediate retrieval of driver and motor vehicle information.[32] Personal information stored in DAVID is protected by the federal Driver's Privacy Protection Act (DPPA),[33] which restricts access to such records with specified exceptions, such as a law enforcement agency acting in its official capacity to carry out its duties.[34] Certain private entities also meet an exception for specified purposes, including:

- Auto Manufacturers, for recalling vehicles or parts.
- Government agencies or private companies, to verify accuracy of personal information.
- Towing Companies, to notify owners of towed or impounded vehicles.
- Companies such as bus lines, verifying information on their commercial drivers.
- Any person or agency that receives written permission from the individual whose information is being accessed.[35]

Fair Information Practice Principles

The "Fair Information Practice Principles" (FIPPs) are a collection of widely accepted principles that agencies use when evaluating information systems, processes, programs, and activities that affect individual privacy.[36] FIPPs are

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[25] *Id.*
[26] S. 316.0778(2), F.S. The Department of State must establish a retention schedule for records containing images and data generated through the use of an automated license plate recognition system.
[27] R. 1B-24.003, F.A.C.
[28] S. 316.0777(2)(b), F.S.
[29] *Id.*
[30] Jeff Burlow, *TPD confirms use of controversial Flock cameras amid commission concerns*, Tallahassee Democrat, (Dec. 12, 2025), https://www.tallahassee.com/story/news/local/2025/12/12/tallahassee-police-department-confirms-use-of-flock-cameras-license-plate-readers/87721042007/ (last visited Jan. 15, 2026).
[31] Flock Safety, *Does Flock Share Data With ICE or Federal Agencies?*, Jan. 6, 2026, https://www.flocksafety.com/blog/does-flock-share-data-with-ice-or-federal-agencies (last visited Jan. 15, 2026).
[32] DHSMV, *Driver and Vehicle Information Database (DAVID)*, https://www.flhsmv.gov/courts-enforcement/david/ (last visited Jan. 15, 2026).
[33] 18 U.S.C. § 2721.
[34] DHSMV, *Driver Privacy Protection Act*, https://www.flhsmv.gov/privacy-statement/driver-privacy-protection-act/ (last visited Jan. 15, 2026).
[35] *Id.*

general principles that can be applied as needed by an agency according to its particular mission and privacy program requirements. The principles are:

- **Access and Amendment.** Agencies should provide individuals with appropriate access to PII and appropriate opportunity to correct or amend personally identifiable information (PII).
- **Accountability.** Agencies should be accountable for complying with these principles and applicable privacy requirements, and should appropriately monitor, audit, and document compliance. Agencies should also clearly define the roles and responsibilities with respect to PII for all employees and contractors, and should provide appropriate training to all employees and contractors who have access to PII.
- **Authority.** Agencies should only create, collect, use, process, store, maintain, disseminate, or disclose PII if they have authority to do so, and should identify this authority in the appropriate notice.
- **Minimization.** Agencies should only create, collect, use, process, store, maintain, disseminate, or disclose PII that is directly relevant and necessary to accomplish a legally authorized purpose, and should only maintain PII for as long as is necessary to accomplish the purpose.
- **Quality and Integrity.** Agencies should create, collect, use, process, store, maintain, disseminate, or disclose PII with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual.
- **Individual Participation.** Agencies should involve the individual in the process of using PII and, to the extent practicable, seek individual consent for the creation, collection, use, processing, storage, maintenance, dissemination, or disclosure of PII. Agencies should also establish procedures to receive and address individuals' privacy-related complaints and inquiries.
- **Purpose Specification and Use Limitation.** Agencies should provide notice of the specific purpose for which PII is collected and should only use, process, store, maintain, disseminate, or disclose PII for a purpose that is explained in the notice and is compatible with the purpose for which the PII was collected, or that is otherwise legally authorized.
- **Security.** Agencies should establish administrative, technical, and physical safeguards to protect PII commensurate with the risk and magnitude of the harm that would result from its unauthorized access, use, modification, loss, destruction, dissemination, or disclosure.
- **Transparency.** Agencies should be transparent about information policies and practices with respect to PII, and should provide clear and accessible notice regarding creation, collection, use, processing, storage, maintenance, dissemination, and disclosure of PII.[37]

Traffic & Transportation Safety

Traffic Signals

Florida law provides guidelines for traffic signal control devices and requires all traffic control signals displayed at roadway intersections to display green, red, and yellow.[38] Traffic signals are required to display a yellow ("caution") light between the green ("go") signal and the red ("stop") signal, but does not mandate how long a yellow warning light should last.[39]

FDOT is required to adopt a uniform system of traffic control devices for use on the streets and highways of the state.[40] To meet this requirement, it has adopted the U.S. Department of Transportation, Federal Highway

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[36] Federal Privacy Council, *Fair Information Practice Principles (FIPPs)*, https://www.fpc.gov/resources/fipps/ (last visited Jan. 15, 2026).
[37] *Id.*
[38] S. 316.075, F.S.
[39] 316.075(3)(a), F.S.; FDOT, *Traffic Engineering Manual*, Jan. 2026, Chapter 3, "Signals, section 3.6.2, "Standard," available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/traffic/trafficservices/studies/tem/tem-2026/2026-tem---chapter-3---signals.pdf?sfvrsn=38939043_2 (last visited Jan. 14, 2026).
[40] S. 316.0745(1), F.S.

Administration's Manual on Uniform Traffic Control Devices (MUTCD).[41] The MUTCD provides that the duration of yellow change intervals should be determined using engineering practices, but should have a minimum duration of three seconds and a maximum duration of six seconds.[42] FDOT determines appropriate yellow change intervals for particular signals using an engineering formula based on various inputs, including perception reaction time (how long it takes a driver to notice a hazard and start reacting),[43] approach speed (speed limit), and the grade (slope) of the road.[44]

Perception-Reaction Time

"Perception-reaction time" (PRT), also called "perception-response time," refers to the total time it takes a driver to begin an appropriate response to an impending obstacle or hazard.[45] Historically, FDOT calculated yellow change intervals using a PRT of 1.0 seconds in accordance with accepted industry standards.[46] In 2013, FDOT increased the PRT in its calculation based on research performed by the National Cooperative Highway Research Program showing that the 85th percentile PRT value in the driver population was 1.33 seconds.[47] FDOT now uses a PRT of 1.4 seconds to calculate yellow change intervals.[48]

Surrogate Safety Measures

Surrogate safety measures (SSMs) are non-crash incidents with a correlation to a high rate of crash incidents.[49] SSMs are data points that are highly correlated to risk of collisions and occur much more frequently than crashes but might otherwise not be reported through the traditional channels.[50] Examples of SSMs include measures of how much time road users allow to avoid potential collisions, yellow- and red- light violations, gap time between vehicles, red-light violations, hard braking events, and evasive maneuvers.[51]

Vehicle Regulation

Off-Highway Vehicles

Under Florida law, an "off-highway vehicle" is defined as any ATV, two-rider ATV, ROV, or OHM that is used off the roads or highways of this state and that is not registered and licensed for highway use.[52] An "ATV" is defined as any

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[41] R. 14-15.010, F.A.C. (adopting the Dec. 2023 version of the MUTCD); *see also* U.S. Dep't of Transp., Fed. Highway Admin., *Manual on Uniform Control Devices (MUTCD)* 11th ed. (Dec. 2023), available at https://mutcd.fhwa.dot.gov/kno_11th_Edition.htm (last visited Jan. 14, 2026).

[42] U.S. Dep't of Transp., Fed. Highway Admin., *Manual on Uniform Control Devices (MUTCD)*, section 4F.17, "Yellow Change and Red Clearance Intervals," 11th ed. (Dec. 2026), available at https://mutcd.fhwa.dot.gov/pdfs/11th_Edition/part4.pdf (last visited Jan. 14, 2026).

[43] "Perception-reaction time" or "perception-response time" (PRT) is the total time it takes a driver to begin an appropriate response to an impending obstacle or hazard. *See, e.g.*, Marc Green, Ph.D., *Let's Get Real About Perception-Response Time*,

[44] FDOT, *Traffic Engineering Manual*, *supra* note 39, at section 3.6.2.

[45] *See, e.g.*, Swaroop Dinakar, *What is Perception Response Time (PRT)? Understanding Driver Reactions*, Driver Research Institute (Sep. 29, 2023) available at https://driverresearchinstitute.com/what-is-prt/ (last visited Jan. 14, 2026); Marc Green, Ph.D., *Let's Get Real About Perception-Response Time*, available at https://www.visualexpert.com/Resources/realprt.html (last visited Jan. 14, 2026).

[46] Memo from Mark C. Wilson, P.E., State Traffic Operations Engineer, Fla. Dep't of Transp., Traffic Operations Bulletin 02-13, Standardization of Yellow Change Intervals for Signalized Intersections, May 31, 2013, available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/traffic/doc_library/pdf/traffic-operations-bulletin-02-13.pdf?sfvrsn=ba1d34f0_0 (last visited Jan. 14, 2026).

[47] *Id.*

[48] FDOT, *Traffic Engineering Manual*, *supra* note 39, at section 3.6.2.

[49] Veralytix, *What is Surrogate Road Safety and Why We Use It*, Sep. 26, 2025, https://www.transoftsolutions.com/transportation-safety-operations/resources/blog/what-is-surrogate-road-safety-and-why-we-use-it/ (last visited Jan. 15, 2026).

[50] *Id.*

[51] *Id.*; U.S. Dep't of Transp., Office of Safety Research and Development, *Surrogate Safety Measures From Traffic Simulation Models: Final Report*, at pages 6-7, available at https://www.fhwa.dot.gov/publications/research/safety/03050/03050.pdf (last visited Jan. 15, 2026).

[52] S. 261.03(5), F.S.

motorized off-highway or all-terrain vehicle 55 inches or less which has a dry weight of 1,500 pounds or less, is designed to travel on three or more nonhighway tires, and is manufactured for recreational use by one or more persons.[53] An "OHM", or "off-highway motorcycle", is defined as any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, excluding a tractor, an electric bicycle, or a moped.[54] A typical example of an OHM is a dirt bike. An "ROV" is defined as any motorized recreational off-highway vehicle 80 inches or less in width which has a dry weight of 3,500 pounds or less, is designed to travel on four or more nonhighway tires, and is manufactured for recreational use by one or more persons. The term "ROV" does not include a golf cart as defined in ss. 316.003 and 320.01, F.S., or a low-speed vehicle as defined in s. 320.01, F.S.[55]

Electric Bicycles, Motorized Scooters, and Micromobility Devices

Under Florida law, the operator of an electric bicycle or motorized scooter has all of the rights, privileges, and duties applicable to the rider of a bicycle.[56] An "electric bicycle" is defined as a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

- "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.[57]

An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.[58]

Florida law defines a "motorized scooter" as any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground, excluding an electric bicycle.[59]

Florida law defines "micromobility device" as a motorized transportation device designed for individual use which is typically 20 to 36 inches in width and 50 pounds or less in weight and which operates at a speed of typically less than 15 miles per hour but no more than 28 miles per hour. This term includes both human-powered and nonhuman-powered devices, including a bicycle, electric bicycle, motorized scooter, or any other device that is owned by an individual or part of a shared fleet.[60]

An operator of an electric bicycle, motorized scooter, or micromobility device is not required to register the device with DHSMV, carry minimum insurance, or have a driver license to operate a motorized scooter.[61] Helmets are required for operators under the age of 16.[62]

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[53] S. 261.03(2), F.S.
[54] S. 261.03(4), F.S.
[55] S. 316.02(8), F.S.
[56] Ss. 316.20655 and 316.2128, F.S.
[57] S. 316.003(23), F.S.
[58] S. 316.20655(6), F.S.
[59] S. 316.003(48), F.S.
[60] S. 316.003(41), F.S.
[61] Ss. 316.20655(2) and 316.2128(2)-(3), F.S.
[62] S. 316.2065(3)(d), F.S.

Local governments have authority to regulate electric bicycles, motorized scooters and micromobility devices, including authority to adopt ordinances that:

- Provide one or more minimum age requirements for such devices.[63]
- Require an operator of such devices to possess a government-issued photographic identification.[64]
- Permit, control, or regulate the operation of electric bicycles and motorized scooters on sidewalks or sidewalk areas when such use is permissible under federal law, provided that the ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in these areas.[65]
- Govern the operation of electric bicycles and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction.[66]
- Prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network. [67]
- Prevent a municipality, county, or agency of the state having jurisdiction over a beach or a dune from restricting or prohibiting the operation of an electric bicycle on such beach or dune.[68]

Local governments also have the authority to provide training on safe operation of electric bicycles and compliance with the traffic laws of this state applicable to such devices.[69]

E-Motos

E-motos are compact devices similar to traditional electric motorcycles or dirt bikes that are much more powerful and faster than electric bicycles. E-motos may have motors with thousands of watts of power that far exceed the 750-watt cap for an electric bicycle. They are equipped with throttles and typically can go in excess of 30 miles per hour, faster than any electric bicycle is capable of traveling. Some E-motos can achieve highway speeds of 65 miles per hour.[70] Some states have proposed legislation regulating e-motos.[71]

Operation of Golf Carts on Certain Roadways

Florida law defines the term "golf cart" as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes.[72] Operation of golf carts is prohibited on public roads or streets of this state, with the exceptions described below.[73]

A golf cart may be operated upon a county road that has been designated by a county, a municipal street that has been designated by a municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon such a determination, the responsible governmental entity must post appropriate signs to indicate that such operation is allowed.[74]

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[63] S. 316.20655(8), F.S.
[64] *Id.*
[65] S. 316.008(7)(a), F.S.
[66] S. 316.2128(1), F.S.
[67] *Id.*
[68] *Id.*
[69] S. 316.20655(9), F.S.
[70] PeopleforBikes, *The E-Bike Problem is an E-Moto Problem*, https://www.peopleforbikes.org/news/the-e-bike-problem-is-an-e-moto-problem (last visited Jan. 16, 2026).
[71] See, e.g., California Legislative Information, *SB-584 Off-highway electric motorcycles*, https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202520260SB586&showamends=false (last visited Jan. 16, 2026).
[72] S. 316.003, F.S.
[73] S. 316.212, F.S
[74] S. 316.212(1), F.S.

