

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: CS/CS/SB 700

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government;  
Agriculture Committee and Senator Truenow

SUBJECT: Department of Agriculture and Consumer Services

DATE: April 7, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Wiseheart</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>Burse</u>	<u>Siples</u>	<u>FP</u>	<u>Pre-meeting</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 700 makes a number of changes to laws related to the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Requires that lands owned or leased by an electric utility, which may also be the site of solar energy systems and bona fide agricultural uses of the land, be classified agricultural by the property appraiser.
- Permits the department to adopt rules for protecting the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations.
- Prohibits the use of any additives in a public water system which do not meet the definition of a water quality additive as defined in s. 403.852, F.S., or the use of any additives included primarily for health-related purposes.
- Permits the department to provide pest control certificate examinations in person and remotely through a third-party vendor.
- Creates the Honest Service Registry.
- Provides it is unlawful to transport, import, sell, offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle.
- Grants the department rulemaking authority to enforce the Food and Drug Administration's (FDA) standard of identity for meat, poultry, and poultry products, to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products in this state.

- Creates an annual petroleum registration program for petroleum owners or operators that own and operate vehicles for transporting petroleum products and permits the department to adopt rules detailing the requirements for such registration.
- Creates the Florida Retail Fuel Transfer Switch Modernization Grant Program.
- Prohibits local governments from restricting any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animals or equipment therein.
- Creates the Silviculture Emergency Recovery Program within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency.
- Changes the Viticulture Advisory Council to the Florida Wine Advisory Council and makes conforming changes related to the new name.
- Prohibits a financial institution from discriminating in the provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor.
- Permits the department to temporarily suspend a concealed carry license or application if notified by a government entity that the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license, until final disposition of the case.
- Requires the department notify the suspended licensee or applicant of their right to a hearing pursuant to chapter 120. It provides that there will be a limited hearing to determine if the department issues an order lifting the suspension or the suspension remains in effect.
- Prohibits the possession of any form of a payment instrument that can be used to authorize a fuel transaction or obtain fuel with the intent to defraud the fuel retailer or the banking institution that issued the payment instrument financial account.

The bill may have an indeterminate impact on local property taxes. Food distributors may incur labeling costs. New misdemeanors and felonies may have a positive indeterminate prison bed impact.

Overall, the bill has an indeterminate, yet insignificant impact to the Department of Agriculture and Consumer Services. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

## **II. Present Situation:**

The present situation for each issue is described below in Section III, Effect of Proposed Changes.

## **III. Effect of Proposed Changes:**

### **Career Service Exemptions for the Office of Agricultural Law Enforcement**

#### ***Present Situation***

The Florida Constitution requires the Legislature to create a civil service system for state

employees.<sup>1</sup> The Department of Management Services (DMS) is responsible for developing uniform personnel rules, guidelines, records, and reports relating to employees and positions in the career service.<sup>2</sup> All state employees generally fall into one of four categories:

- Career service system;<sup>3</sup>
- Senior management service system;<sup>4</sup>
- Volunteers;<sup>5</sup> or
- Selected exempt service system.<sup>6</sup>

The Office of Agricultural Law Enforcement (OALE) enforces laws governing businesses regulated by the Florida Department of Agriculture and Consumer Services (DACs). The OALE protects consumers from unfair and deceptive trade practices, protects Florida's agriculture industry from theft and other crimes, and safeguards the wholesomeness of food and other consumer products.<sup>7</sup>

The OALE operates 23 agricultural inspection stations on 19 highways going into and out of Florida. Officers conduct vehicle inspections 24 hours a day, 365 days a year to ensure the safety of Florida's food supply. Officers look for unsafe or unwholesome food that could make people sick, and plant and animal pests and diseases that could harm the state's \$100 billion agriculture industry.<sup>8</sup>

The OALE investigates crimes involving agriculture and those occurring on property owned or operated by the DACs. They help maintain domestic security by participating in all seven regional Domestic Security Task Forces statewide. The OALE partners with federal, state and local law enforcement agencies and help coordinate the Domestic Marijuana Eradication Task Force.<sup>9</sup>

### *Effect of Proposed Changes*

**Section 1** amends s. 110.205, F.S., to add an exemption to the Career Service system for captains and majors employed with the OALE within the department.

**Section 81** reenacts s. 295.07, F.S., related to the positions exempt from the state Career Service System, to incorporate the amendments made to s. 110.205, F.S.

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<sup>1</sup> FLA. CONST. art. III, s. 14

<sup>2</sup> Section 110.201(1)(a), F.S.

<sup>3</sup> Chapter 110, Part II, F.S.

<sup>4</sup> Chapter 110, Part III, F.S.

<sup>5</sup> Chapter 110, Part IV, F.S.

<sup>6</sup> Chapter 110, Part V, F.S.

<sup>7</sup> FDACS, OALE, <https://www.fdacs.gov/Divisions-Offices/Agricultural-Law-Enforcement>, (last visited March 19, 2025).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

## Comprehensive Plans and Land Use Regulation

### *Present Situation*

The Community Planning Act<sup>10</sup> requires every city and county to create and implement a comprehensive plan to guide future development. A local government's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.

The land use element of the plan designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities.<sup>11</sup>

The housing element of the plan sets forth guidelines and strategies for the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, provision of adequate sites for future housing, and distribution of housing for a range of incomes and types.<sup>12</sup>

Local governments regulate aspects of land development by enacting ordinances that address local zoning, rezoning, subdivision, building construction, landscaping, tree protection, or sign regulations or any other regulations controlling the development of land.<sup>13</sup>

### *Zoning*

Zoning maps and zoning districts are adopted by local governments for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.<sup>14</sup> Common regulations on buildings within the zoning map districts include density,<sup>15</sup> height and bulk of buildings, setbacks, and parking requirements.<sup>16</sup> Zoning regulations also include acceptable uses of property for other categories of land, such as agricultural or industrial.

If a landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the landowner can seek a rezoning through a rezoning application which is reviewed by the local government and voted on by the governing body.<sup>17</sup> If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as

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<sup>10</sup> Part II, Ch. 163, F.S.

<sup>11</sup> Section 163.3177(6)(a), F.S.

<sup>12</sup> Section 163.3177(6)(f), F.S.

<sup>13</sup> See ss. 163.3164 and 163.3213, F.S. Pursuant to s. 163.3213, F.S., substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the local comprehensive plan.

<sup>14</sup> INDIAN RIVER CNTY., *General Zoning Questions*, [https://indianriver.gov/services/community\\_development/faq.php#faq-questions-33](https://indianriver.gov/services/community_development/faq.php#faq-questions-33) (last visited March 19, 2025).

<sup>15</sup> "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. Section 163.3164(12), F.S.

<sup>16</sup> INDIAN RIVER CNTY., *supra* note 14.

<sup>17</sup> See, e.g., CITY OF TALLAHASSEE, *Application For Rezoning Review*, available at: <https://www.tal.gov.com/Uploads/Public/Documents/place/zoning/cityrezinfsh.pdf> (last visited March 19, 2025).

building size or setback through an application for a variance.<sup>18</sup> However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

### ***Agricultural Lands***

Agricultural land is one example of property that is assessed based on its current use rather than its highest and best use.<sup>19</sup> A property appraiser is required to annually classify all land as either agricultural or nonagricultural.<sup>20</sup> Agricultural lands are those used primarily for bona fide agricultural purposes such as horticulture, viticulture, forestry, and farming.<sup>21</sup>

### ***Migrant and Seasonal Farmworkers***

Migrant farmworkers are defined as people who are or have been employed in hand labor operations in planting, cultivating, or harvesting agricultural crops within the last 12 months and who have changed residence for purposes of employment in agriculture within the last 12 months.<sup>22</sup> Outreach, employment, and other services targeted to migrant farmworkers are regulated by federal law and administered by various state and local agencies, including the Department of Economic Opportunity's Migrant and Seasonal Farmworker Services program.<sup>23</sup>

Migrant farmworker housing is regulated by the Florida Department of Health (DOH) in coordination with local health departments and federal law.<sup>24</sup> Migrant farmworker housing may include residential property, including mobile homes or a migrant labor camp consisting of dormitories constructed and operated as living quarters for migrant farmworkers.<sup>25</sup> Establishment of such housing requires advance notice, inspections, and permitting based on standards of construction, sanitation, equipment, and operation, as well as compliance with inspections during use.<sup>26</sup>

### ***Employment Verification***

Under the Immigration Reform and Control Act of 1986 (IRCA),<sup>27</sup> it is illegal for any United States employer to knowingly:

- Hire, recruit, or refer for a fee an alien knowing he or she is unauthorized to work;
- Continue to employ an alien knowing he or she has become unauthorized; or

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<sup>18</sup> See, e.g., CITY OF TALLAHASSEE, *Variance and Appeals*, available at: [https://www.talgov.com/Uploads/Public/Documents/growth/forms/boaa\\_variance.pdf](https://www.talgov.com/Uploads/Public/Documents/growth/forms/boaa_variance.pdf) (last visited March 19, 2025) and SEMINOLE CNTY., *Variance Process & Requirements*, <https://www.seminolecountyfl.gov/departments-services/development-services/planning-development/boards/board-of-adjustment/variance-process-requirements.stml> (last visited March 19, 2025).

<sup>19</sup> FLA. CONST. art. VII, s. 4(a).

<sup>20</sup> Section 193.461(1), F.S.

<sup>21</sup> Section 193.461, F.S.

<sup>22</sup> Section 381.008(4), F.S.

<sup>23</sup> FLA. DEP'T OF ECON. OPPORTUNITY, *Migrant and Seasonal Farmworker Services*, <https://floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/migrant-and-seasonal-farmworker-services> (last visited March 19, 2025).

<sup>24</sup> Sections 381.008-381.00897, F.S.

<sup>25</sup> Section 381.008(5) and (8), F.S.

<sup>26</sup> Section 381.0083, F.S.

<sup>27</sup> Pub. L. No. 99-603, 100 Stat. 3359.