A golf cart may be operated on the State Highway System[75] under the following conditions:[76]

- To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf carts if FDOT has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.
- To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if FDOT has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.
- A golf cart may be operated on a state road that has been designated for transfer to a local government unit if DOT determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic and if:
    - The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
    - The speed, volume, and character of motor vehicle traffic using the road is considered by DOT in making its determination.[77]

If such use is approved, FDOT must post appropriate signs along the road to indicate that golf cart operation is allowed.[78]

A golf cart may be operated by residents or guests of a mobile home park for the purpose of crossing a street or highway where the mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway reviews and approves the location of the crossing and require implementation of any traffic controls needed for safety purposes. If notice is posted at the entrance and exit of any mobile home park where residents of the park operate golf carts or within the confines of the park, it is not necessary for the park to have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.[79]

If authorized by the Division of Recreation and Parks of the Department of Environmental Protection (DEP), a golf cart may be operated on a road that is part of the State Park Road System[80] if the posted speed limit is 35 miles per hour or less.[81]

A golf cart may only be operated during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.[82] Further, a golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.[83] A golf cart may not be operated on public roads or streets by any person under the age of 15.[84] A violation of age or equipment requirements regarding the use of a golf cart is a noncriminal traffic infraction, punishable as a nonmoving violation.[85] The statutory base fine is $30,[86] but with additional fees and surcharges, the total penalty may be higher.

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[75] *See* s. 334.03(24), F.S.
[76] S. 316.212(2), F.S.
[77] *Id.*
[78] *Id.*
[79] S. 316.212(3), F.S.
[80] *See* s. 334.03(25), F.S.
[81] S. 316.212(4), F.S.
[82] S. 316.212(5), F.S.
[83] S. 316.212(6), F.S.
[84] S. 316.212(7), F.S. An operator under 18 years of age must possess a valid learner's driver license or valid driver license.
[85] S. 316.212(9), F.S.
[86] S. 318.18(2), F.S.

Low-Speed Vehicles

A low-speed vehicle is defined as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles.[87]

A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.[88]

A low-speed vehicle must be registered and insured in accordance with s. 320.02, F.S., and titled pursuant to ch. 319, F.S. Any person operating a low-speed vehicle must have in his or her possession a valid driver license.[89] Low-speed vehicles are regulated under ch. 320, F.S., and fall under the manufacturing, distribution, and sales requirements, which are included in Florida's motor vehicle franchise dealer laws.

Exhaust System Noise Regulation

Florida law requires every motor vehicle's exhaust system to include a muffler, manifold pipe, and tailpiping to prevent excessive or unusual noise. Exhaust systems cannot allow noise that exceeds a maximum decibel level as established by DEP in cooperation with DHSMV.[90] Motorcycles must comply with slightly lower decibel level limits than automobiles or other motor vehicles weighing 10,000 pounds or more.[91] Additionally, the maximum decibel level allowed for vehicles increases on roads where the speed limit is over 35 miles per hour.[92] Certain vehicles are exempted from these decibel limits, such as emergency vehicles or agricultural equipment.[93]

Seaports

Florida has 16 publicly owned seaports located around the state.[94] The governing board of each seaport is a government entity, either a county or city department, an independent special district, or an independent port authority. Florida law establishes the Florida Seaport Transportation and Economic Development (FSTED) Council, comprised of the port directors of each of Florida's sixteen seaports, along with representatives from FDOT and the Department of Commerce.[95]

Space Florida

Space Florida is established by Florida law to foster the growth and development of a sustainable and world-leading aerospace industry in this state.[96] Space Florida is tasked with promoting aerospace business development

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[87] *See* s. 320.01(41), F.S.
[88] S. 316.2122(1), F.S.
[89] *Id.*
[90] S. 316.272, F.S.
[91] S. 316.293(2), F.S.
[92] *Id.*
[93] S. 316.293(6), F.S.
[94] Florida's sixteen seaports are Port of Pensacola, Port Panama City, Port of Port St. Joe, Port Citrus, Port Tampa Bay, Port St. Pete, Seaport Manatee, Port of Key West, PortMiami, Port Everglades, Port of Palm Beach, Port of Fort Pierce, Port Canaveral, Port Putnam, Jaxport, and Port of Fernandina. Florida Seaport Transportation and Economic Development Council, *2025-2029 Seaport Mission Plan*, at page 6, available at https://flaports.org/wp-content/uploads/2025_SeaportMissionPlan.pdf (last visited Jan. 14, 2026).
[95] *Id.* at page 3.; *see also* s. 311.09(1), F.S.
[96] S. 331.302(1), F.S. (establishing Space Florida as an independent special district, a body politic and corporate, and a subdivision of the state).

by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.[97]

Spaceport Territory

Florida law considers a "spaceport" to be any area of land or water developed by Space Florida and intended for public use or for the launching, takeoff, and landing of spacecraft and aircraft.[98] Florida law designates certain real property within the state as "spaceport territory,"[99] including Cape Canaveral Spaceport in Brevard County, Cecil Spaceport in Duval County, Eglin Air Force Base in Okaloosa County, Cape San Blas in Gulf County, Space Coast Regional Airport and Spaceport in Brevard County, Homestead Air Reserve Base in Miami-Dade County, and Tyndall Air Force Base in Bay County.[100]

International Fuel Tax Agreement (IFTA)

The IFTA simplifies fuel tax reporting for interstate carriers, such as commercial motor vehicles. Commercial motor vehicles qualify for IFTA if they are used, designed, or maintained for the interstate transportation of persons or property and:

- Have two axles and a gross vehicle weight (GVW) or registered GVW exceeding 26,000 pounds;
- Have three or more axles, regardless of weight; or
- Are used in combination with a trailer, for a combined GVW or registered GVW in excess of 26,000 pounds.[101]

The IFTA is a reciprocal agreement, meaning that an IFTA license issued by the jurisdiction where the motor carrier is based is valid in all the other IFTA member jurisdictions. Additionally, the licensee reports and pays all motor fuel taxes to the base jurisdiction, which handles distribution to all the other member jurisdictions in which the licensee travelled and incurred motor fuel use tax liability. The IFTA member jurisdictions are the lower 48 states and the 10 Canadian provinces. [102]

Each calendar year, Florida will issue an IFTA license and a set of two IFTA decals per each qualified vehicle. The original IFTA license is kept with the carrier's records, copies of the original must be kept in each vehicle, and IFTA decals must be affixed to the outside of each of those vehicles. By having copies of the licenses and the decals affixed to the outside of the vehicles, it qualifies them to be operational in all other IFTA jurisdictions without the need for obtaining additional licenses from those jurisdictions.[103] The IFTA licenses and decals are valid for one calendar year (January 1 – December 31), and reporting for motor fuel taxes is divided into four reporting periods. There is no annual fee associated with the IFTA license, and IFTA decals are $4.00 per set.[104]

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[97] *Id.*

[98] S. 331.303(17), F.S., defines the term "spaceport" to mean "any area of land or water, or any manmade object or facility located therein, developed by Space Florida under this act, which area is intended for public use or for the launching, takeoff, and landing of spacecraft and aircraft, and includes any appurtenant areas which are used or intended for public use, for spaceport buildings, or for other spaceport facilities, spaceport projects, or rights-of-way."

[99] S. 331.304, F.S.

[100] Space Florida, *Spaceport System Territory*, https://www.spaceflorida.gov/spaceport-system-territory (last visited Jan. 14, 2026).

[101] DHSMV, *International Fuel Tax Agreement*, https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/international-fuel-tax-agreement/ (last visited January 15, 2026).

[102] *Id.* at 2.

[103] *Id.*

[104] *Id.*

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Commerce Committee			Hamon	Rubottom
Ways & Means Committee				
Budget Committee				
State Affairs Committee				

A bill to be entitled

An act relating to transportation; requiring the Department of Transportation to increase the minimum perception reaction time of all steady yellow signals in this state by a specified amount of time; amending s. 207.001, F.S.; revising a short title; amending s. 207.002, F.S.; providing and revising definitions; amending s. 207.004, F.S.; requiring licensing, rather than registration, of motor carriers; requiring fuel tax decals, rather than identifying devices, for motor carriers; requiring a copy of the license to be carried in each qualified motor vehicle or made available electronically; specifying how fuel tax decals are to be displayed on qualified motor vehicles; requiring the Department of Highway Safety and Motor Vehicles or its authorized agent to issue licenses and fuel tax decals; requiring fuel tax decal renewal orders to be submitted electronically beginning on a specified date; revising required contents of temporary fuel-use permits; removing provisions relating to driveaway permits; amending s. 207.005, F.S.; revising reporting periods and due dates for motor fuel use tax returns; requiring such tax returns to be submitted electronically beginning on a specified date; amending s. 207.007, F.S.;

revising requirements for calculation of interest due for delinquent tax; providing penalties for any person who counterfeits, alters, manufactures, or sells fuel tax licenses, fuel tax decals, or temporary fuel-use permits except under certain circumstances; amending s. 207.019, F.S.; requiring motor carriers to destroy fuel tax decals under certain circumstances and notify the department; amending s. 261.03, F.S.; revising the definition of the term "off-highway vehicle"; amending s. 261.11, F.S.; revising penalties; transferring, renumbering, and amending s. 311.10(4), F.S.; defining the terms "cargo purposes" and "commercial space launch industry"; requiring certain seaports to submit an annual report describing measures taken to support the commercial space launch industry to the chair of the Space Florida board of directors beginning on a specified date; requiring the seaport to post such report on its website; prohibiting certain seaports from converting planned or existing land, facilities, or infrastructure that supports cargo purposes unless specified conditions are met; requiring legislative approval for the use of state funds for specified projects; amending s. 316.003, F.S.; revising the definition of the term "micromobility device"; amending s. 316.0777, F.S.; authorizing a private

entity to install an automated license plate recognition system for use on certain property for a specified purpose and providing requirements therefor; amending s. 316.20655, F.S.; clarifying a provision; repealing ss. 316.272 and 316.293, F.S., relating to the prevention of noise from exhaust systems and motor vehicle noise, respectively; amending s. 316.3045, F.S.; requiring a motor vehicle to be equipped with an exhaust system to prevent excessive or unusual noise; prohibiting such system from allowing noise that is audible at a specified distance from the vehicle; amending s. 319.1401, F.S.; authorizing certain golf carts to be titled and registered for operation on certain roads without an inspection by the department and providing requirements therefor; amending s. 322.032, F.S.; providing definitions; providing requirements for an electronic credentialing system; providing exceptions to certain prohibitions; providing for enforcement and penalties; amending s. 337.11, F.S.; authorizing the department to make direct payments to certain subcontractors under specified conditions; amending s. 337.18, F.S.; requiring the department and surety to enter into a takeover agreement under certain conditions; providing requirements for such agreement; amending s. 339.85,

F.S.; providing legislative findings; requiring the department to implement a Next-generation Traffic Signal Modernization Grant Program; providing program purpose; requiring the department to implement a state-local partnership through a cost-sharing arrangement; providing requirements for such arrangement; authorizing the department to waive local match requirements for certain intersections; requiring the department to prioritize grant applications for certain intersections and use competitive procurement to find certain vendors; providing program requirements; providing for an annual appropriation; amending ss. 207.003, 207.008, 207.011, 207.013, 207.014, 207.023, 207.0281, 212.08, 316.455, 316.545, 318.18, 319.35, 324.171, 403.061, 403.415, and 627.7415, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. The Department of Transportation shall increase the minimum perception reaction time of all steady yellow signals in this state by 0.4 seconds.

Section 2. Section 207.001, Florida Statutes, is amended to read:

207.001 Short title.—This chapter shall be known as the "Florida ~~Diesel Fuel and~~ Motor Fuel Use Tax Act ~~of 1981~~," and the taxes levied under this chapter shall be in addition to all other taxes imposed by law.

Section 3. Section 207.002, Florida Statutes, is amended to read:

207.002 Definitions.—As used in this chapter, the term:

(1)~~(2)~~ "Department" means the Department of Highway Safety and Motor Vehicles.

(2) "International Fuel Tax Agreement" means the reciprocal agreement among certain states of the United States, provinces of Canada, and other member jurisdictions which provides for the administration, collection, and enforcement of taxes on the basis of fuel consumed or distance accrued, or both, in member jurisdictions.

~~(3) "Diesel fuel" means any liquid product or gas product or combination thereof, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, butane gas, or propane gas and all other forms of liquefied petroleum gases, except those defined as "motor fuel," used to propel a motor vehicle.~~

~~(4) "International Registration Plan" means a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees or license taxes on the basis of fleet miles operated in various~~

~~jurisdictions.~~

(3)~~(5)~~ "Interstate" means vehicle movement between or through two or more member jurisdictions ~~states~~.

(4)~~(6)~~ "Intrastate" means vehicle movement from one point within a member jurisdiction ~~state~~ to another point within the same member jurisdiction ~~state~~.

(5) "Member jurisdiction" means a member of the International Fuel Tax Agreement.

(6)~~(7)~~ "Motor carrier" means any person owning, controlling, operating, or managing any motor vehicle used to transport persons or property over any public highway.

(7)~~(8)~~ "Motor fuel" means any fuel placed in the fuel supply storage unit of a qualified motor vehicle, including an alternative fuel such as pure methanol, ethanol, or other alcohol; a blend of 85 percent or more alcohol with gasoline; natural gas and liquid fuel produced from natural gas; propane; coal-derived liquified fuel; hydrogen; electricity; pure biodiesel (B100) fuel, other than alcohol, derived from biological materials; P-series fuel; or any other type of fuel or energy used to propel a qualified motor vehicle ~~what is commonly known and sold as gasoline and fuels containing a mixture of gasoline and other products~~.

(8)~~(9)~~ "Operate," "operated," "operation," or "operating" means ~~and includes~~ the use ~~utilization~~ in any form of any qualified ~~commercial~~ motor vehicle, whether loaded or empty,

whether used ~~utilized~~ for compensation or not for compensation, and whether owned by or leased to the motor carrier who uses it or causes it to be used.

(9) ~~(10)~~ "Person" means ~~and includes~~ natural persons, corporations, copartnerships, firms, companies, agencies, or associations, singular or plural.

(10) ~~(11)~~ "Public highway" means any public street, road, or highway in this state.

(11) ~~(1)~~ "Qualified ~~commercial~~ motor vehicle" means any vehicle not owned or operated by a governmental entity which uses ~~diesel fuel or~~ motor fuel on the public highways~~;~~ and which has two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight or registered gross vehicle weight. The term excludes any recreational vehicle or vehicle owned or operated by a community transportation coordinator as defined in s. 427.011 or by a private operator that provides public transit services under contract with such a provider.

~~(12) "Registrant" means a person in whose name or names a vehicle is properly registered.~~

(12) ~~(13)~~ "Use," "uses," or "used" means the consumption of ~~diesel fuel or~~ motor fuel in a qualified ~~commercial~~ motor vehicle for the propulsion thereof.

Section 4. Section 207.004, Florida Statutes, is amended to read:

207.004 Licensing ~~registration~~ of motor carriers; fuel tax decals ~~identifying devices~~; fees; renewals; temporary fuel-use permits ~~and driveaway permits~~.—

(1)(a) A ~~no~~ motor carrier may not ~~shall~~ operate or cause to be operated in this state any qualified ~~commercial~~ motor vehicle, other than a Florida-based qualified ~~commercial~~ motor vehicle that travels Florida intrastate mileage only, which ~~that~~ uses ~~diesel fuel or~~ motor fuel until such carrier is licensed ~~has registered with the department or has registered~~ under the International Fuel Tax Agreement ~~a cooperative reciprocal agreement as described in s. 207.0281, after such time as this state enters into such agreement,~~ and has been issued fuel tax decals ~~an identifying device~~ or such carrier has been issued a temporary fuel-use permit as authorized under subsection ~~subsections (4) and~~ (5) for each vehicle operated. The fee for each set of fuel tax decals is ~~There shall be a fee of~~ $4 per year or any fraction thereof. A copy of the license must be carried in each vehicle or made available electronically. The fuel tax decal ~~for each such identifying device issued. The identifying device shall be provided by the department and~~ must be conspicuously displayed on the qualified ~~commercial~~ motor vehicle as prescribed by the instructions on the reverse side of the decal ~~department~~ while the vehicle ~~it~~ is being operated on

the public highways of this state. The transfer of a fuel tax decal ~~an identifying device~~ from one vehicle to another vehicle or from one motor carrier to another motor carrier is prohibited. The department or its authorized agent shall issue the licenses and fuel tax decals.

(b) The motor carrier to whom fuel tax decals have ~~an identifying device has~~ been issued is ~~shall be~~ solely responsible for the proper use of the fuel tax decals ~~identifying device~~ by its employees, consignees, or lessees.

(2) Fuel tax decals ~~Identifying devices~~ shall be issued each year for the period January 1 through December 31, or any portion thereof, if tax returns and tax payments, when applicable, have been submitted to the department for all prior reporting periods. Fuel tax decals ~~Identifying devices~~ may be displayed for the next succeeding indicia period beginning December 1 of each year. Beginning October 1, 2026, except as otherwise authorized by the department, all fuel tax decal renewal orders must be submitted electronically through an online system prescribed by the department.

(3) If a motor carrier licensed in this state no longer operates or causes to be operated in this state any qualified ~~a commercial~~ motor vehicle, the fuel tax decal for each motor carrier that is no longer operated or caused to be operated by the motor carrier must ~~identifying device shall~~ be destroyed and the motor carrier to whom the fuel tax decal ~~device~~ was issued

must ~~shall~~ notify the department immediately by letter of such removal and of the number of the fuel tax decal ~~identifying device~~ that was ~~has been~~ destroyed.

(4) A motor carrier, before operating a qualified ~~commercial~~ motor vehicle on the public highways of this state, must require each qualified motor vehicle to display a fuel tax decal ~~an identifying device~~ as required under subsections (1) and (2) or must obtain a temporary fuel-use permit for that vehicle as provided in subsection (5). ~~A temporary fuel-use permit shall expire within 10 days after date of issuance. The cost of a temporary fuel-use permit is $45, and the permit exempts the vehicle from the payment of the motor fuel or diesel fuel tax imposed under this chapter during the term for which the permit is valid. However, the vehicle is not exempt from paying the fuel tax at the pump.~~

(5)(a) A ~~registered~~ motor carrier holding a valid license may ~~certificate of registration may, upon payment of the $45 fee per permit,~~ secure from the department, or any wire service authorized by the department, a temporary fuel-use permit.

(b) The fee for a temporary fuel-use permit is $45. A temporary fuel-use permit expires 10 days after the date of issuance and exempts the vehicle from payment of the motor fuel tax imposed under this chapter during the period for which the permit is valid. However, this paragraph does not exempt the vehicle from payment at the pump of the fuel tax imposed under

chapter 206.

(c) A ~~blank~~ temporary fuel-use permit~~, before its use,~~ must ~~be executed by the motor carrier, in ink or type, so as to~~ identify the carrier, the vehicle to which the permit is assigned, and the permit's effective date and expiration date ~~that the vehicle is placed in and removed from service. The temporary fuel-use permit shall also show a complete identification of the vehicle on which the permit is to be used, together with the name and address of the owner or lessee of the vehicle~~. The ~~endorsed~~ temporary fuel-use permit must ~~shall then~~ be carried on the vehicle that it identifies and must ~~shall~~ be exhibited on demand to any authorized personnel. Temporary fuel-use permits may be transmitted to the motor carrier by electronic means ~~and shall be completed as outlined by department personnel prior to transmittal~~.

(d) The motor carrier to whom a temporary fuel-use permit is issued is ~~shall be~~ solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure, alteration, or unauthorized use of a temporary fuel-use permit renders ~~shall render~~ it invalid and of no effect. A motor carrier to whom a temporary fuel-use permit is issued may not knowingly allow the permit to be used by any other person ~~or organization~~.

~~(b) An unregistered motor carrier may, upon payment of the $45 fee, secure from any wire service authorized by the~~

~~department, by electronic means, a temporary fuel-use permit that shall be valid for a period of 10 days. Such permit must show the name and address of the unregistered motor carrier to whom it is issued, the date the vehicle is placed in and removed from service, a complete identification of the vehicle on which the permit is to be used, and the name and address of the owner or lessee of the vehicle. The temporary fuel-use permit shall then be carried on the vehicle that it identifies and shall be exhibited on demand to any authorized personnel. The unregistered motor carrier to whom a temporary fuel-use permit is issued shall be solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure, alteration, or unauthorized use of a temporary fuel-use permit shall render it invalid and of no effect. The unregistered motor carrier to whom a temporary fuel-use permit is issued may not knowingly allow the permit to be used by any other person or organization.~~

~~(c) A registered motor carrier engaged in driveaway transportation, in which the cargo is the vehicle itself and is in transit to stock inventory and the ownership of the vehicle is not vested in the motor carrier, may, upon payment of the $4 fee, secure from the department a driveaway permit. The driveaway permits shall be issued for the period January 1 through December 31. An original permit must be in the possession of the operator of each vehicle and shall be~~

~~exhibited on demand to any authorized personnel. Vehicle mileage reports must be submitted by the motor carrier, and the road privilege tax must be paid on all miles operated within this state during the reporting period. All other provisions of this chapter shall apply to the holder of a driveaway permit.~~

Section 5. Section 207.005, Florida Statutes, is amended to read:

207.005 Returns and payment of tax; delinquencies; calculation of fuel used during operations in this ~~the~~ state; credit; bond.—

(1) The taxes levied under this chapter are ~~shall be~~ due and payable on the first day of the month following the last month of the reporting period. The department may adopt ~~promulgate~~ rules for requiring and establishing procedures for annual, semiannual, or quarterly filing. The reporting period is ~~shall be~~ the 12 months beginning January ~~July~~ 1 and ending December 31 ~~June 30~~. ~~It shall be the duty of~~ Each motor carrier licensed ~~registered~~ or required to be licensed ~~registered~~ under ~~the provisions of~~ this chapter must ~~to~~ submit a return by the following due dates, except that each due date is extended until the last day of the month of the due date, and, if the last day of the month falls on a Saturday, Sunday, or legal holiday, the due date is further extended until the next day that is not a Saturday, Sunday, or legal holiday ~~within 30 days after the due date. The due date shall be as follows~~:

(a) If annual filing, the due date is January 31 ~~shall be July 1~~;

(b) If semiannual filing, the due dates are ~~shall be~~ January 31 ~~1~~ and July 31 ~~1~~; or

(c) If quarterly filing, the due dates are ~~shall be~~ January 31 ~~1~~, April 30 ~~1~~, July 31 ~~1~~, and October 31 ~~1~~.

(2) The amount of fuel used in the propulsion of any qualified ~~commercial~~ motor vehicle within this state may be calculated, if the motor carrier maintains adequate records, by applying total interstate vehicular consumption of all ~~diesel fuel and~~ motor fuel used as related to total miles traveled and applying such rate to total miles traveled within this state. In the absence of adequate documentation by the motor carrier, the department may adopt ~~is authorized to promulgate~~ rules converting miles driven to gallons used.

(3) For the purpose of computing the carrier's liability for the fuel ~~road privilege~~ tax, the total gallons of fuel used in the propulsion of any qualified ~~commercial~~ motor vehicle in this state shall be multiplied by the rates provided in parts I-III of chapter 206. From the sum determined by this calculation, there shall be allowed a credit equal to the amount of the tax per gallon under parts I-III of chapter 206 for each gallon of fuel purchased in this state during the reporting period when the ~~diesel fuel or~~ motor fuel tax was paid at the time of purchase. If the tax paid under parts I-III of chapter 206

exceeds the total tax due under this chapter, the excess may be allowed as a credit against future tax payments, until the credit is fully offset or until eight calendar quarters shall have passed since the end of the calendar quarter in which the credit accrued, whichever occurs first. A refund may be made for this credit provided it exceeds $10.

(4) The department may adopt ~~is authorized to promulgate~~ the necessary rules to provide for an adequate bond from each motor carrier to ensure payment of taxes required under this chapter.

(5) Beginning October 1, 2026, except as otherwise authorized by the department, all returns must be submitted electronically through an online system prescribed by the department.

Section 6. Section 207.007, Florida Statutes, is amended to read:

207.007 Offenses; penalties and interest.—

(1) If any motor carrier licensed ~~registered~~ under this chapter fails to file a return or ~~and~~ pay any tax liability under this chapter within the time required ~~hereunder~~, the department may impose a delinquency penalty of $50 or 10 percent of the delinquent taxes due, whichever is greater, if the failure is for not more than 30 days, with an additional 10 percent penalty for each additional 30 days, or fraction thereof, during the time which the failure continues, not to

exceed a total penalty of 100 percent in the aggregate. However, the penalty may not be less than $50.

(2) In addition to any other penalties, any delinquent tax shall bear interest in accordance with the International Fuel Tax Agreement ~~at the rate of 1 percent per month, or fraction thereof, calculated from the date the tax was due. If the department enters into a cooperative reciprocal agreement under the provisions of s. 207.0281, the department shall collect and distribute all interest due to other jurisdictions at the same rate as if such interest were due to the state~~.

(3) Any person who:

(a) Willfully refuses or neglects to make any statement, report, or return required by ~~the provisions of~~ this chapter;

(b) Knowingly makes, or assists any other person in making, a false statement in a return or report ~~or~~ in connection with an application for licensure ~~registration~~ under this chapter or in connection with an audit; ~~or~~

(c) Counterfeits, alters, manufactures, or sells fuel tax licenses, fuel tax decals, or temporary fuel-use permits without first having obtained the department's permission in writing; or

(d) ~~(c)~~ Violates any provision ~~of the provisions~~ of this chapter, a penalty for which is not otherwise provided,

commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition,

the department may revoke or suspend the licensure and registration privileges under ss. 207.004 and 320.02, respectively, of the violator. Each day or part thereof during which a person operates or causes to be operated a qualified ~~commercial~~ motor vehicle without being the holder of fuel tax decals ~~an identifying device~~ or having a valid temporary fuel-use ~~or driveaway~~ permit as required by this chapter constitutes a separate offense within the meaning of this section. In addition to the penalty imposed by this section, the defendant is ~~shall be~~ required to pay all taxes, interest, and penalties due to this ~~the~~ state.

Section 7. Subsection (1) of section 207.019, Florida Statutes, is amended to read:

207.019 Discontinuance or transfer of business; change of address.—

(1) Whenever a person ceases to engage in business as a motor carrier within this ~~the~~ state by reason of the discontinuance, sale, or transfer of the business of such person, the person ~~he or she~~ shall notify the department in writing at least 10 days before ~~prior to~~ the time the discontinuance, sale, or transfer takes effect. Such notice must ~~shall~~ give the date of discontinuance and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee. All ~~diesel fuel or~~ motor fuel use taxes are ~~shall become~~ due and payable

concurrently with such discontinuance, sale, or transfer; ~~and~~ any such person shall, concurrently with such discontinuance, sale, or transfer, make a report and~~,~~ pay all such taxes, interest, and penalties; and the fuel tax decals must be destroyed and the motor carrier to whom the decals were issued shall notify the department by letter of their destruction and of the number of fuel tax decals that were destroyed~~, and surrender to the department the registration issued to such person~~.

Section 8. Subsection (5) of section 261.03, Florida Statutes, is amended to read:

261.03 Definitions.—As used in this chapter, the term:

(5) "Off-highway vehicle" means any ATV, two-rider ATV, ROV, ~~or~~ OHM, or other vehicle with motive power specifically designed by the manufacturer that is used off the roads or highways of this state and that is not registered and licensed for highway use under chapter 320.

Section 9. Section 261.11, Florida Statutes, is amended to read:

261.11 Penalties.—No off-highway vehicle may be operated upon the public sidewalks, roads, streets, or highways of this state, except as otherwise permitted by the managing local, state, or federal agency.

(1) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in

chapter 318.

(2) A second or subsequent violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Subsection (4) of section 311.10, Florida Statutes, is transferred, renumbered as section 311.15, Florida Statutes, and amended to read:

311.15 Seaports; cargo facilities; reporting requirements ~~311.10 Strategic Port Investment Initiative~~.—

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

(a) "Cargo purposes" means any facility, activity, property, energy source, or infrastructure asset that is not intended to facilitate the transport of passengers and includes, but is not limited to, such facilities, activities, properties, energy sources, or infrastructure assets that support spaceport activities.