- Hire, recruit or refer for a fee, any person (citizen or alien) without following the record keeping requirements of the IRCA.<sup>28</sup>

Under Florida law, public employers and their contractors, and subcontractors thereof, are required to register and use E-Verify to verify the work authorization status of all newly hired employees.<sup>29</sup> A private employer that transacts business in Florida, has a license issued by an agency, and employs workers in Florida is required to use the I-9 Form or E-Verify or a substantially equivalent system to verify that new hires or retained contract employees are authorized to work in the United States.<sup>30</sup>

### *H-2A Visa Program*<sup>31</sup>

The H-2A Temporary Agricultural Workers program is a federal program which allows U.S. employers meeting specific regulatory requirements to bring foreign nationals to the United States to fill temporary agricultural jobs. The program includes work, housing, visa, and recordkeeping requirements, and is a joint program of the Federal Departments of Labor, State, and Homeland Security. Prospective nonimmigrant agricultural workers must receive a temporary labor certification from the U.S. Department of Labor.

### *Effect of Proposed Changes*

**Section 2** amends s. 163.3162, F.S., to provide a definition for “department” to mean the Department of Agriculture and Consumer Services. The bill defines “housing site” as the totality of development supporting authorized housing, including buildings, mobile homes, barracks, dormitories, parking areas, common areas, storage structures, and related structures. The bill also defines “legally verified agricultural worker” as a person who:

- Is lawfully present in the United States;
- Meets the definition of eligible worker;
- Has been verified according to the state’s employment eligibility verification requirements.;
- Is seasonally or annually employed in agricultural production;
- Is authorized, and remains allowed, to work; and
- Is not an unauthorized alien.

The bill provides that a governmental entity may not adopt or enforce any legislation, regulation, or ordinance which inhibits the construction or installation of housing for agricultural employees on land zoned for agricultural use and operated as a bona fide farm, except as provided by law. The bill also provides that local governments may require that a housing site authorized under this section:

- Must meet all local and state building standards, including migrant farmworker housing standards regulated by the Department of Health (DOH) and federal standards for H-2A visa housing;

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<sup>28</sup> 8 U.S.C. s. 1324a.

<sup>29</sup> Section 448.095(2), F.S.

<sup>30</sup> Section 448.095(3), F.S.

<sup>31</sup> See generally, Department of Homeland Security Office of U.S. Citizenship and Immigration Services, *H-2A Temporary Agricultural Workers*, available at <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2a-temporary-agricultural-workers> (last visited March 19, 2025).

- Must be maintained in a neat, orderly, and safe manner;
- Must have structures placed a minimum of 10 feet apart;
- May not exceed square footage of 1.5 percent of the property's area or 35,000 square feet, whichever is less;
- Must provide 50-foot setbacks on all sides;
- May not be located less than 100 feet from a property line adjacent to property zoned for residential use;
- If within 250 feet of a property line adjacent to property zoned for residential use, must contain screening consisting of tree, wall, berm or fence coverage at least six feet in height; and
- Must cover access drives with dust-free material such as packed shell or gravel.

The bill provides that a local ordinance adopted pursuant to this section must comply with state and federal regulations for migrant farmworker housing, and that a local government may validly adopt less restrictive land use regulations.

The bill further provides that, beginning July 1, 2025, a property owner must maintain records of all permits for such housing for three years, and make the records available for inspection within 14 days after receiving a request by a governmental entity.

The bill further provides that if agricultural operations are discontinued on the property for at least 365 days, structures used as living quarters must be removed within 180 days after notice from the local government unless the property owner demonstrates that its intended use will resume within 90 days. If the property ceases to be classified as agricultural, housing established under this section is no longer eligible for residential use without further approval under the local jurisdiction's zoning and land use regulations. Additionally, if the DOH permits for agricultural housing uses are revoked, structures used as living quarters must be removed within 180 days of notice from the local government unless the permit is reinstated.

The bill provides that if a housing site is found to be occupied by any person who is not a legally verified agricultural worker, or is otherwise unlawfully present, the property owner shall be subject to a Class I fine, not to exceed \$1,000, for the first violation. The bill also provides a Class II fine, not to exceed \$5,000, for any subsequent violations. The bill authorizes the fines to be collected by the clerk of the court of the county in which the violation occurred.

The bill provides that a housing site constructed and in use before July 1, 2024, may continue to be used, and the property owner may not be required to make changes to meet the requirements of this section, unless the housing site will be enlarged, remodeled, renovated, or rehabilitated.

The bill requires the department to adopt rules to provide a method for government entities to submit reports of property owners who have a housing site for legally verified agriculture workers and for people to submit complaints for review and investigation to the department. The bill also requires the department to enforce the requirements of this section and submit information collected to the State Board of Immigration Enforcement.

## Ten Year Site Plan Review, Agricultural Lands, Florida Public Service Commission, and Electric and Gas Utilities

### *Present Situation*

Section 186.801, F.S., requires each electric utility to submit to the Public Service Commission (PSC) a 10-year site plan in which the utility estimates its power-generating needs and the general location of its proposed power plant sites. The 10-year plan must be submitted and reviewed not less frequently than every two years. The PSC then has nine months to make a preliminary study of the plan and classify it as “suitable” or “unsuitable” for planning purposes. The PSC may suggest alternatives to the plan.

The PSC’s findings are made available to the Department of Environmental Protection (DEP) for its consideration at any subsequent electrical power plant site certification proceedings under the Florida Power Plant Siting Act.<sup>32</sup> However, it is expressly recognized that 10-year site plans submitted by an electric utility are tentative information for planning purposes only and may be amended at any time at the discretion of the utility upon written notification to the PSC, and, a complete application for certification of an electrical power plant site under chapter 403, when such site is not designated in the current 10-year site plan of the applicant, constitutes an amendment to the 10-year site plan.

In its “preliminary study” of each 10-year site plan, the PSC must review:

- The need, including the need as determined by the PSC, for electrical power in the area to be served.
- The effect on fuel diversity within the state.
- The anticipated environmental impact of each proposed electrical power plant site.
- Possible alternatives to the proposed plan.
- The views of appropriate local, state, and federal agencies, including the views of the appropriate water management district as to the availability of water and its recommendation as to the use by the proposed plant of salt water or fresh water for cooling purposes.
- The extent to which the plan is consistent with the state comprehensive plan.
- The plan with respect to the information of the state on energy availability and consumption.

The PSC is an arm of the legislative branch of government.<sup>33</sup> The role of the PSC is to ensure Florida’s consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.<sup>34</sup> In order to do so, the PSC exercises

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<sup>32</sup> The Florida Power Plant Siting Act (PPSA), ss. 403.501-.518, F.S., is Florida’s centralized process for licensing large power plants. The PPSA involves a wide-ranging review (involving both local governments and multiple state agencies) which addresses permitting, land use and zoning, and property interests. Florida Department of Environmental Protection, *Power Plant Siting Act*, <https://floridadep.gov/water/siting-coordination-office/content/power-plant-siting-act> (last visited March 19, 2025). Pursuant to s. 403.506, F.S., electrical power plants that are 75-megawatts or more in gross capacity are subject to the PPSA. To date, all solar power generation facilities constructed in Florida have been below this 75-megawatt threshold. United States Geological Survey Energy Resources Program, *U.S. Large-Scale Solar Photovoltaic Database*, <https://energy.usgs.gov/uspvdb/viewer/#6.16/27.708/-84.04> (last visited March 19, 2025).

<sup>33</sup> Section 350.001, F.S.

<sup>34</sup> See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited March 19, 2025).



authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.<sup>35</sup>

The PSC monitors the safety and reliability of the electric power grid<sup>36</sup> and may order the addition or repair of infrastructure as necessary.<sup>37</sup> The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities<sup>38</sup> (called “public utilities” under ch. 366, F.S.).<sup>39</sup> However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.<sup>40</sup> Municipally owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative’s membership.

### *Effect of Proposed Changes*

**Section 4** amends s. 253.0341, F.S., to authorize the department to surplus lands acquired pursuant to s. 366.20, F.S., which are determined to be suitable for bona fide agricultural production. The department is required to consult with the DEP in the process of making such determination. Lands designated as a state forest, state park, or wildlife management area are ineligible to be surpluses through this process. For lands that the department surpluses through this process, the department is required to retain a rural-lands protection easement on such lands. The proceeds are required to be deposited into the Incidental Trust Fund within the department and used for less-than-fee simple land acquisitions.

The bill requires the department to, by January 1, 2026, and each January 1 thereafter, to provide a report of lands surplused pursuant to this subsection to the board. This provision is retroactive to January 1, 2009.

**Section 6** creates 366.20, F.S., to require that lands acquired by an electric utility, which have been classified as agricultural lands at any time in the five years preceding the acquisition of the land by the electric utility, must be offered for less-than-fee simple acquisition and fee simple acquisition by the department before the land is offered for sale or transferred to a private individual or entity.

## **Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program**

### *Present Situation*

Following the devastation of Hurricane Idalia in 2023, the Florida legislature passed CS/HB 1-C to provide relief to those affected by the hurricane.<sup>41</sup> The law established the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program within the department to make

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<sup>35</sup> Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited March 19, 2025).

<sup>36</sup> Section 366.04(5) and (6), F.S.

<sup>37</sup> Section 366.05(1) and (8), F.S.

<sup>38</sup> Section 366.05, F.S.

<sup>39</sup> Section 366.02(8), F.S.

<sup>40</sup> Florida Public Service Commission, *About the PSC*, *supra* note 35.

<sup>41</sup> Chapter 2023-349, Laws of Fl.; HB 1-C (2023).

loans to agriculture and aquaculture producers who experienced damage or destruction from a declared natural disaster. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property.<sup>42</sup>

Under the program, the department is authorized to make low-interest or interest-free loans of up to \$500,000 to eligible applicants.<sup>43</sup> 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.<sup>44</sup>

To be eligible an applicant must:

- Own or lease a bona fide farm operation damaged or destroyed as a result of a declared natural disaster located in county that experienced a declared natural disaster; and
- Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.<sup>45</sup>

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

### *Effect of Proposed Changes*

**Section 63** amends s. 570.822, F.S., to rename the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program as the Agriculture and Aquaculture Producers Emergency Recovery Loan Program.