(b) "Commercial space launch industry" means any company substantially engaged in the transport, operation, and recovery of space launch or landing services with active maritime operations.

(2) Beginning February 1, 2027, and each February 1 thereafter, each seaport located in a county in which real property is designated as spaceport territory under s. 331.304 and that uses land, facilities, or infrastructure for the purpose of supporting spacecraft launch and recovery operations

must submit a report to the chair of the Space Florida board of directors which describes all measures the seaport has taken to support the commercial space launch industry. The seaport must post a copy of the report on its website once it has been submitted to the chair of the board.

(3)~~(4)~~ ~~As a condition of receiving a project grant under any program established in this chapter and as a condition of receiving state funds as described in s. 215.31,~~ A seaport that is located in a county in which real property is designated as spaceport territory under s. 331.304 and that uses land, facilities, or infrastructure for the purpose of supporting spacecraft launch and recovery operations ~~must, in any agreement with the Department of Transportation, agree that the seaport~~ may not convert any planned or existing land, facility, or infrastructure that supports cargo purposes to any alternative purpose unless all of the following conditions are met:

(a) The governing board of the seaport must provide public notice as provided in s. 50.011 at least 30 days before holding a public meeting on the proposed conversion.

(b) Before approving the proposed conversion, the governing board of the seaport must prepare or cause to be prepared a report estimating the impact of the conversion on the cargo operations of the seaport. The report must be prominently posted on the seaport's website at least 30 days before holding a public meeting on the proposed conversion.

(c) The conversion must be ~~is~~ approved by a two-thirds vote of ~~by~~ the ~~seaport's~~ governing board of the seaport at a publicly noticed meeting as a separate line on the agenda and with a reasonable opportunity for public comment.~~, and, if approved,~~

(4) The Legislature must expressly approve ~~approves~~ the use of state funds for any ~~a~~ project that includes the ~~such a~~ conversion of any planned or existing land, facility, or infrastructure that supports cargo purposes to any alternative purpose, whether by a work program amendment or through the General Appropriations Act. ~~As used in this subsection, the term "cargo purposes" includes, but is not limited to, any facility, activity, property, energy source, or infrastructure asset that supports spaceport activities.~~

Section 11. Subsection (41) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(41) MICROMOBILITY DEVICE.—A motorized transportation device designed for individual use which is typically 20 to 36 inches in width and 50 pounds or less in weight and which operates at a speed of typically less than 15 miles per hour but no more than 28 miles per hour. This term includes devices ~~both~~

~~a human-powered and a nonhuman-powered device~~ such as an ~~a~~ ~~bicycle,~~ electric bicycle and a~~,~~ motorized scooter~~, or any other device that is owned by an individual or part of a shared fleet~~.

Section 12. Subsections (3), (4), and (5) of section 316.0777, Florida Statutes, are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section to read:

316.0777 Automated license plate recognition systems; installation within rights-of-way of State Highway System and on and within property owned or controlled by private entity; public records exemption.—

(3) A private entity may install an automated license plate recognition system solely for use on and within the property owned or controlled by the entity and for a public safety-related purpose. A private entity that installs such a system:

(a) May not access vehicle registration data generated by the system, except to the extent that such data cannot reasonably be linked to an identified or identifiable individual.

(b) May not share or sell images or data generated by the system, except to the extent required to respond to a lawful request from a law enforcement agency.

(c) Must contractually obligate any third party that installs, maintains, or operates the system to protect the

images or data generated by the system from disclosure, including a prohibition on sharing or selling such images or data, except to the extent required to respond to a lawful request from a law enforcement agency.

(d) May not offer or provide as payment or other consideration any portion of the proceeds derived from a fine or charge imposed based on images or data generated by the system to any third party that installs, maintains, or operates the system.

Section 13. Subsection (2) of section 316.20655, Florida Statutes, is amended to read:

316.20655 Electric bicycle regulations.—

(2) An electric bicycle as defined in s. 316.003 or an operator of an electric bicycle is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

Section 14. Sections 316.272 and 316.293, Florida Statutes, are repealed.

Section 15. Subsections (2) through (5) of section 316.3045, Florida Statutes, are renumbered as subsections (3) through (6), respectively, and a new subsection (2) is added to that section to read:

316.3045 Operation of radios or other mechanical or electronic soundmaking devices or instruments in vehicles;

exhaust systems; prevention of noise; exemptions.—

(2) Every motor vehicle shall at all times be equipped with an exhaust system in good working order including muffler, manifold pipe, and tailpiping to prevent excessive or unusual noise. In no event shall an exhaust system allow noise at a level plainly audible at a distance of 100 feet or more from the motor vehicle.

Section 16. Section 319.1401, Florida Statutes, is created to read:

319.1401 Titling and registering golf carts converted to low-speed vehicles.—A golf cart converted to a low-speed vehicle may be titled and registered for operation on certain roads without an inspection by the department. The owner of the low-speed vehicle shall affirm in writing that the vehicle complies with the requirements of chapter 316 and shall be assigned an identification number by the department. The identification number shall be unique to the low-speed vehicle and used for the issuance of a title and registration for the vehicle.

Section 17. Section 322.032, Florida Statutes, is amended to read:

322.032 Digital proof of driver license or identification card; electronic credential autonomy and verification integrity.—

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

(a) "Credentialholder" means a person who is issued a

digital proof of driver license or identification card.

(b) ~~(a)~~ "Digital proof of driver license" means an electronic credential viewable on an electronic credentialing system.

(c) ~~(b)~~ "Digital proof of identification card" means an electronic credential viewable on an electronic credentialing system.

(d) ~~(c)~~ "Electronic credentialing system" means a computer system accessed using a computer, a cellular telephone, or any other personal device which queries the department's driver license and identification card records, displays or transmits digital proofs of driver licenses and identification cards, and verifies the authenticity of those electronic credentials.

(e) "Fair information practice principles" means internationally recognized privacy principles, including data minimization, purpose specification, use limitation, transparency, and strict data retention controls.

(f) ~~(d)~~ "Limited profile" means an electronic credential containing some, but not all, of the information displayed on a printed driver license or identification card.

(g) "Record integrity" means the capability of ensuring historical continuity and verifiability of electronic credentials by maintaining a tamper-evident, append-only record of digital driver license and identification card issuance, renewal, replacement, or revocation.

(h) ~~(e)~~ "Scanning" means obtaining data from a digital proof of driver license or identification card in an electronic format.

(2)(a) The department shall establish a secure and uniform system for issuing an optional digital proof of driver license or identification card. The department may contract with one or more private entities to develop an electronic credentialing system.

(b) The electronic credentialing system may not retain Internet protocol addresses, geolocation data, or other information that describes the location, computer, computer system, or computer network from which a customer accesses the system.

(c) The electronic credentialing system must:

1. Require the explicit consent of the credentialholder before performing any communication.

2. Provide offline cryptographic verification mechanisms that:

a. Do not require communication with the department.

b. Are fully auditable and interoperable with open standards.

c. Preserve the anonymity and unlinkability of transactions unless explicitly waived by the credentialholder.

3. Adhere to fair information practice principles, including collecting only the minimum data strictly necessary to

fulfill the stated purpose of verification.

4. Collect data only for a single, clearly defined, and limited purpose that is explicitly communicated to the credentialholder.

5. Ensure that data is not reused, repurposed, shared, or transmitted beyond the initial purpose without the explicit consent of the credentialholder.

6. Securely delete data or render data irreversibly anonymized immediately upon fulfillment of the stated purpose unless a longer retention period is required by law and narrowly tailored to that legal necessity.

7. Implement measures to ensure record integrity. The electronic credentials must be verified based solely on the record integrity and without relying on third parties.

8. Implement verifiable receipt mechanisms that ensure any changes made to electronic credentials are independently confirmable and auditable by any relying party.

(d) Electronic credential verifiers must:

1. Perform full cryptographic validation of electronic credential authenticity, integrity, and issuer attribution without requiring online access to external systems, the department's systems, or any state system.

2. Retain only temporary user-authorized verification data that is strictly necessary for the transaction.

3. Create written strict data minimization principles that

must be provided to a credentialholder upon request.

4. Provide a credentialholder with the ability to audit verification requests and control the sharing of electronic credential attributes.

(e) Electronic credentials must:

1. Be issued as tamper-evident, cryptographically verifiable statements capable of being selectively disclosed.

2. Contain clear metadata specifying cryptographic material necessary for independent verification.

3. Be controlled by the credentialholder, who may choose to disclose only the minimum information necessary for a transaction.

4. Use a cryptographically derived identifier format that:

a. Is capable of secure key rotation, recovery, delegation, and revocation without requiring a centralized registry or continuous third-party oversight.

b. Rotates cryptographic keys without requiring reissuance or reregistration with a central authority.

c. Is resolvable to metadata that contains authentication and authorization material without dependence on a single service endpoint or central registry.

d. Implements delegation, recovery, and secure binding to cryptographic keys without requiring persistent correlatable identifiers across contexts.

(3)(a) The digital proof of driver license or

identification card established by the department or by an entity contracted by the department must be in such a format as to allow verification of the authenticity of the digital proof of driver license or identification card. The department may adopt rules to ensure valid authentication of digital driver licenses and identification cards.

(b)1. Notwithstanding ss. 322.14-322.142, and any other law prescribing the design for, or information required to be displayed on, a driver license, a digital proof of driver license may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.

2. Notwithstanding ss. 322.051 and 322.141, and any other law prescribing the design for, or information required to be displayed on, an identification card, a digital proof of identification card may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.

(4) A person may not be issued a digital proof of driver license or identification card until he or she satisfies all requirements of this chapter for issuance of the respective driver license or identification card and has been issued a printed driver license or identification card. The electronic credentialing system must, upon each presentation of a digital driver license or identification card, display or transmit

current records for the driver license or identification card. If a licensee's driving privilege is suspended, revoked, or disqualified, or if his or her driver license is otherwise canceled or expired, a digital proof of driver license may not be issued; however, a digital proof of identification card may be issued if the licensee is otherwise eligible for an identification card under s. 322.051.

(5) The department may use a telephone number submitted by a licensee or cardholder in connection with a digital driver license or identification card only for purposes of communication regarding the digital proof of driver license or identification card or the motor vehicle records, as defined in s. 119.0712(2)(a), of the licensee or cardholder.

(6) The department may enter into contracts with one or more private entities which authorize online data calls or offline data verification through the electronic credentialing system that queries the department's driver license and identification card records, displays or transmits digital proofs of driver licenses or identification cards, or verifies the authenticity of such electronic credentials.

(7)(a) Except as provided in paragraph (b), a private entity that scans a digital proof of driver license or identification card may not store, sell, or share personal information collected from such scanning of the digital proof of driver license or identification card unless:

1. The credentialholder has provided clear, informed, and revocable consent.

2. The retention serves a legally justified, narrowly tailored, and time-limited purpose.

(b) A credentialholder ~~An individual~~ may consent to allow a private entity to collect and store personal information obtained by scanning his or her digital proof of driver license or identification card. However, the credentialholder ~~individual~~ must be informed what information is collected and the purpose or purposes for which the information will be used. If the credentialholder ~~individual~~ does not want the private entity to scan his or her digital proof of the credentialholder's ~~individual's~~ driver license or identification card, the private entity may manually collect personal information from the credentialholder ~~individual~~.

(c) A private entity that violates this subsection is subject to a civil penalty not to exceed $5,000 per occurrence, suspension of eligibility to participate in the electronic credentialing system, and public disclosure of the private entity's noncompliance.

(d) This subsection does not apply to a financial institution as defined in s. 655.005(1)(i).

(8) Courts shall afford strict scrutiny to any unnecessary government or commercial surveillance or remote verification practices that do not comply with this section.

(9)~~(8)~~ A person who:

(a) Manufactures a false digital proof of driver license or identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Possesses a false digital proof of driver license or identification card commits a misdemeanor of the second degree, punishable as provided in s. 775.082.

Section 18. Paragraph (d) is added to subsection (11) of section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(11)

(d)1. The department may make direct payments to first-tier subcontractors if the following conditions are met:

a. The contractor has not requested payment from the department for at least 6 months.

b. There is a binding, written subcontract between the contractor and the subcontractor, and the department is in possession of a complete copy of the subcontract.

c. The subcontractor has performed work that is unpaid by the contractor, and the department has sufficient documentation of such unpaid work.

d. There is no bona fide, documented dispute between the

contractor and the subcontractor.

2. Any amounts paid by the department under this paragraph shall be deducted from amounts otherwise due the contractor.

Section 19. Subsection (6) of section 337.18, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(6) If the department declares a default on the part of any contractor for cause attributable to such contractor, and the department engages the surety to perform pursuant to the terms of the bond, the department and the surety shall enter into a takeover agreement requiring the surety's completion contractor to meet the prequalification requirements of the original contract bid solicitation and requiring the surety to follow the contract's procedures regarding the completion contractor default and certification of disbursement of payment to subcontractors.

Section 20. Section 339.85, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 339.85, F.S., for present text.)

339.85 Next-generation Traffic Signal Modernization Grant Program.—

(1) The Legislature finds that:

(a) This state's growing population and economic activity place increasing demands on public roads, resulting in congestion, delay, and avoidable crashes at signalized intersections.

(b) Modern signal control systems that incorporate artificial intelligence and machine learning (AI/ML) can dynamically optimize timing plans in response to real-time conditions, improving travel time reliability, reducing secondary crashes, and lowering emissions from idling vehicles.

(c) Intersections are often owned or operated by local governments, yet the benefits of improved operations accrue to the traveling public statewide; therefore, a coordinated state-local partnership is in the public interest.

(d) Leveraging AI/ML for signal operations complements existing investments in managed lanes, transit priority, connected vehicle pilots, emergency preemption, and freight corridors, and can be deployed at comparatively low cost and high speed.

(e) A voluntary, performance-based grant program with local matching funds will accelerate deployment of signal modernizations while protecting taxpayers through measurable outcomes and transparent reporting.

(2) The department shall implement a Next-generation Traffic Signal Modernization Grant Program. The purpose of the

program is to assist counties and municipalities in upgrading eligible signalized intersections with AI/ML-enabled detection, controllers, communications, and software that prioritizes modernization in key corridors across this state.