The bill changes the definition of the term “declared natural disaster” to “declared emergency” and includes a state of emergency declared pursuant to s. 570.07(21), F.S., which relates to the department’s authority to declare an emergency in matters relating to agriculture. The bill expands the authorized uses of program funds to include the restocking of aquaculture. The bill also permits the department to renew loan applications after a determination from the department and an active declared emergency.

The bill permits the department to defer or waive loan payments if, at any time during the repayment period of a loan, the approved applicant experiences a significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

**Section 3** amends s. 201.25, F.S., to conform provisions to changes made by the bill relating to the name of the Agriculture and Aquaculture Producers Emergency Recovery Loan Program.

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<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Section 570.822(3), F.S.

## **Drones on Agricultural Lands<sup>46</sup>**

### ***Present Situation***

The Unmanned Aircraft Systems Act<sup>47</sup> defines a drone as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.<sup>48</sup>

### ***Effect of Proposed Changes***

**Section 5** amends s. 330.41, F.S., to provide definitions for “commercial property,” “private property,” “property owner,” residential property,” and “sport shooting and training range.”

The bill prohibits a person from knowingly or willfully doing any of the following on lands classified as agricultural lands, private property, state wildlife management lands, or a sport shooting and training range:

- Operating a drone.
- Allowing a drone to make contact with any person or object on the premises of or within the boundaries of such lands.
- Allowing a drone to come within close enough distance of such lands to interfere with or cause a disturbance to agricultural production.<sup>49</sup>

The prohibition does not apply to the following:

- The owner of the agricultural lands, private property, or sport shooting and training range or a person acting under the prior written consent of the owner of the property.
- A law enforcement agency or a person under contract with or otherwise acting under the direction of such law enforcement agency.
- A federal, state, or other governmental entity, or a person under contract with or otherwise acting under the direction of a federal, state, or other governmental entity.

**Section 79** amends s. 934.50, F.S., to eliminate the exemption provided to those using drones, under a business or professional license to perform reasonable tasks within the scope of practice or activities permitted under their license.

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<sup>46</sup> See page 5.

<sup>47</sup> Section 330.41, F.S.

<sup>48</sup> Section 934.50(2)(a), F.S.

<sup>49</sup> The bill provides that a person commits a second-degree misdemeanor or a first degree misdemeanor, for a second offense, for violating these prohibitions.

## Electric Vehicles Charging Stations and Preemption

### *Present Situation*

Consumers and fleets considering electric vehicles (EVs), including all-electric vehicles and plug-in hybrid electric vehicles (PHEVs), need access to charging equipment. For most drivers, this starts with charging at home or at fleet facilities. Charging stations at workplaces, public destinations, and along highways offer more flexible charging opportunities at commonly visited locations.<sup>50</sup>

EV charging equipment is classified based on the rate of charge:<sup>51</sup>

- Alternating Current (AC) Level 1 equipment provides charging through a common 120-volt AC outlet. Most, if not all, EVs come with a portable Level 1 cord, so no additional charging equipment is required. Level 1 chargers can take 40-50 hours to charge an all-electric vehicle from empty and 5-6 hours to charge a PHEV from empty.<sup>52</sup>
- AC Level 2 equipment offers charging through 240 volt (in residential applications) or 208-volt charging. As of 2022, 80 percent of public EV charging ports in the country were Level 2.<sup>53</sup> Level 2 chargers can charge an all-electric vehicle from empty in 4-10 hours and a PHEV from empty in 1-2 hours.<sup>54</sup>
- Direct-current (DC) fast charging equipment enables rapid charging along heavy traffic corridors at installed stations. As of 2022, more than 20 percent of public EV charging ports in the country were DC fast chargers.<sup>55</sup> DC fast charging equipment can charge an all-electric vehicle to 80 percent in 20 minutes to one hour.<sup>56</sup>

Charging times vary depending on the depletion level of the battery, how much energy the battery holds, the type of battery, temperature, and the type of supply equipment.

Currently, 44 of Florida's 67 counties<sup>57</sup> collectively have 3,230 EV public charging stations offering a total of 8,981 charging ports. AC Level 2 charging ports comprise 6,793 of these ports, and DC fast charging ports comprise 2,164 of these ports.<sup>58</sup> Florida law requires the department to adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for EV charging stations to provide consistency for consumers and the industry.<sup>59</sup>

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<sup>50</sup> U.S. Dept. of Energy (DOE), Alternative Fuels Data Center, *Developing Infrastructure to Charge Electric Vehicles*, [https://afdc.energy.gov/fuels/electricity\\_infrastructure.html](https://afdc.energy.gov/fuels/electricity_infrastructure.html) (last visited March 19, 2025).

<sup>51</sup> U.S. Environmental Protection Agency (EPA), *Plug-in Electric Vehicle Charging*, <https://www.epa.gov/greenvehicles/plug-electric-vehicle-charging-basics> (last visited March 19, 2025).

<sup>52</sup> U.S. Dept. of Transportation (USDOT), *Electric Vehicle Charging Speeds*, <https://www.transportation.gov/rural/ev/toolkit/ev-basics/charging-speeds> (last visited March 19, 2025).

<sup>53</sup> DOE, *supra* note 1.

<sup>54</sup> DOT *supra* note 3.

<sup>55</sup> DOE, *supra* note 1.

<sup>56</sup> DOT, *supra* note 3.

<sup>57</sup> FDACS, Transportation, *Alternative Fueling Stations and Electric Vehicle Charging Stations*, <https://www.fdacs.gov/Business-Services/Energy/Florida-Energy-Clearinghouse/Transportation> (last visited March 19, 2025).

<sup>58</sup> U.S. Dept. of Energy, Alternative Fuels Data Center (AFDC), *Alternative Fueling Station Counts by State*, <https://afdc.energy.gov/stations/states> (last visited March 19, 2025).

<sup>59</sup> Section 366.94, F.S.

The State Constitution grants local county and municipal governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government provided by general or special law.<sup>60</sup> Those counties operating under a county charter have all powers of self-government not inconsistent with general or with special law approved by the vote of the electors.<sup>61</sup> Likewise, municipalities<sup>62</sup> have those governmental, corporate, and proprietary powers enabling them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.<sup>63</sup>

There are two ways that local government can be inconsistent with state law and therefore unconstitutional. First, a local government cannot legislate in a field if the subject area has been preempted to the state. Second, in a field where both the state and local government can legislate concurrently, a local government cannot enact an ordinance that directly conflicts with the state statute.<sup>64</sup>

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law; it cannot be implied or inferred.<sup>65</sup> In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.<sup>66</sup> Courts determining the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.<sup>67</sup>

### *Effect of Proposed Changes*

**Section 7** amends s. 366.94, F.S., to define “electric vehicle charging station” to mean the area in the immediate vicinity of EV supply equipment and includes the EV supply equipment, supporting equipment, and associated parking spaces.

The bill permits the department to adopt rules to protect the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of EV charging stations. The bill also permits local governments to issue permits for charging stations.

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<sup>60</sup> Art. VIII, s. 1(f), Fla. Const.

<sup>61</sup> Art. VIII, s. 1(g), Fla. Const.

<sup>62</sup> A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term “municipality” may be used interchangeably with the terms “town,” “city,” and “village.”

<sup>63</sup> Art. VIII, s. 2(b), Fla. Const.; *see also* section 166.021(1), F.S.

<sup>64</sup> *Orange County v. Singh*, 268 So. 3d 668, 673 (Fla. 2019) (citing *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309, 314 (Fla. 2008)); *see also* James Wolf & Sarah Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. Bar J. 92 (2009), <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited March 19, 2025).

<sup>65</sup> *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.*, 3 So. 3d at 1018.

<sup>66</sup> *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

<sup>67</sup> *See, e.g., National Rifle Association of America, Inc. v. City of South Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002) (concluding that a City of South Miami local government ordinance, which purported to provide safety standards for firearms, was null and void because the Legislature expressly preempted the entire field of firearm and ammunition regulation when it enacted section 790.33, F.S.)

The bill requires charging stations to be registered with the department before being placed in service.

The bill grants the department authority to inspect EV charging stations, conduct investigations, and enforce the provisions and rules adopted under this subsection. The department may impose one or more of the following penalties against a person who violates this subsection, or any rule adopted under this subsection:

- Issuance of a warning letter.
- Imposition of an administrative fine in the Class II category pursuant to s. 570.971, F.S., for each violation.

The bill permits the department to prohibit the use of a charging station if it poses a threat to public health, safety, or welfare.

The bill permits the department to bring legal action against a violation of this subsection or rules adopted under this subsection in the circuit court of the county in which the violation occurs. The court shall immediately issue the temporary or permanent injunction sought by the department. The injunction shall be issued without bond.

## **Mosquito Control Districts**

### ***Present Situation***

In the late 1800s, Floridians experienced major epidemics of yellow fever and malaria due to the unchecked mosquito populations. Control efforts through organizations such as the Florida Mosquito Control Association began in the early 1920s to combat mosquitoes and prevent further transmission of mosquito-borne disease. By the mid-1920s, mosquito control programs were beginning to form in the state to locally control mosquitoes and protect public health in their regions. Today, Florida has over 60 state-approved mosquito control programs.<sup>68</sup>

In addition to playing a key role in public health, mosquito control programs support the economy by protecting Florida's tourism and livestock industry. Today, millions of people can enjoy Florida's beaches and parks thanks to the efforts of our mosquito control programs.<sup>69</sup>

Mosquito control programs work to suppress populations of mosquitoes by implementing "integrated mosquito management." This process includes crucial methods for mosquito abatement, including population surveillance, source reduction, and various types of treatments for immature and adult mosquitoes. As licensed pesticide applicators, mosquito control programs are regulated by the department.<sup>70</sup>

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<sup>68</sup> Florida Department of Agriculture and Consumer Services, Florida Mosquito Control, available at <https://www.fdacs.gov/Business-Services/Mosquito-Control/Mosquitoes-General-Information> (last visited March 19, 2025).