(3)(a) The department shall implement a state-local partnership through a cost-sharing arrangement as follows:

1. Authorize the department to fund first-year pilot corridors at up to 80 percent of eligible costs, with a minimum 20 percent local contribution.

2. Authorize the department to fund 50 percent of ensuing year research and development and installation.

(b) Ongoing maintenance after signal modernization shall be the responsibility of the local government and the vendor.

(4) The department may waive any local match requirement for state-owned or state-operated intersections.

(5) The department shall prioritize grant applications for intersections at which a signal modernization will measurably:

(a) Reduce average control delay and corridor travel times.

(b) Improve surrogate safety measures, such as failures to stop at red lights and hard-braking events, and support emergency vehicle preemption.

(c) Provide transit signal priority and multimodal benefits to pedestrians and cyclists.

(6) The department shall use competitive procurement as

provided in chapter 287 to find a vendor or vendors that uses state-of-the-art technology that complies with leading cybersecurity standards, such as SOC 2 and ISO 27001, ensuring robust data protection. The program shall also:

(a) Require open, interoperable, and secure systems that avoid vendor lock in and protect cybersecurity.

(b) Ensure data transparency through standardized performance dashboards and annual public reports demonstrating benefits relative to cost.

(c) Coordinate with metropolitan planning organizations, regional traffic management centers, and law enforcement, fire rescue, and transit agencies to maximize systemwide benefits.

(d) Encourage use of state-based pilots, sandboxes, and independent evaluations to validate performance before large-scale rollout.

(e) Support workforce development and local operations staff training so upgrades remain effective over the life of the equipment.

(7) Beginning in fiscal year 2026-2027, $20 million is appropriated annually from the State Transportation Trust Fund to the department to fund the Next-generation Traffic Signal Modernization Grant Program as described in this section.

Section 21. Section 207.003, Florida Statutes, is amended to read:

207.003 Privilege tax levied.—A tax for the privilege of

operating any qualified ~~commercial~~ motor vehicle upon the public highways of this state shall be levied upon every motor carrier at a rate which includes the minimum rates provided in parts I-III of chapter 206 on each gallon of ~~diesel fuel or~~ motor fuel used for the propulsion of a qualified ~~commercial~~ motor vehicle by such motor carrier within this ~~the~~ state.

Section 22. Section 207.008, Florida Statutes, is amended to read:

207.008 Retention of records by motor carrier.—Each licensed ~~registered~~ motor carrier shall maintain and keep pertinent records and papers as may be required by the department for the reasonable administration of this chapter and shall preserve the records upon which each ~~quarterly~~ tax return is based for 4 years after ~~following~~ the due date or filing date of the return, whichever is later.

Section 23. Subsection (3) of section 207.011, Florida Statutes, is amended to read:

207.011 Inspection of records; hearings; forms; rules.—

(3) The department, or any authorized agent thereof, may ~~is authorized to~~ examine the records, books, papers, and equipment of any motor carrier, any retail dealer of motor ~~diesel~~ fuels, and any wholesale distributor of ~~diesel fuels or~~ motor fuels which ~~that~~ are deemed necessary to verify the truth and accuracy of any statement, ~~or~~ report, or return and ascertain whether the tax imposed by this chapter has been paid.

Section 24. Section 207.013, Florida Statutes, is amended to read:

207.013 Suits for collection of unpaid taxes, penalties, and interest.—Upon demand of the department, the Department of Legal Affairs or the state attorney for a judicial circuit shall bring appropriate actions, in the name of the state or in the name of the Department of Highway Safety and Motor Vehicles in the capacity of its office, for the recovery of taxes, penalties, and interest due under this chapter; and judgment shall be rendered for the amount so found to be due together with costs. However, if it is ~~shall be~~ found as a fact that such claim for, or grant of, an exemption or credit was willful on the part of any motor carrier, retail dealer, or distributor of ~~diesel fuel or~~ motor fuel, judgment must ~~shall~~ be rendered for double the amount of the tax found to be due with costs. The department may employ an attorney at law to institute and prosecute proper proceedings to enforce payment of the taxes, penalties, and interest provided for by this chapter and may fix the compensation for the services of such attorney at law.

Section 25. Subsection (3) of section 207.014, Florida Statutes, is amended to read:

207.014 Departmental warrant for collection of unpaid taxes.—

(3) In the event there is a contest or claim of any kind with reference to the property levied upon or the amount of

taxes, costs, or penalties due, such contest or claim must ~~shall~~ be tried in the circuit court in and for the county in which the warrant was executed, as nearly as may be in the same manner and means as such contest or claim would have been tried in such court had the warrant originally issued upon a judgment rendered by such court. The warrant issued as provided in this section constitutes ~~shall constitute~~ prima facie evidence of the amount of taxes, interest, and penalties due to the state by the motor carrier,~~;~~ and the burden of proof is ~~shall be~~ upon the motor carrier, retail dealer, or distributor of ~~diesel fuel or~~ motor fuel to show that the amounts or penalties were incorrect.

Section 26. Subsections (1) and (3) of section 207.023, Florida Statutes, are amended to read:

207.023 Authority to inspect vehicles, make arrests, seize property, and execute warrants.—

(1) As a part of their responsibility when inspecting qualified motor ~~commercial~~ vehicles, the Department of Highway Safety and Motor Vehicles, the Department of Agriculture and Consumer Services, and the Department of Transportation shall ensure that all vehicles are properly qualified under ~~the provisions of~~ this chapter.

(3) Qualified ~~commercial~~ motor vehicles owned or operated by any motor carrier who refuses to comply with this chapter may be seized by authorized agents or employees of the Department of Highway Safety and Motor Vehicles, the Department of Agriculture

and Consumer Services, or the Department of Transportation; or authorized agents and employees of any of these departments also may seize property as set out in ss. 206.205, 206.21, and 206.215. Upon such seizure, the property must ~~shall~~ be surrendered without delay to the sheriff of the county where the property was seized for further proceedings.

Section 27. Subsections (1) and (6) of section 207.0281, Florida Statutes, are amended to read:

207.0281 ~~Registration;~~ Cooperative reciprocal agreements between states.—

(1) The Department of Highway Safety and Motor Vehicles may enter into a cooperative reciprocal agreement, including, but not limited to, the International Fuel Tax ~~fuel-tax~~ Agreement, with another state or group of states for the administration of the tax imposed by this chapter. An agreement arrangement, declaration, or amendment is not effective until stated in writing and filed with the Department of Highway Safety and Motor Vehicles.

(6) This section and the contents of any reciprocal agreement entered into under this section supersede all other fuel-tax requirements of this chapter for qualified ~~commercial~~ motor vehicles.

Section 28. Paragraph (aa) of subsection (7) of section 212.08, Florida Statutes, is amended 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.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(aa) Qualified motor ~~certain commercial~~ vehicles.—Also exempt is the sale, lease, or rental of a qualified ~~commercial~~

motor vehicle as defined in s. 207.002, when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;

2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

Section 29. Subsection (6) of section 316.455, Florida Statutes, is amended to read:

316.455 Other equipment.—Every motorcycle and every motor-driven cycle when operated upon a highway shall comply with the requirements and limitations of:

~~(6) Section 316.272 on the requirement for mufflers and prevention of noise.~~

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 30. Paragraphs (a) and (b) of subsection (4) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(4)(a) A commercial vehicle may not be operated over the highways of this state unless it has been properly licensed ~~registered~~ under s. 207.004. Whenever any law enforcement

officer identified in s. 207.023(1), upon inspecting the vehicle or combination of vehicles, determines that the vehicle is in violation of s. 207.004, a penalty in the amount of $50 shall be assessed, and the vehicle may be detained until payment is collected by the law enforcement officer.

(b) In addition to the penalty provided for in paragraph (a), the vehicle may be detained until the owner or operator of the vehicle furnishes evidence that the vehicle has been properly licensed ~~registered~~ pursuant to s. 207.004. Any officer of the Florida Highway Patrol or agent of the Department of Transportation may issue a temporary fuel-use ~~fuel use~~ permit and collect the appropriate fee as provided for in s. 207.004(5) ~~s. 207.004(4)~~. Notwithstanding ~~the provisions of~~ subsection (6), all permit fees collected pursuant to this paragraph shall be transferred to the Department of Highway Safety and Motor Vehicles to be allocated pursuant to s. 207.026.

Section 31. Subsection (24) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

~~(24) In addition to any penalties imposed, a fine of $200 for a first offense and a fine of $500 for a second or subsequent offense for a violation of s. 316.293(5).~~

Section 32. Paragraph (b) of subsection (1) of section

319.35, Florida Statutes, is amended to read:

319.35 Unlawful acts in connection with motor vehicle odometer readings; penalties.—

(1)

(b) It is unlawful for any person to knowingly provide false information on the odometer readings required pursuant to ss. 319.23(3) and 320.02(2)(d) ~~320.02(2)(b)~~.

Section 33. Paragraph (c) of subsection (1) of section 324.171, Florida Statutes, is amended to read:

324.171 Self-insurer.—

(1) Any person may qualify as a self-insurer by obtaining a certificate of self-insurance from the department which may, in its discretion and upon application of such a person, issue said certificate of self-insurance when such person has satisfied the requirements of this section to qualify as a self-insurer under this section:

(c) The owner of a qualified ~~commercial~~ motor vehicle~~,~~ as defined in s. 207.002 or a commercial motor vehicle as defined in s. 320.01~~,~~ may qualify as a self-insurer subject to the standards provided for in subparagraph (b)2.

Section 34. Paragraph (c) of subsection (11) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules

adopted and promulgated by it and, for this purpose, to:

(11) Establish ambient air quality and water quality standards for the state as a whole or for any part thereof, and also standards for the abatement of excessive and unnecessary noise. The department is authorized to establish reasonable zones of mixing for discharges into waters. For existing installations as defined by rule 62-520.200(10), Florida Administrative Code, effective July 12, 2009, zones of discharge to groundwater are authorized horizontally to a facility's or owner's property boundary and extending vertically to the base of a specifically designated aquifer or aquifers. Such zones of discharge may be modified in accordance with procedures specified in department rules. Exceedance of primary and secondary groundwater standards that occur within a zone of discharge does not create liability pursuant to this chapter or chapter 376 for site cleanup, and the exceedance of soil cleanup target levels is not a basis for enforcement or site cleanup.

(c) The department, by rule, shall establish water quality criteria for wetlands which criteria give appropriate recognition to the water quality of such wetlands in their natural state.

This act may not be construed to invalidate any existing department rule relating to mixing zones. ~~The department shall cooperate with the Department of Highway Safety and Motor~~

~~Vehicles in the development of regulations required by s. 316.272(1).~~

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 35. Subsection (9) of section 403.415, Florida Statutes, is amended to read:

403.415 Motor vehicle noise.—

(9) OPERATING VEHICLE NOISE MEASUREMENTS.—~~The department shall establish, with the cooperation of the Department of Highway Safety and Motor Vehicles, measurement procedures for determining compliance of operating vehicles with the noise limits of s. 316.293(2).~~ The department shall advise the Department of Highway Safety and Motor Vehicles on technical aspects of motor vehicle noise enforcement regulations, assist in the training of enforcement officers, and administer a sound-level meter loan program for local enforcement agencies.

Section 36. Section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial or qualified motor vehicles; additional liability insurance coverage.—Commercial motor vehicles~~,~~ as defined in ~~s. 207.002 or~~ s. 320.01 and qualified motor vehicles as defined in s. 207.002~~,~~ operated upon the roads

and highways of this state must ~~shall~~ be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(1) Fifty thousand dollars per occurrence for a commercial motor vehicle or qualified motor vehicle with a gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds.

(2) One hundred thousand dollars per occurrence for a commercial motor vehicle or qualified motor vehicle with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

(3) Three hundred thousand dollars per occurrence for a commercial motor vehicle or qualified motor vehicle with a gross vehicle weight of 44,000 pounds or more.

(4) All commercial motor vehicles and qualified motor vehicles subject to regulations of the United States Department of Transportation, 49 C.F.R. part 387, subparts A and B, and as may be hereinafter amended, must ~~shall~~ be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 37. This act shall take effect July 1, 2026.

Commerce Committee
HB 543
Transportation

AMENDMENT SUMMARY
January 21, 2026

Amendment #118977 by McFarland (strike-all):

- Requires the Florida Department of Transportation (FDOT) to increase yellow traffic signal intervals only at intersections equipped with a traffic infraction detector.
- Removes provisions of the bill related to motor fuel taxation.
- Removes provisions of the bill related to off-highway vehicles.
- Introduces a fine for violation of conditions on the use of automated license plate recognition systems.
- Authorizes counties or municipalities to set lower speed limits for vehicles on certain roads under specified conditions.
- Clarifies provisions of the bill related to vehicle exhaust systems and noise emission standards.
- Clarifies requirements related to electronic credentialing systems for digital proofs of driver licenses and identification cards.
- Requires FDOT to establish by rule procedures for and additional conditions under which FDOT may make direct payments to first-tier subcontractors.
- Clarifies provisions related to requirements and qualifications for sureties to execute takeover agreements with FDOT.
- Removes legislative findings and clarifies provisions of the bill related to the Next-generation Traffic Signal Modernization Grant Program.
- Removes provision of the bill related to knowingly providing false information on odometer readings.

Amendment to Amendment #118977, #114341 by Plakon:

- Authorizes a vehicle displaying a valid disabled parking permit or plate to occupy more than once parking space under specified conditions.
- Prohibits such vehicles from being cited, penalized, or towed under specified circumstances.

Amendment to Amendment #118977, #484885 by Jacques:

- Provides that the use of license plate frames and decorative borders is not a criminal offense under specified conditions.

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: Commerce Committee
Representative McFarland offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. The Department of Transportation shall increase the minimum perception-reaction time for each steady yellow signal located at an intersection equipped with a traffic infraction detector by 0.4 seconds.

Section 2. Subsection (4) of section 311.10, Florida Statutes, is transferred, renumbered as section 311.15, Florida Statutes, and amended to read:

311.15 Seaports; cargo facilities; reporting requirements ~~311.10 Strategic Port Investment Initiative~~.—

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

(a) "Cargo purposes" means any facility, activity,

property, energy source, or infrastructure asset that is not intended to facilitate the transport of passengers and includes, but is not limited to, such facilities, activities, properties, energy sources, or infrastructure assets that support spaceport activities.

(b) "Commercial space launch industry" means any company substantially engaged in the transport, operation, and recovery of space launch or landing services with active maritime operations.

(2) Beginning February 1, 2027, and each February 1 thereafter, each seaport located in a county in which real property is designated as spaceport territory under s. 331.304 and that uses land, facilities, or infrastructure for the purpose of supporting spacecraft launch and recovery operations must submit a report to the chair of the Space Florida board of directors which describes all measures the seaport has taken to support the commercial space launch industry. The seaport must post a copy of the report on its website once it has been submitted to the chair of the board.

(3)~~(4) As a condition of receiving a project grant under any program established in this chapter and as a condition of receiving state funds as described in s. 215.31,~~ A seaport that is located in a county in which real property is designated as spaceport territory under s. 331.304 and that uses land, facilities, or infrastructure for the purpose of supporting

spacecraft launch and recovery operations ~~must, in any agreement with the Department of Transportation, agree that the seaport~~ may not convert any planned or existing land, facility, or infrastructure that supports cargo purposes to any alternative purpose unless all of the following conditions are met:

(a) The governing board of the seaport must provide public notice as provided in s. 50.011 at least 30 days before holding a public meeting on the proposed conversion.

(b) Before approving the proposed conversion, the governing board of the seaport must prepare or cause to be prepared a report estimating the impact of the conversion on the cargo operations of the seaport. The report must be prominently posted on the seaport's website at least 30 days before holding a public meeting on the proposed conversion.

(c) The conversion must be ~~is~~ approved by a two-thirds vote of ~~by~~ the ~~seaport's~~ governing board of the seaport at a publicly noticed meeting as a separate line on the agenda and with a reasonable opportunity for public comment.~~, and, if approved,~~

(4) The Legislature must expressly approve ~~approves~~ the use of state funds for any ~~a~~ project that includes the ~~such a~~ conversion of any planned or existing land, facility, or infrastructure that supports cargo purposes to any alternative purpose, whether by a work program amendment or through the General Appropriations Act. ~~As used in this subsection, the term~~

~~"cargo purposes" includes, but is not limited to, any facility, activity, property, energy source, or infrastructure asset that supports spaceport activities.~~

Section 3. Subsection (41) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(41) MICROMOBILITY DEVICE.—A motorized transportation device designed for individual use which is typically 20 to 36 inches in width and 50 pounds or less in weight and which operates at a speed of typically less than 15 miles per hour but no more than 28 miles per hour. This term includes devices ~~both a human-powered and a nonhuman-powered device~~ such as an ~~a bicycle,~~ electric bicycle and a~~,~~ motorized scooter~~, or any other device that is owned by an individual or part of a shared fleet~~.

Section 4. Subsections (3), (4), and (5) of section 316.0777, Florida Statutes, are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) and subsection (7) are added to that section to read:

316.0777 Automated license plate recognition systems; installation within rights-of-way of State Highway System and on and within property owned or controlled by private entity; public records exemption.—

(3) A private entity may install an automated license plate recognition system solely for use on and within the property owned or controlled by the entity and for a public safety-related purpose. A private entity that installs such a system:

(a) May not access vehicle registration data generated by the system, except to the extent that such data cannot reasonably be linked to an identified or identifiable individual.

(b) May not share or sell images or data generated by the system, except to the extent required to respond to a lawful request from a law enforcement agency.

(c) Must contractually obligate any third party that installs, maintains, or operates the system to protect the images or data generated by the system from disclosure, including a prohibition on sharing or selling such images or data, except to the extent required to respond to a lawful request from a law enforcement agency.

(d) May not offer or provide as payment or other consideration any portion of the proceeds derived from a fine or charge imposed based on images or data generated by the system to any third party that installs, maintains, or operates the system.

(7) An individual who uses or releases such information for a purpose not specifically authorized by law commits a

noncriminal infraction, punishable by a fine not exceeding $2,000.

Section 5. Subsection (2) of section 316.183, Florida Statutes, is amended to read:

316.183 Unlawful speed.—

(2) On all streets or highways, the maximum speed limits for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all other locations. However, with respect to a residence district, a county or municipality may set a lower maximum speed limit ~~of 20 or 25 miles per hour~~ on local streets and highways after an investigation determines that such a limit is reasonable. It is not necessary to conduct a separate investigation for each residence district. The minimum speed limit on all highways that comprise a part of the National System of Interstate and Defense Highways and have not fewer than four lanes is 40 miles per hour, except that when the posted speed limit is 70 miles per hour, the minimum speed limit is 50 miles per hour.

Section 6. Paragraph (a) of subsection (2) of section 316.189, Florida Statutes, is amended to read:

316.189 Establishment of municipal and county speed zones.—

(2) SPEED ON COUNTY ROADS.—The maximum speed on any county-maintained road is:

(a) In any business or residence district, 30 miles per hour in the daytime or nighttime; provided that with respect to residence districts a county may set a lower maximum speed limit ~~of 25 miles per hour~~ after an investigation determines that such a limit is reasonable; and it shall not be necessary to conduct a separate investigation in each residence district.

However, the board of county commissioners may set speed zones altering such speeds, both as to maximum and minimum, after investigation determines such a change is reasonable and in conformity to criteria promulgated by the Department of Transportation, except that no such speed zone shall permit a speed of more than 60 miles per hour.

Section 7. Subsection (2) of section 316.20655, Florida Statutes, is amended to read:

316.20655 Electric bicycle regulations.—

(2) An electric bicycle as defined in s. 316.003 or an operator of an electric bicycle is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

Section 8. Sections 316.272 and 316.293, Florida Statutes, are repealed.

Section 9. Subsections (2) through (5) of section 316.3045, Florida Statutes, are renumbered as subsections (3)

through (6), respectively, and a new subsection (2) is added to that section, to read:

316.3045 Operation of radios or other mechanical or electronic soundmaking devices or instruments in vehicles; exhaust systems; prevention of noise; exemptions.—

(2) Every motor vehicle that is required by federal law or regulation to be equipped with an exhaust system shall at all times be equipped with and maintain an exhaust system in good working order including muffler, manifold pipe, and tailpiping to prevent excessive or unusual noise. In no event shall an exhaust system allow excessive or unusual noise at a level plainly audible at a distance of 100 feet or more from the motor vehicle. This subsection does not apply to a motorcycle or moped that does not exceed United States Environmental Protection Agency noise emissions standards in 40 C.F.R. s. 205.152.

Section 10. Section 319.1401, Florida Statutes, is created to read:

319.1401 Titling and registering golf carts converted to low-speed vehicles.—A golf cart converted to a low-speed vehicle may be titled and registered for operation on certain roads without an inspection by the department. The owner of the low-speed vehicle shall affirm in writing that the vehicle complies with the requirements of chapter 316 and shall be assigned an identification number by the department. The identification number shall be unique to the low-speed vehicle and used for the

issuance of a title and registration for the vehicle.

Section 11. Section 322.032, Florida Statutes, is amended to read:

322.032 Digital proof of driver license or identification card; electronic credential autonomy and verification integrity.—

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

(a) "Credentialholder" means a person who is issued a digital proof of driver license or identification card.

(b) ~~(a)~~ "Digital proof of driver license" means an electronic credential viewable on an electronic credentialing system.

(c) ~~(b)~~ "Digital proof of identification card" means an electronic credential viewable on an electronic credentialing system.

(d) ~~(c)~~ "Electronic credentialing system" means a computer system accessed using a computer, a cellular telephone, or any other personal device which queries the department's driver license and identification card records, displays or transmits digital proofs of driver licenses and identification cards, and verifies the authenticity of those electronic credentials.

(e) ~~(d)~~ "Limited profile" means an electronic credential containing some, but not all, of the information displayed on a printed driver license or identification card.

(f) ~~(e)~~ "Scanning" means obtaining data from a digital

proof of driver license or identification card in an electronic format.

(2)(a) The department shall establish a secure and uniform system for issuing an optional digital proof of driver license or identification card. The department may contract with one or more private entities to develop an electronic credentialing system.

(b) The electronic credentialing system may not retain Internet protocol addresses, geolocation data, or other information that describes the location, computer, computer system, or computer network from which a customer accesses the system.

(c) In accordance with ISO 18013-5 and 18013-7, the electronic credentialing system must:

1. Require the explicit consent of the credentialholder before performing any communication.

2. Provide offline cryptographic verification mechanisms that:

a. Do not require communication with the department.

b. Are fully auditable and interoperable with open standards.

c. Preserve the anonymity and unlinkability of transactions unless explicitly waived by the credentialholder.

3. Adhere to data minimization principles, including collecting only the minimum data strictly necessary to fulfill

the stated purpose of verification.

4. Release data only for a single, clearly defined, and limited purpose that is explicitly communicated to the credentialholder.

5. Implement measures to ensure that the electronic credentials are updated as changes occur to the credentialholder's record.

(d) The department must:

1. Ensure that data is not reused, repurposed, shared, or transmitted beyond the initial purpose without the explicit consent of the credentialholder.

2. Securely delete data or render data irreversibly anonymized immediately upon fulfillment of the stated purpose unless a longer retention period is required by law and narrowly tailored to that legal necessity.

(e) Electronic credential verifiers must:

1. Perform full cryptographic validation of electronic credential authenticity, integrity, and issuer attribution without requiring online access to external systems, the department's systems, or any state system.

2. Retain only temporary user-authorized verification data that is strictly necessary for the transaction.

3. Create written strict data minimization principles that must be provided to a credentialholder upon request.

(f) Electronic credentials must:

1. Be issued as tamper-evident, cryptographically verifiable statements capable of being selectively disclosed.

2. Contain clear metadata specifying cryptographic material necessary for independent verification.

3. Be controlled by the credentialholder, who may choose to disclose only the minimum information necessary for a transaction.

4. Provide a credentialholder with the ability to audit verification requests and control the sharing of electronic credential attributes.

(3)(a) The digital proof of driver license or identification card established by the department or by an entity contracted by the department must be in such a format as to allow verification of the authenticity of the digital proof of driver license or identification card. The department may adopt rules to ensure valid authentication of digital driver licenses and identification cards.

(b)1. Notwithstanding ss. 322.14-322.142, and any other law prescribing the design for, or information required to be displayed on, a driver license, a digital proof of driver license may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.

2. Notwithstanding ss. 322.051 and 322.141, and any other law prescribing the design for, or information required to be

displayed on, an identification card, a digital proof of identification card may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.

(4) A person may not be issued a digital proof of driver license or identification card until he or she satisfies all requirements of this chapter for issuance of the respective driver license or identification card and has been issued a printed driver license or identification card. The electronic credentialing system must, upon each presentation of a digital driver license or identification card, display or transmit current records for the driver license or identification card. If a licensee's driving privilege is suspended, revoked, or disqualified, or if his or her driver license is otherwise canceled or expired, a digital proof of driver license may not be issued; however, a digital proof of identification card may be issued if the licensee is otherwise eligible for an identification card under s. 322.051.

(5) The department may use a telephone number submitted by a licensee or cardholder in connection with a digital driver license or identification card only for purposes of communication regarding the digital proof of driver license or identification card or the motor vehicle records, as defined in s. 119.0712(2)(a), of the licensee or cardholder.

(6) The department may enter into contracts with one or

more private entities which authorize online data calls or offline data verification through the electronic credentialing system that queries the department's driver license and identification card records, displays or transmits digital proofs of driver licenses or identification cards, or verifies the authenticity of such electronic credentials.

(7)(a) Except as provided in paragraph (b), a private entity that scans a digital proof of driver license or identification card may not store, sell, or share personal information collected from such scanning of the digital proof of driver license or identification card unless:

1. The credentialholder has provided clear and informed consent.

2. The retention serves a legally justified, narrowly tailored, and time-limited purpose.

(b) A credentialholder ~~An individual~~ may consent to allow a private entity to collect and store personal information obtained by scanning his or her digital proof of driver license or identification card. However, the credentialholder ~~individual~~ must be informed what information is collected and the purpose or purposes for which the information will be used. If the credentialholder ~~individual~~ does not want the private entity to scan his or her digital proof of the credentialholder's ~~individual's~~ driver license or identification card, the private entity may manually collect personal information from the

credentialholder ~~individual~~.

(c) A private entity that violates this subsection is subject to a civil penalty not to exceed $5,000 per occurrence, suspension of eligibility to participate in the electronic credentialing system, and public disclosure of the private entity's noncompliance.

(d) This subsection does not apply to a financial institution as defined in s. 655.005(1)(i).

(8) Courts shall afford strict scrutiny to any unnecessary government or commercial surveillance or remote verification practices that do not comply with this section.

(9) ~~(8)~~ A person who:

(a) Manufactures a false digital proof of driver license or identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Possesses a false digital proof of driver license or identification card commits a misdemeanor of the second degree, punishable as provided in s. 775.082.

Section 12. Paragraph (d) is added to subsection (11) of section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(11)

(d)1. The department may make direct payments to first-tier subcontractors. The department shall adopt by rule procedures to implement this subsection to establish the conditions under which such payments may be made and shall consider, at a minimum, whether:

a. The contractor has not requested payment from the department for at least 6 months.

b. There is a binding, written subcontract between the contractor and the subcontractor, and the department is in possession of a complete copy of the subcontract.

c. The subcontractor has performed work that is unpaid by the contractor, and the department has sufficient documentation of such unpaid work.

d. There is no bona fide, documented dispute between the contractor and the subcontractor.

2. Any amounts paid by the department under this paragraph shall be deducted from amounts otherwise due the contractor.

Section 13. Subsection (6) of section 337.18, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to that section, to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(6) If the department and the surety enter into a takeover agreement, the agreement shall require the surety's completion

contractor to possess a certificate of qualification in the respective work classes listed in the original contract bid solicitation as provided in s. 337.14 and to follow the department's procedures regarding the certification of disbursement of payment to subcontractors.

Section 14. Section 339.85, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 339.85, F.S., for present text.)

339.85 Next-generation Traffic Signal Modernization Grant Program.—

(1) The department shall implement a Next-generation Traffic Signal Modernization Grant Program. The purpose of the program is to assist counties and municipalities in upgrading eligible signalized intersections with artificial intelligence/machine learning-enabled detection, controllers, communications, and software that prioritizes modernization in key corridors across this state.