<sup>69</sup> *Id.*

<sup>70</sup> Florida Department of Agriculture and Consumer Services, Mosquito Control Programs, available at <https://www.fdacs.gov/Business-Services/Mosquito-Control/Mosquito-Control-Programs> (last visited March 19, 2025).

*Effect of Proposed Changes*

**Section 8** amends s. 388.011, F.S., to replace mosquito control districts with mosquito control programs in the definition of “board of commissioners.” The bill also adds city councils, municipalities, or other similar governing bodies to the definition.

The bill revises the definition of “district” to include mosquito control special districts.

The bill defines the term “program” to mean any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality.

**Section 9** amends s. 388.021, F.S., to make conforming changes relating to mosquito control districts.

**Section 10** amends s. 388.181, F.S., to make a conforming change replacing “districts” with “programs.”

**Section 11** amends s. 388.201, F.S., to make conforming changes replacing “districts” with “programs.”

The bill requires a program’s tentative work plan to show the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year budget and to show the estimated amount to be raised by county, municipality, or district taxes and from all other sources for meeting the program’s the district’s requirements.

**Section 12** amends s. 388.241, F.S., to grant the local board of county commissioners, or similar governing bodies, all the rights, powers, and duties of a board of commissioners over counties or cities where there is no formation of separate or special board of commissioners.

**Section 13** amends s. 388.261, F.S., to add municipalities to entities eligible to use funds for the control of mosquitoes. The bill also increases the amount of state aid a county or district can receive for any new program meant to control mosquitoes and other arthropods from \$50,000 to \$75,000 per year for up to three years. The new program must serve an area not previously served by the county, municipality, or district.

**Section 14** amends s. 388.271, F.S., to grant the department the ability to guide, review, approve, and coordinate the activities of all county and municipal governments and special districts receiving state funds in furtherance of the goal of integrated arthropod control.

The bill makes conforming changes replacing “county” with “program.” The bill also replaces the work plan with the integrated arthropod management plan.

**Section 15** amends s. 388.281, F.S., to make conforming changes replacing “county or district” with “program”. The bill also requires that all funds, supplies, and services released to programs be used in accordance with the integrated arthropod management and budget approved by both the board of commissioners and appropriate representatives. The bill permits the integrated

arthropod management plan and budget to be amended at any time upon approval by the department.

**Section 16** amends s. 388.291, F.S., to make conforming changes replacing “county or district” with “program.” The bill also permits a program to perform source reduction measures provided that the department cooperating with the municipality has approved the operating or construction plan as outlined in the integrated arthropod management plan.

**Section 17** amends s. 388.301, F.S., to remove the requirement that state funds be paid quarterly and to replace “county or district” with “program.”

**Section 18** amends s. 388.311, F.S., to make a conforming change replacing “county or district” with “program.”

**Section 19** amends s. 388.321, F.S., to make a conforming change replacing “county or district” with “program.”

**Section 20** amends s. 388.322, F.S., to require that a record and inventory of certain property purchased with state funds for arthropod control use owned by the program district and shall be maintained in accordance with s. 274.02, F.S.

**Section 21** amends s. 388.323, F.S., to require any serviceable equipment that was purchased using state funds for arthropod control use but is no longer needed to be offered to any or all other programs engaged in arthropod control at a price established by the board of commissioners owning the equipment.

The bill also makes conforming changes replacing “county or district” with “program”.

The bill permits the proceeds from the sale of any real or tangible personal property owned by the program and purchased using state funds to be deposited in the program’s state fund account.

**Section 22** amends s. 388.341, F.S., to require each program receiving state aid to submit to the department a monthly report for the preceding month of expenditures from all funds for arthropod control within 30 days after the end of each month. The bill also requires each program participating under this chapter to provide such reports of activities and accomplishments.

**Section 23** amends s. 388.351, F.S., to make conforming changes replacing “county or district” with “program”.

**Section 24** amends s. 388.361, F.S., to make conforming changes replacing “districts” with “programs”.

**Section 25** amends s. 388.3711, F.S., to permit the department to issue a written warning, impose a fine, or deny participation. The bill also permits the department to place a party in violation of department rules on probation if it finds that imposing a fine would be detrimental to the public.



**Section 26** amends s. 388.381, F.S., to make conforming changes replacing “county or district” with “program.” The bill also replaces “program” with “work” for the controlling of mosquitoes and other arthropods.

**Section 27** amends s. 388.391, F.S., to make conforming changes replacing “districts” with “programs.”

**Section 28** amends s. 388.401, F.S., to make conforming changes replacing “county or district” with “program.”

**Section 29** amends s. 388.46, F.S., to add a representative from the Center of Medical, Agricultural, and Veterinary Entomology to the Florida Coordinating Council on Mosquito Control. The bill also increases the amount of mosquito control directors from two to four and permits members of the Florida Coordinating Council on Mosquito Control to serve until his or her successor is appointed.

**Section 82** reenacts s. 189.062, F.S., related to special procedures for inactive districts.

## **Basin Management Action Plan (BMAP)**

### ***Present Situation***

A BMAP is a framework for water quality restoration that contains a comprehensive set of solutions to achieve the pollutant reductions established by a Total Maximum Daily Load (TMDL).<sup>71</sup> Examples include permit limits on regulated facilities, urban and agricultural best management practices, wastewater and stormwater infrastructure, and regional projects and conservation programs designed to achieve pollutant reductions established by a TMDL. A BMAP is developed with local stakeholders and relies on local input and commitment for successful implementation. BMAPs are adopted by Secretarial Order and are legally enforceable. BMAPs use an adaptive management approach that allows for incremental load reductions through the implementation of projects and management strategies, while simultaneously monitoring and conducting studies to better understand the water quality and hydrologic dynamics. Progress is tracked by assessing project implementation and water quality analyses. The DEP continues to work with local and regional partners to identify additional projects necessary to meet reduction milestones to achieve the TMDLs and inform funding priorities.<sup>72</sup>

### ***Effect of Proposed Changes***

**Section 30** amends s. 403.067, F.S., to authorize the department to adopt rules establishing an enrollment in best management practices by rule process that agricultural pollutant sources and agricultural producers may utilize in lieu of the best management practices already adopted and identify best management practices for landowners of parcels which meet the following requirements:

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<sup>71</sup> Florida Department of Environmental Protection, Water Quality Restoration Program, available at <https://floridadep.gov/dear/water-quality-restoration> (last visited March 19, 2025).

<sup>72</sup> Florida Department of Agriculture and Consumer Services, Basin Management Action Plan, available at <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited March 19, 2025).

- A parcel not more than 25 acres in size;
- A parcel designated as agricultural land use by the county in which it is located or the parcel is granted agricultural tax classification by the county property appraiser of the county in which it is located;
- A parcel with water use not exceeding 100,000 gallons per day on average, unless the entire use is met using recycled water from wet detention treatment ponds or reuse water;
- A parcel where the agricultural activity on the parcel is not vegetable crop, agronomic crop, a nursery, or a dairy operation;
- A parcel not abutting an impaired water body identified in the department’s approved list in s. 403.067(4), F.S.; and
- A parcel not part of a larger operation that is enrolled in the department’s best management practices or conducting water quality monitoring prescribed by the department or a water management district.

Under the bill, agricultural producers who enroll in the best management practices by rule process are exempt from the two-year best management practices inspection. The bill also requires the department to annually perform onsite inspections for 20 percent of the enrollments that qualify under this section to ensure that practices are being properly implemented. The bill requires these inspections to include a collection and review of the identified best management practice documents from the previous two years. The bill requires all agricultural producers enrolled in a best management practice to annually submit nutrient records, including nitrogen and phosphorus fertilizer application records for the previous calendar year, to the department.

## **Public Drinking Water System**

### ***Present Situation***

Drinking water standards are regulations that the U.S. Environmental Protection Agency (EPA) sets to control the level of contaminants in the nation’s drinking water. The regulations also require water monitoring schedules and methods to measure contaminants in water.

The standards are part of the Safe Drinking Water Act (SDWA)’s “multiple barrier” approach to drinking water protection, which includes:

- Assessing and protecting drinking water sources,
- Protecting wells and collection systems,
- Making sure water is treated by qualified operators,
- Ensuring the integrity of distribution systems (for example, minimizing leaks, maintaining adequate water pressure), and
- Making information available to the public on the quality of their drinking water.<sup>73</sup>

There are two categories of drinking water standards:

- National primary drinking water regulations (NPDWR or primary standard):
  - Legally enforceable standards that apply to public water systems.

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<sup>73</sup> US Environmental Protection Agency, What are drinking water standards?, available at <https://www.epa.gov/sdwa/how-epa-regulates-drinking-water-contaminants> (last visited March 19, 2025).

- Protect drinking water quality by limiting the levels of specific contaminants that can adversely affect public health and are known or anticipated to occur in water from public water systems.
- Take the form of maximum contaminant level or treatment technique rules.
- National secondary drinking water regulations (NSDWR or secondary standard):
  - Non-enforceable guidelines for contaminants that may cause:
    - Cosmetic effects (such as skin or tooth discoloration)
    - Aesthetic effects (such as taste, odor, or color) in drinking water.

The EPA recommends secondary standards to water systems but does not require systems to comply (except for the public notice required for exceedance of the fluoride secondary standard); however, states may choose to adopt them as enforceable standards.<sup>74</sup>

In November 2024, the Florida Department of Health (DOH) released a Guidance for Community Water Fluoridation memo.<sup>75</sup> The State Surgeon General Dr. Joseph A. Ladapo recommends against community water fluoridation due to the neuropsychiatric risk associated with fluoride exposure and provided studies on the effects of fluoride on children.<sup>76</sup> There are currently at least 29 counties that actively fluoridate their water.<sup>77</sup>

### *Effect of Proposed Changes*

**Section 31** amends s. 403.852, F.S., to define “water quality additive” to mean any chemical or additive which is used in a public water system for the purpose of removing contaminants or increasing water quality. The term does not include additives used for health-related purposes.

**Section 32** amends s. 403.859, F.S., to prohibit the use of any additives in a public water system which do not meet the definition of a water quality additive as defined in s. 403.852, F.S., or the use of any additives included primarily for health-related purposes.

## **Pest Control Examinations, Licensing, and Certification Programs**

### *Present Situation*

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

- Be licensed by the department,
- Carry the required insurance coverage (\$250,000 per person and \$500,000 per occurrence for bodily injury and \$250,000 per occurrence and \$500,000 in the aggregate for property damage, or a combined single limit coverage of \$500,000 in the aggregate), and

<sup>74</sup> *Id.*

<sup>75</sup> FL Department of Health, Guidance for Community Water Fluoridation, available at [https://www.floridahealth.gov/documents/newsroom/press-releases/2024/11/GUIDANCECommunityWaterFluoridation.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://www.floridahealth.gov/documents/newsroom/press-releases/2024/11/GUIDANCECommunityWaterFluoridation.pdf?utm_medium=email&utm_source=govdelivery) (last visited March 19, 2025).

<sup>76</sup> *Id.*

<sup>77</sup> FL Department of Health, Public Water Systems Actively Fluoridating, available at [https://www.floridahealth.gov/programs-and-services/community-health/dental-health/Fluoridation.html?utm\\_medium=email&utm\\_source=govdelivery](https://www.floridahealth.gov/programs-and-services/community-health/dental-health/Fluoridation.html?utm_medium=email&utm_source=govdelivery) (last visited March 19, 2025).

- Employ full-time a Florida-certified operator in charge of the pest control operations of the business location. This operator must be certified in the categories in which the business operates:
  - General Household Pest and Rodent Control,
  - Termite and Other Wood-Destroying Organisms Control, or
  - Lawn and Ornamental Pest Control, and/or Fumigation.<sup>78</sup>

The business license fee is \$300, and the fee for each employee identification card is \$10.<sup>79</sup>

A certified operator is an individual who has passed an examination administered by the department in any of four certification categories:

- General Household and Rodent Control;
- Lawn and Ornamental Pest Control;
- Termite and Other Wood-Destroying Organisms Control; and
- Fumigation.<sup>80</sup>

A person can be certified in just one or all four categories.

A company's pest control operations are the responsibility of the certified operator in charge and the business operations are limited to the category (or categories) possessed by the certified operator (or operators) in charge at the business location.<sup>81</sup>

The department also administers four Limited Certification Categories:

- Commercial Landscape Maintenance applicators,
- Governmental or Private applicators,
- Commercial Urban Fertilizer applicators, and
- Commercial Wildlife Management.<sup>82</sup>

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

### *Effect of Proposed Changes*

**Section 33** amends s. 482.111, F.S., to require the department to provide the pest control operator's certificate examination in person and remotely through a third-party vendor. The bill also permits the third-party vendor to collect and retain a convenience fee.

**Section 34** amends s. 482.141, F.S., to require the department to provide the pest control operator's certificate examination in person and remotely through a third-party vendor. The bill also permits the third-party vendor to collect and retain a convenience fee.

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<sup>78</sup> FDACS, Pest Control Licensing and Certification, available at, <https://www.fdacs.gov/Business-Services/Pest-Control/Licensing-and-Certification> (last visited March 19, 2025).

<sup>79</sup> *Id.*

<sup>80</sup> FDACS, Pest Control FAQ, available at, <https://www.fdacs.gov/Business-Services/Pest-Control/Pest-Control-FAQ> (last visited March 19, 2025).

<sup>81</sup> *Id.*

<sup>82</sup> FDACS, Pest Control Licensing and Certification, available at, <https://www.fdacs.gov/Business-Services/Pest-Control/Licensing-and-Certification> (last visited March 19, 2025).

**Section 35** amends s. 482.155, F.S., to require the department to provide the limited certification for governmental pesticide applicators or private applicators examination in person and remotely through a third-party vendor. The bill also permits the third-party vendor to collect and retain a convenience fee.

**Section 36** amends s. 482.156, F.S., to require the department to provide the certification for limited certification for commercial landscape maintenance personnel examination in person and remotely through a third-party vendor. The bill also permits the third-party vendor to collect and retain a convenience fee.

**Section 37** amends s. 482.157, F.S., to require the department to provide the certification for limited certification for commercial wildlife management personnel examination in person and remotely through a third-party vendor. The bill also permits the third-party vendor to collect and retain a convenience fee.

**Section 38** amends s. 482.161, F.S., to require the department to impose disciplinary actions against a licensee or certificate holder based upon the issuance of a final order imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

**Section 39** amends s. 487.044, F.S., to require the department to provide the certification for certified applicator's license examination in person and remotely through a third-party vendor. The bill also permits the third-party vendor to collect and retain a convenience fee.

**Section 40** amends s. 487.175, F.S., to authorize the department to impose disciplinary actions against a license holder based upon the issuance of a final order imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b), of FIFRA.

**Section 83** reenacts s. 388.261, F.S., related to state aid to counties and districts for arthropod control, to incorporate the changes made by the bill to s. 388.271, F.S.

**Section 84** reenacts s. 482.072, F.S., related to pest control customer contact centers, to incorporate the changes made by the bill to s. 482.161, F.S.

**Section 85** reenacts s. 482.163, F.S., related to responsibility for pest control activities of employees, to incorporate the changes made by the bill to s. 482.161, F.S.

**Section 86** reenacts s. 487.156, F.S., related to governmental agencies, to incorporate the changes made by the bill to s. 487.044, F.S.

## Charitable Organizations

### *Present Situation*

Organizations intending to solicit donations in Florida are required to register with the department pursuant to the Solicitation of Contributions (ACT).<sup>83</sup> The Act contains basic registration, financial disclosure, and notification requirements for charitable organizations and sponsors,<sup>84</sup> fundraising consultants, and solicitors.

Organizations must submit an initial registration statement to the department and include a financial report, a statement of the purpose of the charity, how donations will be used, names of individuals in charge of solicitation activities, and proof of federal tax-exempt status. The charity must also identify any professional solicitors and fundraising consultants the charity will use, along with the terms of the arrangements for compensation to be paid to the consultant and solicitor. The registration must include a statement related to the charity's activity in other states, including whether the charity is authorized to operate in another state; whether the charity's registration has been denied, suspended, or revoked in another state; and whether the charity or any person associated with the charity has been subject to any adverse administrative actions or criminal convictions in any state.<sup>85</sup>

The following charitable organizations and sponsors are exempt from the registration requirements:

- A person who is soliciting for a named individual;
- A charitable organization or sponsor that limits solicitations of contributions to the membership of the charitable organization or sponsor;
- Any division, Department, post, or chapter of certain veterans' service organizations are exempt from the registration requirements; or
- A charitable organization that has less than \$50,000 in total revenue so long as they did not employ professional solicitors or have paid employees.<sup>86</sup>

Before soliciting contributions, the charitable organization or sponsor claiming the exemption must provide the department with certain financial and identifying information including the name, address, and telephone number of the charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is organized, and the purpose for which the contributions to be solicited will be used.<sup>87</sup>

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

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<sup>83</sup> Section 496.401, F.S.

<sup>84</sup> A sponsor is a group or person who is or holds itself out to be soliciting contributions by the use of a name that implies that the group or person is in any way affiliated with or organized for the benefit of emergency service employees or law enforcement officers and the group or person is not a charitable organization. The term includes a chapter, branch, or affiliate that has its principal place of business outside the state if the chapter, branch, or affiliate solicits or holds itself out to be soliciting contributions in the state. Section 496.404(25), F.S.

<sup>85</sup> Section 496.405(2), F.S.

<sup>86</sup> Section 496.406(1), F.S.

<sup>87</sup> Section 496.406(2), F.S.

- A balance sheet;
- A statement of support, revenue and expenses;
- Names and addresses of any charities, professional fundraising consultants, professional solicitors, and commercial co-ventures used and the amounts received from each of them; and
- A statement of functional expenses that must include program service costs, management and general costs, and fundraising costs.<sup>88</sup>

Upon the showing of good cause by a charitable organization or sponsor, the department may extend the time for the filing of a financial statement by up to 180 days.<sup>89</sup>

Charitable organizations or sponsors can solicit contributions only for the purpose expressed in the solicitation for contributions or the registration statement. The following disclosures must be included at the point of solicitation:

- The name of the organization or sponsor and principal place of business of the organization or sponsor;
- A description of the purpose for which the solicitation is being made;
- The name and address or telephone number of a person to whom inquiries may be addressed;
- The amount of the contribution which may be deducted from federal income tax; and
- The source from which a written financial statement may be obtained.<sup>90</sup>

Professional fundraising consultants<sup>91</sup> are required to annually register and pay a \$300 fee to the department before operating in Florida.<sup>92</sup> Additionally, professional fundraising consultants who enter into agreements with charities may do so only if the charity has complied with ch. 496, F.S. and has obtained approval from the department of a registration statement.<sup>93</sup>

Applications for registration or renewal must be signed by an authorized official of the professional fundraising consultant and must include certain identifying information such as the names and residence addresses of all principals of the applicant, including all officers, directors, and owners; the form of the applicant's business; and the street address and telephone number of the principal place of business of the applicant and any Florida street addresses if the principal place of business is located outside of Florida.<sup>94</sup>

After receiving the registration statement, the department has 15 business days to either approve the registration or notify the consultant that the registration requirements are not satisfied. If,

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<sup>88</sup> Section 496.407(1), F.S.

<sup>89</sup> Section 496.407(3), F.S.

<sup>90</sup> Section 496.411, F.S.

<sup>91</sup> A professional fundraising consultant is a person retained by a charitable organization or sponsor for a fixed fee or rate under a written agreement to plan, manage, conduct, carry on, advise, consult, or prepare material for a solicitation of contributions in Florida but who does not solicit contributions or employ, procure, or engage any compensated person to solicit contributions and who does not at any time have custody or control of contributions. Section 496.404(20), F.S.