(2)(a) The department shall implement a state-local partnership under which the department, upon application for grant funding from a county or municipality, may provide funding through a cost-sharing arrangement as follows:

1. For the purchase and installation of AI/ML signal technology to be used at first-year pilot corridors, the department may fund up to 80 percent of eligible costs, with a

minimum 20 percent local contribution.

2. For enhancements or expansion of AI/ML signal technology in subsequent years, the department may fund 50 percent of eligible costs.

(b) Ongoing maintenance and operation costs after signal modernization shall be the responsibility of the local government and the vendor.

(3) The department may waive any local match requirement for state-owned or state-operated intersections.

(4) The department shall prioritize grant applications for intersections at which a signal modernization will measurably:

(a) Reduce average control delay and corridor travel times.

(b) Improve surrogate safety measures, such as failures to stop at red lights and hard-braking events, and support emergency vehicle preemption.

(c) Provide transit signal priority and multimodal benefits to pedestrians and cyclists.

(5) The department shall use competitive procurement as provided in chapter 287 to identify one or more AI/ML signal technology vendors that use state-of-the-art technology that complies with leading cybersecurity standards, such as SOC 2 and ISO 27001. The department shall prioritize systems where AI/ML software is hardware-agnostic and capable of being deployed on industry-standard computing devices or controllers from multiple

manufacturers. The program shall ensure, to the extent practicable, that the system or service:

(a) Requires open, interoperable, and secure systems that use nonproprietary data formats and protocols that enable interoperability with other state, local, and public safety systems.

(b) Provides the agency with unrestricted, real-time access to all data created, received, or maintained by the system.

(c) Allows for data migration to another system without dependence on the original vendor's proprietary tools or licensing restrictions.

(d) Avoids contract terms for exclusive maintenance, support, or future enhancement services.

(6) As a condition of any grant awarded pursuant to this section, any contract between a vendor and a local government must include a provision requiring the vendor to provide, upon notice of contract termination or expiration, all necessary cooperation, technical documentation, and data exports required to migrate services to a successor provider, if requested by the local government. The vendor must provide a reasonable cost range for these services to be included in the original contract.

(7) Beginning in fiscal year 2026-2027, $20 million is appropriated annually from the State Transportation Trust Fund

to the department to fund the Next-generation Traffic Signal Modernization Grant Program as described in this section regardless of previous year expenditures.

Section 15. Subsection (6) of section 316.455, Florida Statutes, is amended to read:

316.455 Other equipment.—Every motorcycle and every motor-driven cycle when operated upon a highway shall comply with the requirements and limitations of:

~~(6) Section 316.272 on the requirement for mufflers and prevention of noise.~~

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 16. Paragraph (c) of subsection (11) of section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(11) Establish ambient air quality and water quality standards for the state as a whole or for any part thereof, and also standards for the abatement of excessive and unnecessary noise. The department is authorized to establish reasonable zones of mixing for discharges into waters. For existing installations as defined by rule 62-520.200(10), Florida

Administrative Code, effective July 12, 2009, zones of discharge to groundwater are authorized horizontally to a facility's or owner's property boundary and extending vertically to the base of a specifically designated aquifer or aquifers. Such zones of discharge may be modified in accordance with procedures specified in department rules. Exceedance of primary and secondary groundwater standards that occur within a zone of discharge does not create liability pursuant to this chapter or chapter 376 for site cleanup, and the exceedance of soil cleanup target levels is not a basis for enforcement or site cleanup.

(c) The department, by rule, shall establish water quality criteria for wetlands which criteria give appropriate recognition to the water quality of such wetlands in their natural state.

This act may not be construed to invalidate any existing department rule relating to mixing zones. ~~The department shall cooperate with the Department of Highway Safety and Motor Vehicles in the development of regulations required by s. 316.272(1).~~

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 17. Subsection (9) of section 403.415, Florida Statutes, is amended to read:

403.415 Motor vehicle noise.—

(9) OPERATING VEHICLE NOISE MEASUREMENTS.—~~The department shall establish, with the cooperation of the Department of Highway Safety and Motor Vehicles, measurement procedures for determining compliance of operating vehicles with the noise limits of s. 316.293(2).~~ The department shall advise the Department of Highway Safety and Motor Vehicles on technical aspects of motor vehicle noise enforcement regulations, assist in the training of enforcement officers, and administer a sound-level meter loan program for local enforcement agencies.

Section 18. This act shall take effect July 1, 2026.

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

Remove everything before the enacting clause and insert: An act relating to transportation; requiring the Department of Transportation to increase the minimum perception reaction time of all steady yellow signals at certain intersections by a specified amount of time; transferring, renumbering, and amending s. 311.10(4), F.S.; defining the terms "cargo purposes" and "commercial space launch industry"; requiring certain seaports to submit an annual report describing

measures taken to support the commercial space launch industry to the chair of the Space Florida board of directors beginning on a specified date; requiring the seaport to post such report on its website; prohibiting certain seaports from converting planned or existing land, facilities, or infrastructure that supports cargo purposes unless specified conditions are met; requiring legislative approval for the use of state funds for specified projects; amending s. 316.003, F.S.; revising the definition of the term "micromobility device"; amending s. 316.0777, F.S.; authorizing a private entity to install an automated license plate recognition system for use on certain property for a specified purpose and providing requirements therefor; providing a penalty; amending s. 316.183, F.S.; authorizing a county or municipality to set a lower maximum speed limit under certain conditions; amending s. 316.189, F.S.; authorizing a county to set a lower maximum speed limit under certain conditions; amending s. 316.20655, F.S.; clarifying a provision; repealing ss. 316.272 and 316.293, F.S., relating to the prevention of noise from exhaust systems and motor vehicle noise, respectively; amending s. 316.3045, F.S.; requiring a motor vehicle to be equipped with an exhaust system to

prevent excessive or unusual noise; prohibiting such system from allowing noise that is audible at a specified distance from the vehicle; providing applicability; amending s. 319.1401, F.S.; authorizing certain golf carts to be titled and registered for operation on certain roads without an inspection by the department and providing requirements therefor; amending s. 322.032, F.S.; defining the term "credentialholder"; providing requirements for an electronic credentialing system; providing exceptions to certain prohibitions; providing for enforcement and penalties; amending s. 337.11, F.S.; authorizing the department to make direct payments to certain subcontractors under specified conditions; requiring the department to adopt rules; amending s. 337.18, F.S.; providing requirements for a takeover agreement; amending s. 339.85, F.S.; requiring the department to implement a Next-generation Traffic Signal Modernization Grant Program; providing program purpose; requiring the department to implement a state-local partnership through a cost-sharing arrangement; providing requirements for such arrangement; authorizing the department to waive local match requirements for certain intersections; requiring the department to prioritize grant

applications for certain intersections and use competitive procurement to find certain vendors; providing program requirements; providing for an annual appropriation; amending ss. 316.455, 403.061, and 403.415, F.S.; conforming provisions to changes made by the act; providing an effective date.

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: Commerce Committee

Representative Jacques offered the following:

Amendment to Amendment (118977) by Representative McFarland (with title amendment)

Between lines 191 and 192 of the amendment, insert:

Section 11. Subsection (5) is added to section 320.262, Florida Statutes, to read:

(5) The use of a license plate frame or decorative border device is not an offense under this section, provided the device does not obscure the visibility of the following:

(a) The alphanumeric designation or license plate number.

(b) The registration decal or validation sticker located in the upper right corner.

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

Remove line 573 of the amendment and insert:

amending s. 320.262, F.S.; providing that the use of a license plate frame or decorative border device is not prohibited under specified conditions; amending s. 322.032, F.S.; defining the term

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: Commerce Committee

Representative Plakon offered the following:

Amendment to Amendment (118977) by Representative McFarland (with title amendment)

Between lines 153 and 154 of the amendment, insert:

Section 7. Subsection (5) is added to section 316.1955, Florida Statutes, to read:

(5)(a) A vehicle displaying a valid disabled parking permit or a license plate issued under s. 316.1958 or s. 320.0848 and which is equipped with permanently installed mobility access equipment including, but not limited to, wheelchair ramps or lifts, may occupy more than one parking space when reasonably necessary to deploy such equipment safely, provided that no designated accessible parking spaces are available or sufficient to accommodate the vehicle's equipment.

(b) A vehicle described in paragraph (a) may not be cited, penalized, or towed solely because the vehicle occupies more than one parking space or exceeds standard parking dimensions, if:

1. The vehicle is lawfully displaying a valid disabled parking permit or plate; and

2. The vehicle does not block vehicular traffic lanes, emergency access routes, fire lanes, or pedestrian access paths; and

3. The vehicle does not create a clear and immediate safety hazard.

(c) Prior to towing a vehicle displaying a valid disabled parking permit or plate, a public or private property owner or towing operator must make reasonable efforts to determine whether the vehicle qualifies for the protections of this subsection, unless the vehicle presents an immediate threat to public safety.

(d) Nothing in this subsection shall be construed to permit parking in:

1. Fire lanes;

2. Emergency vehicle access areas;

3. Clearly posted no-parking zones; or

4. Any location where the vehicle poses an immediate risk to public safety.

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

Remove line 560 of the amendment and insert:
certain conditions; amending s. 316.1955, F.S.; authorizing vehicles displaying disabled parking permits to occupy more than one parking space under specified conditions; prohibiting such vehicles from being cited, penalized, or towed, under specified circumstances; amending s. 316.20655, F.S.;

HB 863

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 863 **TITLE:** Arbitration for Disputes with Citizens Property Insurance Corporation **SPONSOR(S):** Benarroch	**COMPANION BILL:** None **LINKED BILLS:** None **RELATED BILLS:** None

Committee References

Insurance & Banking
17 Y, 0 N

➤

Commerce

SUMMARY

Effect of the Bill:
The bill removes Citizens Property Insurance Corporations' (Citizens) ability to require policyholders to resolve claim disputes before the Division of Administrative Hearings (DOAH) without the policyholders' consent. The bill provides Citizens' policyholders the option to accept or decline resolving claim disputes through binding arbitration before DOAH. Policyholders must make this election at the issuance or renewal of their policy and it cannot be amended mid-term. The bill also requires policyholders to receive a bold, standardized disclosure of this election. The bill repeals the provision allowing Citizens to contract with DOAH to resolve claim disputes.

Fiscal or Economic Impact:
There may be an indeterminate state fiscal impact.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill repeals Citizens Property Insurance Corporations' (Citizens) ability to require policyholders to resolve claim disputes before the Division of Administrative Hearings (DOAH). (Section 1)

The bill authorizes Citizens to adopt policy forms that provide policyholders the option to select arbitration before DOAH for resolving claim disputes. Under the bill, DOAH retains full authority to arbitrate claim disputes when the policyholder elects arbitration before DOAH. However, Citizens is unable to require policyholders to use binding arbitration to resolve claim disputes without the policyholders' consent. (Section 1)

The bill requires each policyholder be notified in writing at policy inception and renewal that they must decide whether or not to resolve disputes through arbitration before DOAH. The notification must be in at least 12-point bold font immediately before the policyholder's signature within the policy documents, and must be substantially in the following form: (Section 1)

> "AN INSURED MUST CHOOSE AT THE TIME OF ENTERING INTO THIS POLICY OR UPON RENEWAL WHETHER TO RESOLVE DISPUTES THROUGH ARBITRATION BEFORE THE DIVISION OF ADMINISTRATIVE HEARINGS. THE INSURED MUST INDICATE THIS SELECTION BY MARKING "ACCEPT" OR "DECLINE" BELOW. THIS DECISION CANNOT BE CHANGED DURING THE TERM OF THE POLICY.
> [ ] ACCEPT
> [ ] DECLINE"

The bill repeals the provision authorizing Citizens to contract with DOAH to resolve claim disputes. (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate fiscal impact on DOAH if policyholders decline arbitration. Additionally, Citizens will no longer be able contract with DOAH to resolve claim disputes. The bill may have an indeterminate fiscal impact on circuit courts if policyholders decline arbitration.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Citizens Property Insurance Corporation (Citizens)
Citizens is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the voluntary market.[1] Citizens was created in 2002 by the Florida Legislature by combining the Florida Residential Property and Casualty Joint Underwriting Association and the Florida Windstorm Underwriting Association.[2]

As of December 26, 2025, Citizens reports 395,912 active policies.[3] By the end of 2025, Citizens' policy count is expected to fall to around 385,000. This would be the lowest reported policy count for Citizens since inception.[4]

From January 1 through September 30, 2025, Citizens was served with 4,307 lawsuits (roughly 479 suits/month). Of these, 96% are first-party residential property suits, 1% are first-party commercial property suits, and 3% are third-party liability suits. As of September 30, 2025, the total pending volume of lawsuits was 8,823. This is a 47% decrease in total pending volume of 16,518 lawsuits from the same time period in 2024.[5]

Division of Administrative Hearings (DOAH)
DOAH is a state agency that employs full-time administrative law judges to conduct hearings in which the substantial interests of a person are determined by an agency and involve a disputed issue of material fact.[6] Generally, when a state agency proposes an action that may adversely affect an individual, that person is entitled to request an administrative hearing.[7] Requests for hearings are initially submitted to the relevant state agency.[8]

If the matter does not involve disputed issues of fact, the agency conducts the proceeding itself and issues a decision.[9] However, if the requesting party disputes the facts underlying the proposed agency action, the case is

[1] S. 627.351(6)(a)1, F.S.
[2] Florida Office of Insurance Regulation, *Market Conduct Final Examination Report of Citizens Property Insurance Corporation* (January 11, 2021), https://floir.gov/docs-sf/property-casualty-libraries/market-regulation/2021/citizens-property-insurance-corporation-1-11-2021.pdf (last visited January 5, 2026).
[3] Citizens Property Insurance Corporation, *Policies in Force: Current Snapshot*: *December 26, 2025*. https://www.citizensfla.com/policies-in-force (last visited January 5, 2026).
[4] Citizens Property Insurance Corporation, *Press Release* (December 10, 2025), https://www.citizensfla.com/-/20251210-citizens-recommends-rate-cuts-for-most-policyholders (last visited January 5, 2026).
[5]Citizens Property Insurance Corporation, *Litigated Claims Update* (November 20, 2025), https://www.citizensfla.com/documents/20702/38933326/20251120+03+Litigated+Claims+Update.pdf/2626361d-17ea-60ab-64d8-64ece4e943ff?version=1.0&t=1762966917511&d (last visited January 5, 2026).
[6] Ch.120, F.S..
[7] S. 120.68(1), F.S.
[8] Rule 28-106.201 (1), F.A.C.
[9] S. 120.57(2), F.S.

typically referred to DOAH for a formal hearing before an independent and neutral administrative law judge.[10] As of October 27, 2025, DOAH employs 44 administrative law judges throughout Florida.[11]

Following the hearing, the administrative law judge issues either a recommended order or a final order, which is provided to the agency and the parties. When a recommended order is issued, the agency reviews it and then enters a final order, generally adopting the judge's factual findings (though the agency may modify or reject certain legal conclusions or recommended penalties under limited circumstances). If the final order is averse to the non-agency party, the party may appeal the decision to the appropriate District Court of Appeal.[12]

Mandatory Binding Arbitration

A property insurance policy issued in Florida, except for those issued by Citizens, may not require that a policyholder participate in mandatory binding arbitration unless all of the following apply: [13]

- The arbitration requirement is included in a separate endorsement attached to the policy.
- The policyholder's premium reflects a credit or premium discount for accepting the arbitration endorsement.
- The policyholder signs a form agreeing to the mandatory binding arbitration, which clearly explains the rights they are relinquishing, including the right to a trial by jury.
- The endorsement establishes that the insurer will comply with statutory mediation provisions.
- The insurer provides the policyholder an alternative that does not require mandatory binding arbitration.

Citizens DOAH Program

Beginning in 2023, Citizens could require policyholders to resolve claim disputes through binding arbitration before DOAH without the consent of policyholders.[14] Citizens is not required to utilize DOAH, but has the option if they choose to do so.[15] Starting on October 1, 2023, Citizens was approved to insert an endorsement form entitled "Alternative Dispute Resolution Division of Administrative Hearings" for all new and renewal non-commercial policies.[16] By virtue of its quasi-governmental status, Citizens is the only insurer permitted to conduct arbitration before DOAH.[17]

Prior to 2023, disputes between Citizens and a policyholder that were not resolved via informal negotiation, Department of Financial Services mediation, or demand appraisal, resulted in the filing of a civil suit in circuit court.[18]

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[10] S. 120.57(1), F.S.
[11] *Division of Administrative Hearings v. Citizens Property Insurance Corporation* and *Martin A. Alvarez,* No. 2D2025-2789, Emergency Petition for Writ of Prohibition (Fla. 2d DCA Oct. 27, 2025).
[12] S. 120.68(2)(a), F.S.
[13] S. 627.70154, F.S.
[14] Ch. 2023-175, Laws of Fla.
[15] Citizens Property Insurance Corporation, *Executive Summary: Division of Administrative Hearings* (December 7, 2022), https://www.citizensfla.com/documents/20702/28368994/20221207+9B+Action+Item+-+DOAH+COMBINED.pdf/d1c3df8e-dffd-be99-f770-91d29adc8b2c?version=1.0&t=1668827787450&d (last visited January 5, 2026).
[16] Citizens Property Insurance Corporation, *Executive Summary: Division of Administrative Hearings* (December 4, 2024), https://www.citizensfla.com/documents/20702/31300530/20241204+09A+DOAH+Consent+Item+combined.pdf/96b3177a-8c6e-6e64-1c4d-3f6185a56cb1?version=1.0&t=1732029217029&d (last visited January 5, 2026).
[17] Citizens Property Insurance Corporation, *Minutes of the Claims Committee Meeting, Thursday, November, 16, 2023* (March 28, 2024),https://www.citizensfla.com/documents/20702/30844688/20240328%2B01%2BApproval%2Bof%2BPrior%2BClaims%2BCommittee%2BMeeting%2BMinutes%2B11.16.23.pdf (last visited January 5, 2026).
[18] Citizens Property Insurance Corporation, *Minutes of the Claims Committee Meeting, Thursday, November, 16, 2023* (March 28, 2024),https://www.citizensfla.com/documents/20702/30844688/20240328%2B01%2BApproval%2Bof%2BPrior%2BClaims%2BCommittee%2BMeeting%2BMinutes%2B11.16.23.pdf (last visited January 5, 2026).

Since 2014, Citizens has contracted with DOAH to provide dispute resolution services, specifically for any bid protests.[19] In July of 2022, Citizens' Board of Governors approved pursuing alternative dispute resolutions for claims disputes involving the use of DOAH. The Board authorized the use of up to $2,000,000 in 2023 for these proceedings.[20] In December of 2023, the Board approved extending the same $2,000,000 authorization through 2024.[21] In December of 2024, Citizens and DOAH renewed the same contract for $19,300,000 to fund the arbitration program through 2027. This $19.3 million allots for upwards of 320 claims per month in 2025, 2026, and 2027.[22]

The contract provides for compensation to DOAH based on the cost of DOAH resources dedicated exclusively to property insurance disputes.[23] As of October 27, 2025, DOAH employs 12 full-time administrative law judges, as well as other support staff, dedicated exclusively to arbitrating Citizens policy disputes.[24]

As of October 14, 2025, Citizens has referred 1,662 cases to DOAH in 2025, with 1,204 having been fully resolved. A majority of cases have been resolved through voluntary settlement (80%), including 49% of cases where insureds accept a "nominal settlement amount ($500 or less)".[25] Citizens cites that the average resolution time is 93 days in the DOAH process as compared to 618 days in the state court process.[26] The remaining 20% of cases move towards hearings, where 9% abandon their disputes prior to final hearing, and 11% proceed.[27] According to news reports, as of July 21, 2025, Citizens has won in more than 90% of the cases that made it to a final DOAH hearing where both sides presented their case. According to news reports, records released by Citizens showed that in traditional circuit court trials Citizens wins around 55% of the time.[28]

Notable Court Activity

In 2025, several separate court cases have been filed against Citizens challenging the mandatory DOAH arbitration clause within their policies. Plaintiffs allege the arbitration endorsement is unconstitutional, depriving them of due process, meaningful access to courts, and jury trial rights.[29]

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[19] Citizens Property Insurance Corporation, *Executive Summary: Division of Administrative Hearings* (December 7, 2022) https://www.citizensfla.com/documents/20702/28368994/20221207+9B+Action+Item+-+DOAH+COMBINED.pdf/d1c3df8e-dffd-be99-f770-91d29adc8b2c?version=1.0&t=1668827787450&d (last visited January 5, 2026).

[20] *Id.*

[21] Citizens Property Insurance Corporation, *Executive Summary: Division of Administrative Hearings* (November 16, 2023), https://www.citizensfla.com/documents/20702/30165071/20231116+06C+Division+of+Administrative+Hearings.pdf/dccfe011-0812-3508-7f1c-333af0fb2ac5?version=1.0&t=1706019939485&d (last visited January 5, 2026).

[22] Citizens Property Insurance Corporation, *Executive Summary: Division of Administrative Hearings* (December 4, 2024), https://www.citizensfla.com/documents/20702/31300530/20241204+09A+DOAH+Consent+Item+combined.pdf/96b3177a-8c6e-6e64-1c4d-3f6185a56cb1?version=1.0&t=1732029217029&d (last visited January 5, 2026).

[23] *Id.*

[24] *Division of Administrative Hearings v. Citizens* and *Alvarez,* No. 2D2025-2789, Emergency Petition for Writ of Prohibition (Fla. 2d DCA Oct. 27, 2025).

[25] Citizens Property Insurance Corporation, *Litigated Claims Update* (November 20, 2025) https://www.citizensfla.com/documents/20702/38933326/20251120+03+Litigated+Claims+Update.pdf/2626361d-17ea-60ab-64d8-64ece4e943ff?version=1.0&t=1762966917511&d (last visited January 5, 2026).

[26] *Id.*

[27] *Id.*

[28] Ariza, M. *A Florida Home Insurer Was Allowed to Bypass the Courts During Claim Disputes. It Won More Than 90% of the Time,* ProPublica (September 15, 2025), https://www.propublica.org/article/citizens-property-insurance-florida-arbitration-cases (last visited December 21, 2025); Conte, A. *Homeowners Are Losing 90% of Cases Against Florida's Biggest Insurer-Here's Why,* Realtor.com, (September 29, 2025) https://www.realtor.com/advice/finance/citizens-insurance-florida-claim-disputes-doah (last visited January 5, 2026); Hurtibise, R. *A 'stacked deck': Citizens' alternative dispute system unfair to policyholders, attorneys say,* South Florida Sun-Sentinel (July 12, 2025).

[29] *Alvarez v. Citizens*, No. 25-CA-006626, Complaint (Fla. 13th Cir. Ct. July 11, 2025); *Lombana v. Citizens*, No. 2025CA001675, Complaint (Fla. 2d Cir. Ct. July 16, 2025); *Williams v. Citizens*, No. 1:25-cv-23097, Complaint (S.D. Fla. July 10, 2025).

In *Alvarez v. Citizens*, the judge in the Thirteenth Judicial Circuit issued a temporary injunction on August 1, 2025, halting all arbitration before DOAH on the grounds the plaintiff (Alvarez) demonstrated a substantial likelihood of success on the merits of his claims that Citizens' ability to require mandatory arbitration violates policyholders' constitutional rights to due process and access to courts.[30] The case was voluntarily dismissed in December 2025.[31]

In *Lombana v. Citizens*, the judge in the Second Judicial Circuit ordered DOAH to resume arbitration for 400+ pending Citizens cases on November 14, 2025. The judge ruled that the injunction issued in *Alvarez* was notably broad and that the non-final determination of a single trial court lacks binding effect on other trial courts.[32] The order is currently being appealed in the First District Court of Appeal.[33]

Two class action lawsuits have also been filed against Citizens alleging that its arbitration endorsement is unconstitutional by virtue of being mandatory, non-negotiable, and imposed through adhesion contracts without reduction in premiums. The plaintiffs further allege that Citizens' systematic invocation of DOAH proceedings compels policyholders into an administrative forum that lacks meaningful discovery, motion practice, or judicial review.[34] No rulings have been issued to date.

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/HB 643/ Relating to Insurance	Commerce Committee, Insurance & Banking Subcommittee, Synder	The bill passed the House, but died in the Senate.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee	17 Y, 0 N	1/14/2026	Brackett	Veigle
Commerce Committee			Hamon	Veigle

[30] *Alvarez v. Citizens*, No. 25-CA-006626, Order Granting Plaintiff's Petition for Temporary Injunction (Fla. 13th Cir. Ct. Aug. 1, 2025).
[31] *Alvarez v. Citizens,* No. 25-CA-006626, Motion to Voluntarily Dismissal (Fla. 13th Cir. Ct. Dec. 8, 2025).
[32] *Lombana v. Citizens,* 2025CA001675, Order Granting Petition for Writ of Mandamus (Fla. 2d Cir. Ct. Nov. 14, 2025).
[33] *Lombana v. Citizens, Division of Administrative Hearings*, 1D2025-3195, Notice of Appeal (Fla. 1st DCA Dec. 4, 2025).
[34] *Jamie Alverio v. Citizens,* No. 2025CA001978, Class-Action Complaint for Declaratory Relief (Fla. 18th Cir. Ct. Aug. 27, 2025); *Idelmis and Jesus Martinez v. Citizens*, No.2025-017067-CA-01, Class-Action Complaint for Declaratory Relief (Fla. 11th Cir. Ct. Sept. 1, 2025).

A bill to be entitled

An act relating to arbitration for disputes with Citizens Property Insurance Corporation; amending s. 627.351, F.S.; requiring notification of arbitration before the Division of Administrative Hearings as an option for dispute resolution procedures under Citizens Property Insurance Corporation; removing obsolete language; providing an effective date.

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

Section 1. Paragraph (ll) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(ll)1. In addition to any other method of alternative dispute resolution authorized by state law, the corporation may adopt policy forms that provide an option for the insured to select, at the time of entering into the policy or upon renewal, to have disputes regarding the corporation's claim determinations ~~for the resolution of disputes regarding its claim determinations~~, including disputes regarding coverage for, or the scope and value of, a claim, resolved through arbitration ~~in a proceeding~~ before the Division of Administrative Hearings. Each insured must be notified in writing, at the time of

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

entering into a policy with the corporation and upon each renewal, that the insured must decide whether to resolve disputes through arbitration before the Division of Administrative Hearings. Such notification must be in at least 12-point boldfaced type, immediately preceding the insured's signature, in substantially the following form:

AN INSURED MUST CHOOSE AT THE TIME OF ENTERING INTO THIS POLICY OR UPON RENEWAL WHETHER TO RESOLVE DISPUTES THROUGH ARBITRATION BEFORE THE DIVISION OF ADMINISTRATIVE HEARINGS. THE INSURED MUST INDICATE THIS SELECTION BY MARKING "ACCEPT" OR "DECLINE" BELOW. THIS DECISION CANNOT BE CHANGED DURING THE TERM OF THE POLICY.

[ ] ACCEPT
[ ] DECLINE

2. Any such policies are not subject to s. 627.70154. All arbitrations before ~~proceedings in~~ the Division of Administrative Hearings pursuant to such policies are subject to ss. 57.105 and 768.79 as if filed in the courts of this state and are not considered chapter 120 administrative proceedings. Rule 1.442, Florida Rules of Civil Procedure, applies to any offer served pursuant to s. 768.79, except that, notwithstanding any provision in Rule 1.442, Florida Rules of Civil Procedure, to the contrary, an offer shall not be served earlier than 10

days after filing the request for hearing with the Division of Administrative Hearings and shall not be served later than 10 days before the date set for the final hearing. The administrative law judge in such arbitrations ~~proceedings~~ shall award attorney fees and other relief pursuant to ss. 57.105 and 768.79. The corporation may not seek, and the office may not approve, a maximum hourly rate for attorney fees.

~~2. The corporation may contract with the division to conduct proceedings to resolve disputes regarding its claim determinations as may be provided for in the applicable policies of insurance. This subparagraph expires July 1, 2026.~~

Section 2. This act shall take effect July 1, 2026.