<sup>92</sup> Section 496.409(1),(3), F.S.

<sup>93</sup> See s. 496.409(6), F.S.

<sup>94</sup> Section 496.409(2), F.S.

after 15 days the department has not notified the consultant, the registration is deemed approved.<sup>95</sup>

Anyone who willfully violates ch. 496, F.S., commits a third degree felony<sup>96</sup> and a second degree felony<sup>97</sup> for a subsequent conviction.<sup>98</sup> Additionally, the department may enter an order imposing a range of administrative penalties, including imposing an administrative fine up to \$5,000 for each act or omission as well as a fine up to \$10,000 for any violating of ch. 496, F.S., that involves fraud or deception.<sup>99</sup>

### *Effect of Proposed Changes*

**Section 41** amends s. 496.404, F.S., to define “foreign country of concern” to mean the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern. The bill also defines “foreign source of concern” and “controlling interest.”

**Section 42** amends s. 496.405, F.S., to require a charitable organization or sponsor to provide an attestation statement to the department before engaging in solicitation of funds in the state. The bill requires that the attestation statement must be submitted on a form prescribed by the department and signed by an authorized official of the charitable organization who must attest that the charitable organization is registered with the Department of State (DOS) if required by law.

The bill also requires an attestation statement signed and attested by an authorized official of the charitable organization, that the organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration with the DOS as required by law.

The bill permits the department to investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations.

**Section 43** amends s. 496.415, F.S., to prohibit the solicitation or accepting of contributions or anything of value from a foreign source of concern.

**Section 44** amends s. 496.417, F.S., to permit the department to investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations.

**Section 45** amends s. 496.419, F.S., to prohibit a charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation from registering as a charitable organization or sponsor for five years for an initial violation and prohibits them from registering as a charitable organization or sponsor following any subsequent violations.

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<sup>95</sup> Section 496.409(6), F.S.

<sup>96</sup> A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>97</sup> A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>98</sup> Section 496.417, F.S.

<sup>99</sup> Section 496.419, F.S.



The bill also prohibits a person serving as a board member, executive leadership team member, or registering agent of a charitable organization at the time in which the charitable organization is found to have submitted a false attestation from serving in any capacity with a charitable organization required to comply with the requirements of SS. 496.405, and 496.406, F.S., for five years after the date of the violation of this subsection.

**Section 46** creates s. 496.431, F.S., to create the Honest Service Registry. The bill permits the department to create the Honest Services Registry to provide the residents of this state with the information necessary to make an informed choice when deciding which charitable organizations to support. In order to be included on the Honest Services Registry, a charitable organization must, at a minimum, submit to the department an attestation statement on a form prescribed by the department, verified as provided in s. 92.525, F.S., attesting to all of the following:

- The organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern; and
- The organization’s messaging and content are not directly or indirectly produced or influenced by a foreign source of concern.

The bill requires the department to publish the Honest Services Registry on the department’s website and adopt rules.

**Section 87** reenacts s. 496.4055, F.S., related to charitable organization or sponsor board duties, to incorporate the changes made by the bill to s. 496.405, F.S.

**Section 88** reenacts s. 496.406, F.S., related to charitable organization exemption from registration, to incorporate the changes made by the bill to s. 496.405, F.S.

## **Retail Food Establishment Permit**

### *Present Situation*

The department issues retail food permits to food establishments selling directly to customers. These food establishments may include supermarkets, grocery stores, convenience stores, coffee shops, bakeries, retail meat markets, retail seafood markets, juice and smoothie bars, ice/water vending machines, food salvage stores, businesses selling prepackaged foods (including hemp extract intended for human consumption, which includes cannabidiol (CBD) or other cannabinoids; and kratom intended for human consumption), and department-regulated mobile food units selling only prepackaged foods or non-potentially hazardous food items.<sup>100</sup>

### *Effect of Proposed Changes*

**Section 47** amends s. 500.03, F.S., to amend the definition of “cottage food product” to include food that is not time or temperature controlled for safety.

**Section 48** amends s. 500.12, F.S., to add a requirement that food being sold by a person or business is not age restricted to the list of qualifying exemptions to the food permit requirement.

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<sup>100</sup> FDACS, Business Services, *Retail Food Establishment Permit*, available at <https://www.fdacs.gov/Business-Services/Food/Food-Establishments/Retail-Food-Establishment-Permit> (last visited March 19, 2025).

The bill also amends food permit renewal timelines and permits the department to establish a single permit renewal date for multiple food establishments owned by the same entity.

**Section 89** reenacts s. 500.80, F.S., related to cottage food operations, to incorporate the changes made by the bill to s. 500.12, F.S.

## **Interstate Commerce and Terminal Market Inspections**

### ***Present Situation***

The department conducts inspections of fresh and processed fruits, vegetables, nuts, and specialty products to certify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce.<sup>101</sup> The department also inspects government procurement orders and imports and exports.<sup>102</sup> Anyone with a financial interest in a load of product may request grading services. The inspectors perform their duties at field locations, in packing sheds, at receiving markets and distribution centers, and in processing plants.<sup>103</sup>

Applicants may specify the type of inspection required according to U.S. Grade Standards and contract terms— i.e., full inspection (quality and condition), condition only, weight or count only, temperature only, or a combination of these certifications. Services are mostly voluntary, except when mandated by federal marketing orders.<sup>104</sup>

Carriers engaged in interstate commerce and persons receiving food in interstate commerce must, upon the request by an officer or employee duly designated by the department, permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.<sup>105</sup>

An agent of the department may issue and enforce a stop-sale, removal, or hold order to detain or embargo when he or she finds or has probable cause to believe that any food, food processing equipment, food processing area, mislabeled food, or food storage area is in violation of department rules, and is so found to be dangerous, unwholesome, fraudulent, or insanitary.<sup>106</sup>

### ***Effect of Proposed Changes***

**Section 49** amends s. 500.166, F.S., to require carriers engaged in interstate commerce and persons receiving food in interstate commerce to retain all records for three years from the date of the record showing the movement in interstate commerce of any food and the quantity, shipper, and consignee thereof.

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<sup>101</sup> FDACS, Business Services, *Terminal Market Inspections*, <https://www.fdacs.gov/Agriculture-Industry/Fruit-and-Vegetables/Terminal-Market-Inspections> (last visited March 19, 2025).

<sup>102</sup> Section 500.166, F.S.

<sup>103</sup> FDACS, Business Services, *Terminal Market Inspections*, <https://www.fdacs.gov/Agriculture-Industry/Fruit-and-Vegetables/Terminal-Market-Inspections> (last visited March 19, 2025).

<sup>104</sup> *Id.*

<sup>105</sup> Section 500.166, F.S.

<sup>106</sup> Section 500.172(1), F.S.

**Section 50** amends s. 500.172, F.S., to permit the department to enter into a written agreement with the owner of such food, food processing equipment, food processing area, or food storage area, or otherwise facilitate the destruction of any article found or suspected by the department to be in violation. The bill prohibits the removing, use, or disposal of any article found or suspected by the department to be in violation without written agreement from the department.

**Section 90** reenacts s. 500.121, F.S., related to product manufacturer disciplinary procedures, to incorporate the changes made by the bill to s. 500.172, F.S.

## **Mushrooms and Mycelium Spores**

### *Present Situation*

Psilocybe mushrooms, also known as “magic mushrooms” or “shrooms,” are hallucinogenic drugs that contain the drug psilocybin.<sup>107</sup> They became popular in the United States during the 1960s when American researchers first studied their healing properties and medical applications. Now, they are listed as a Schedule I controlled substance by the U.S. government, meaning they have no accepted medical use.<sup>108</sup>

Mushrooms are the reproductive structures of many species in the kingdom Fungi. They are sometimes referred to as “fruiting bodies” or sporocarps. The majority of fungi grow as microscopic filaments that are referred to as hyphae.<sup>109</sup> When hyphae are aggregated into a dense mat, they are often referred to as a mycelium. Mycelium is a part of a fungus that produces spores at a certain stage, making mycelium a key part in fungal reproduction.<sup>110</sup>

As described in s. 893.03(c)(33), F.S., any material, compound, mixture, or preparation that contains the hallucinogenic substance known as Psilocybin has high potential for abuse and is not currently accepted as medical treatment in the United States.

### *Effect of Proposed Changes*

**Section 51** creates s. 500.75, F.S., to provide that it is unlawful to transport, import, sell, offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle. The bill provides that any person who violates this section commits a misdemeanor first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.

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<sup>107</sup> *The History of Psilocybin Mushrooms*, Cooper Nicholson, <https://opentextbooks.clemson.edu/hlth4000holcombbugman/chapter/the-history-of-psilocybin-mushrooms/> (last visited March 19, 2025).

<sup>108</sup> *Id.*

<sup>109</sup> IFAS, A Basic Guide to Mushrooms Commonly Encountered in Potted Plants in Florida, available at [https://www.fs.usda.gov/nrs/pubs/jrnl/2024/nrs\\_2024\\_karlsen-ayala\\_001.pdf](https://www.fs.usda.gov/nrs/pubs/jrnl/2024/nrs_2024_karlsen-ayala_001.pdf) (last visited March 19, 2025).

<sup>110</sup> *Id.*

## Plant-based Products

### *Present Situation*

Plant-based foods and beverages are often marketed and sold as alternatives to conventional animal products. Consumer demand for plant-based alternatives to animal products has increased, and the types and varieties of plant-based alternatives have expanded.<sup>111</sup> Product options resembling the flavor, form or cut (such as burger or fillet), texture, and appearance of animal foods such as eggs, seafood, poultry, meat, cheese and yogurt, and milk are now available. Consumers purchase plant-based alternatives for various reasons, including dietary choices (e.g., vegan/vegetarian diets), taste preferences, religious practices, and environmental concerns. The Food and Drug Administration (FDA) has published guidance to assist producers of plant-based milk and other animal food alternatives in providing consumers with clear labeling to help them make more informed dietary choices.<sup>112</sup>

Section 401 of the FD&C Act (21 U.S.C. 341) gives the FDA the authority to establish definitions and standards of identity for foods.<sup>113</sup> The FDA provides that plant-based alternative foods tend to be sold in packaged form, and therefore, in the absence of a common or usual name, it is recommended that they should be labeled with a statement of identity that accurately describes the food.<sup>114</sup>

There are currently several states that have laws related to the proper labeling of meat and plant-based products.<sup>115</sup>

### *Effect of Proposed Changes*

**Section 52** creates s. 500.93, F.S., to provide definitions for “egg,” “egg product,” “FDA,” “meat,” “milk,” and “poultry” or “poultry product” to align with the federal definitions. The bill grants the department rulemaking authority to enforce the FDA’s standard of identity for milk and prohibit the sale of plant-based products mislabeled as milk in the state. The bill provides that this subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk, consistent with this section, by any 11 of the group of 14 states identified in statute.<sup>116</sup>

The bill grants the department rulemaking authority to enforce the FDA’s standard of identity for meat, poultry, and poultry products, as adopted in this section, to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products in this state. The bill also provides that this subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products, eggs

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<sup>111</sup> FDA, Plant-Based Milk and Animal Food Alternatives, available at <https://www.fda.gov/food/nutrition-food-labeling-and-critical-foods/plant-based-milk-and-animal-food-alternatives>, (last visited March 19, 2025).

<sup>112</sup> *Id.*

<sup>113</sup> FDA, Labeling of Plant-Based Alternatives to Animal-Derived Foods: Draft Guidance for Industry, available at <https://www.fda.gov/media/184810/download>, (last visited March 19, 2025).

<sup>114</sup> *Id.*

<sup>115</sup> Penn State Law, Scope of the Meat Labeling Law Issue Tracker, available at <https://aglaw.psu.edu/research-by-topic/issue-tracker/meat-labeling-law-2018-present/> (last visited March 19, 2025).

<sup>116</sup> The 14 states are composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

and egg products, that is consistent with this section, by any 11 of the group of 14 states identified in statute.<sup>117</sup>

The bill requires the department to notify the Division of Law Revision upon by any enactment, by any 11 of the group of 14 states identified in statute, regarding mandatory labeling requirements.<sup>118</sup>

The bill provides that this section may not be construed to limit the department's authority to enforce its laws and regulations.

## **Consumer Protection**

### *Effect of proposed changes*

**Section 53** repeals s. 501.135, F.S., relating to the Consumer Unit Pricing Act.

**Section 54** amends s. 501.912, F.S., to amend the definition of “antifreeze” to include coolant. The bill also removes the cooling system of internal combustion engines of motor vehicles from the intended use of antifreeze. The bill adds the ability to aid in vehicle component cooling as an intended use of antifreeze.

## **Petroleum Inspection**

### *Present Situation*

The department regularly conducts inspections of petroleum distribution systems and analyzes samples of petroleum products to ensure that Florida consumers are getting the amount they pay for and the quality they expect. Gasoline, alternative fuels (E85, biodiesel, ethanol, etc.), kerosene, diesel, fuel oil, antifreeze products, and brake fluid products are routinely tested and must meet strict standards.<sup>119</sup>

The department inspects retail gas stations across Florida, ensuring that fuel dispensers are working safely and properly. They investigate fraud to protect consumers. The department also conducts annual Meter Mechanic Clinics across the state. Clinic attendance is mandatory for all technicians who repair or install petroleum fuel measuring devices, as part of the registration process

### *Effect of Proposed Changes*

**Section 55** creates s. 525.19, F.S., to create an annual petroleum registration program for petroleum owners or operators that own and operate vehicles for transporting petroleum products and permits the department to adopt rules detailing the requirements for such registration. The bill provides that the registration program must be free for all registrants.

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<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> FDACS, Petroleum Inspection, available at <https://www.fdacs.gov/Business-Services/Petroleum-Inspection> (last visited March 19, 2025).

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

**Section 56** creates s. 526.147, F.S., to create the Florida Retail Fuel Transfer Switch Modernization Grant Program, subject to appropriation, within the department. The bill provides the maximum award amounts for grants, their intended use, and the criteria for awarding grants.

The bill permits the department, in consultation with the Division of Emergency Management, to adopt rules to implement and administer this section, including establishing grant application processes for the Florida Retail Fuel Transfer Switch Modernization Grant Program. The rules must include application deadlines and establish the supporting documentation necessary to be provided to the department.

### **Bureau of Standards, Packages, and Weights, Measures, and Standards**

#### *Present Situation*

The department's Bureau of Standards is responsible for the inspection of weights and measures devices or instruments in Florida.<sup>120</sup> "Weights and measures" is defined as all weights and measures of every kind, instruments, and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices, excluding taximeters, transportation measurement systems, and those weights and measures used for the purpose of inspecting the accuracy of devices used in conjunction with aviation fuel.<sup>121</sup> The weights and measures program is funded through permit fees.<sup>122</sup>

Any package kept for the purpose of sale or offered or exposed for sale must bear on the outside of the package a conspicuous declaration of the identity of the commodity in the package, unless it can easily be identified through the wrapper or container; the net quantity of contents in terms of weight, measure, or count; and the name and place of business of the manufacturer, packer, or distributor, in the case of any package kept or offered or exposed for sale or sold in any place other than on the premises where packed.<sup>123</sup>

Additionally, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package must bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.<sup>124</sup>

When a packaged commodity is advertised in any manner with the retail price stated, there must be closely and conspicuously associated with the retail price a declaration of quantity as required by law or rule to appear on the package.<sup>125</sup>

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<sup>120</sup> Chapter 531, F.S. "Weights and Measures Act of 1971"

<sup>121</sup> Section 531.37(1), F.S.

<sup>122</sup> Section 531.63, F.S.

<sup>123</sup> Section 531.47, F.S.

<sup>124</sup> Section 531.48, F.S.

<sup>125</sup> Section 531.49, F.S.

### *Effect of Proposed Changes*

**Section 57** amends s. 531.48, F.S., to remove the requirement that any package in a lot of containing random weights of the same commodity must bear the total selling price of the package. The bill requires each package to bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by department rule.

**Section 58** amends s. 531.49, F.S., to require package commodities to have a declaration of quantity as required by law or rule on the package.

### **Supporting the Future of Agriculture in Florida**

#### *Present Situation*

The Bronson Animal Disease Diagnostic Laboratory (BADDL) provides consummate scientific expertise in the detection and investigation of animal diseases that affect human and animal health. The goal and direction are to enhance the BADDL's capabilities, as science advances, and to expand their availability to those who are served.<sup>126</sup>

Accredited by the American Association of Veterinary Laboratory Diagnosticians as a full-service veterinary diagnostic laboratory, the BADDL is the only accredited laboratory in Florida and is committed to providing state-of-the-art, quality diagnostic services concentrated on maximum testing accuracy, timeliness and cost-effectiveness. Attaining these goals not only provides immediate benefits to the animal owner but also ensures the success of a disease surveillance system that provides an early detection system for high-consequence animal diseases.<sup>127</sup>

The BADDL is a part of the National Animal Health Laboratory Network (NAHLN), a group of state and regional laboratories performing surveillance testing for high-consequence agricultural and zoonotic pathogens, organized by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service. The BADDL staff receive annual training, follow nationwide standard operating procedures, and stand ready to perform surge capacity testing in the event of an animal disease outbreak. As a member of the NAHLN, the BADDL performs testing and surveillance for avian influenza, foot and mouth disease, vesicular stomatitis, contagious equine metritis, classical swine fever (hog cholera), scrapie, and chronic wasting disease in deer.<sup>128</sup>

4-H is the nation's largest youth development organization. Over 230,000 members in Florida help to make up the community of more than 6.5 million young people across America. 4-H is a non-formal, practical educational program for youth. Florida 4-H is the youth development program of Florida Cooperative Extension, a part of the University of Florida – Institute of Food and Agricultural Sciences (IFAS).<sup>129</sup>

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<sup>126</sup> FDACS, Bronson Animal Disease Diagnostic Laboratory (BADDL), available at <https://www.fdacs.gov/Agriculture-Industry/Livestock/Bronson-Animal-Disease-Diagnostic-Laboratory-BADDL> (last visited March 19, 2025).

<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> Florida 4-H, What is 4-H?, <https://florida4h.ifas.ufl.edu/about-us/> (last visited March 19, 2025).

4-H is open to all youth, ages five through 18, determined as of September 1 of the current 4-H program year and open to all counties in Florida. 4-H serves youth from all backgrounds and interests. It reaches both boys and girls through 4-H clubs, special interest groups and short-term projects, school-age childcare, individual and family learning and mentoring, camping, and school enrichment. There are three primary program areas, or mission mandates: science, citizenship, and healthy living.<sup>130</sup>

Future Farmers of America (FFA) is an intracurricular student organization for those interested in agriculture and leadership. It is one of the three components of agricultural education.<sup>131</sup>

The FFA develops members' potential and helps them discover their talent through hands-on experiences, which give members the tools to achieve real-world success. Members are future farmers, chemists, veterinarians, government officials, entrepreneurs, bankers, international business leaders, teachers, and premier professionals in many career fields.<sup>132</sup>

### *State Contracts*

Sections 287.042 and 287.057, F.S. grant agencies the ability to contract out services for the best interests of the public. The Department of Management Services (DMS) is statutorily designated as the primary state agency overseeing procurement<sup>133</sup> and its responsibilities include creating uniform agency procurement rules,<sup>134</sup> implementing the online procurement program,<sup>135</sup> and procuring state term contracts.<sup>136</sup>

The Division of Administration (DOAH) manages the administrative functions of the department and reports to the Office of the Commissioner. The DOAH's responsibilities include personnel management, finance and accounting services, professional and organizational development, information technology support and general services, including procurement, contract management and facilities management.<sup>137</sup>

### *Effect of Proposed Changes*

**Section 59** amends s. 570.07, F.S., to permit the department to reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with the department to retain employment for a specified period of time.

Subject to appropriation, the bill also extends state and national FFA opportunities to any public-school student enrolled in agricultural education, at little or no cost to the student or school district, and to support statewide FFA programming that helps such students develop their potential for premier leadership, personal growth, and career success.

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<sup>130</sup> *Id.*

<sup>131</sup> FFA, What is FFA, available at <https://www.ffa.org/about-us/what-is-ffa/> (last visited March 19, 2025).

<sup>132</sup> FFA, What is FFA, available at <https://www.ffa.org/about/> (last visited March 19, 2025).

<sup>133</sup> Sections 287.032 and 287.042, F.S.

<sup>134</sup> Sections 287.032(2) and 287.042(3), (4), and (12), F.S.

<sup>135</sup> Section 287.057(24), F.S.

<sup>136</sup> Sections 287.042(2) and 287.056, F.S.

<sup>137</sup> FDACS, Division of Administration, available at <https://www.fdacs.gov/Divisions-Offices/Administration> (last visited March 19, 2025).



The bill permits the department to directly use contracts procured by another agency. The bill also provides the term “agency” has the same meaning as provided in s. 287.012, F.S.

**Section 60** amends s. 570.544, F.S., to permit the Division of Consumer Services director to enforce provisions outlined in statute.

**Section 61** creates s. 570.546, F.S., to permit the department to:

- Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.
- Create a process that will allow licensees, upon request, to align the expiration dates of licenses within a statutory program.
- Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month.

The bill permits the department to prorate any licensing fee for which the term of the license was reduced for the purposes of alignment. The bill also grants the department rulemaking authority to implement this section.

## Florida Aquaculture

### *Present Situation*

Section 597.0015, F.S. defines aquaculture as the cultivation of aquatic organisms.<sup>138</sup> Broadly, aquaculture involves breeding, rearing, and harvesting of aquatic organisms in controlled environments for commercial, recreational, or public purposes.<sup>139</sup>

Aquaculture is a rapidly growing industry in Florida, with over one thousand aqua culturists growing over 1,5000 species of aquatic crops<sup>140</sup> and an approximate total of \$100 million<sup>141</sup> in annual sales. Florida’s subtropical climate and extensive coastline provides optimal conditions for aquaculture farming. Aquatic crops grown by Florida aqua culturists involve both marine and freshwater species and environments including plants, catfish, molluscan shellfish, shrimp, tilapia, tropical and ornamental fish, alligators, and other aquatics and fish.<sup>142</sup> Overall, the Florida aquaculture industry accounts for 95 percent of tropical fish sales nationwide.<sup>143</sup>

<sup>138</sup> Section 597.0015, F.S.

<sup>139</sup> National Oceanic and Atmospheric Administration, *What is Aquaculture?*, (August 9, 2016), available at <https://www.noaa.gov/stories/what-is-aquaculture> (last visited March 19, 2025).

<sup>140</sup> FDACS, *Florida Aquaculture Industry Overview*, (August 2020), available at <https://ccmedia.fdacs.gov/content/download/91723/file/FDACS-P-02145-2020FLAquacultureIndustryOverview.pdf> (last visited March 19, 2025).

<sup>141</sup> Megan Winslow, *Farm but no fowl: How Florida aquaculture is growing the economy*, University of Florida News, (March 12, 2025), available at <https://news.ufl.edu/2025/03/florida-aquaculture-/> (last visited March 19, 2025).

<sup>142</sup> University of Florida IFAS Extension, *Aquatic Crops*, available at <https://sfyl.ifas.ufl.edu/agriculture/aquatic-crops/> (last visited March 19, 2025).

<sup>143</sup> University of Florida IFAS Extension, *Aquaculture*, available at <https://sfyl.ifas.ufl.edu/agriculture/aquaculture/> (last visited March 19, 2025).

Florida aquaculture benefits food production, economic growth, aquascapes for aquariums and zoos, restoration of threatened and endangered species and their habitats, diversity of food systems, and boosts wild stock populations; however, unregulated, the industry may cause water pollution from nutrient discharge and chemical use, ecosystem destruction, possible release of invasive or non-native species during climate events, and the spread of disease from captive to wild populations.<sup>144</sup>

The department hosts the Division of Aquaculture which is responsible for implementing the Florida Aquaculture Policy Act (FAPA) in ch. 597, F.S.<sup>145</sup> The FAPA declares aquaculture as agriculture and assigns the department responsibility of the industry.

### *Direct-support organizations*

Direct-support organizations are defined as an organization that is a Florida corporation not for profit incorporated under ch. 617, F.S. and approved by the department to operate for the benefit of a museum or a designated program.<sup>146</sup> The department may authorize the establishment of direct-support organizations to provide assistance, funding, and promotional support for programs of the department.<sup>147</sup>

**Section 62** creates s. 570.694, F.S., to establish the Florida Aquaculture Foundation (Foundation) as a direct-support organization within the department. The bill provides the purpose of the foundation is to:

- Conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers in this state.
- Identify and pursue methods to provide statewide resources and materials for these programs.

The bill specifies the Foundation is governed by s. 570.691, F.S. and the department is authorized to appoint an advisory committee adjunct to the foundation.

**Section 80** creates s. 1013.373, F.S., to prohibit, notwithstanding any other provision of law, a local government from adopting any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for FFA or 4-H activities, or the storage of any animals or equipment therein.

The bill provides that lands used for agricultural education or for FFA or 4-H activities shall be considered agricultural lands pursuant to s. 193.461, F.S.

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<sup>144</sup> Levi Hoskins, *Tell Me About: Aquaculture*, UF Thompson Earth Systems Institute, (November 1, 2024), available at <https://www.floridamuseum.ufl.edu/earth-systems/blog/tell-me-about-aquaculture/> (last visited March 19, 2025).

<sup>145</sup> [Chapter 597, F.S.](#)

<sup>146</sup> Section 570.69, F.S.

<sup>147</sup> Section 570.691, F.S.

## Silviculture

### *Present Situation*

Florida's Silviculture Best Management Practices (BMPs) are forest land management guidelines designed as the minimum standards necessary for protecting and maintaining the state's water quality and wetland ecosystems during forestry activities. As such, they represent a balance between overall natural resource protection and forest resource use.<sup>148</sup>

Florida's Silviculture BMPs were first established in the mid-1970s in response to the Federal Clean Water Act of 1972 and should be applied on all bona fide ongoing forestry operations, especially those adjacent to waterbodies, wetlands, and sinkholes. Silviculture BMPs may be enforced by federal, state, and local authorities through reference of regulatory statute or rule. However, Silviculture BMPs are not intended for use during tree removal or land clearing operations associated with development or other activities that have non-forestry objectives.<sup>149</sup>

The Florida Forest Service serves as the lead agency responsible for the development, implementation, and monitoring of Silviculture BMPs in Florida. The Forest Hydrology Section is available to provide specialized information and guidance about Florida's Silviculture BMPs.<sup>150</sup>

### *Effect of Proposed Changes*

**Section 64** creates s. 570.823, F.S., to create the Silviculture Emergency Recovery Program within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency. The bill provides definitions for "bona fide farm operation," "declared emergency," "department," and "program."

The bill provides eligibility requirements and approved uses of grant funds. The bill also requires the department to coordinate with state agencies and other entities to ensure to the greatest extent possible that timber landowners have access to the maximum financial assistance available following a specified declared emergency. The bill provides that the coordination must ensure that there is no duplication of financial assistance between these funds and other funding sources, which would render the approved applicant ineligible for other financial assistance.

The bill grants the department rulemaking authority to implement this section. The bill provides that notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for six months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

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<sup>148</sup> FDACS, Silviculture Best Management Practices, available at <https://www.fdacs.gov/Forest-Wildfire/Silviculture-Best-Management-Practices> (last visited March 19, 2025).

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

## Florida Beef

### *Present Situation*

On January 1, 2025, Florida ranked 10th in beef cattle production. All cattle and calves in Florida totaled 1.56 million head, unchanged from last year. This is the smallest inventory in Florida since 1951 and has declined by 120,000 head since the cyclical peak in 2019.<sup>151</sup> Nearly half of all Florida's agricultural land is in cattle production, with over 15,000 producers involved in all facets of the industry.

The Cattle Enhancement Board, Inc. (CEB) is a Direct Support Organization of the University of Florida. The CEB is organized to promote research, education and scientific purposes on issues relating to the Florida cattle industry, including production, disease prevention, forage development, genetic research, and technology.<sup>152</sup>

### *Effect of Proposed Changes*

**Section 65** creates s. 570.831, F.S., establishing the Florida beef marketing program. It directs the CEB, in coordination with the department, subject to appropriation, to establish a beef marketing program to conduct research designed to expand the uses of beef and beef products and strengthen the position of Florida's cattle industry through marketing campaigns and promotions within this state and the nation.

## Florida Citrus

### *Present Situation*

Early Spanish explorers planted the first orange trees near St. Augustine, Florida in the 1500s. Commercial production began nearly 300 years later – after the Civil War – when the development of the railroad allowed citrus growers to ship their products across the country. In 1894 and 1895, freezes destroyed much of Florida's citrus crops. Not to be defeated, many citrus growers moved south and began growing again.<sup>153</sup>

The industry rallied within 15 years and by 1950, more than 100 million boxes of citrus were picked. That number reached 200 million in 1970. Most citrus is now grown in the southern two-thirds of the Florida peninsula, where probability of freezing temperatures is lowest, although Polk County in Central Florida remains the top citrus producing county in the state.<sup>154</sup> The 2024-

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<sup>151</sup> Annual Cattle Market Report: January 2025, available at [https://rcrec-ona.ifas.ufl.edu/media/rcrec-onaifasufledu/pdf/2025\\_01\\_AR.pdf](https://rcrec-ona.ifas.ufl.edu/media/rcrec-onaifasufledu/pdf/2025_01_AR.pdf) (last visited March 27, 2025).

<sup>152</sup> Florida Cattle Enhancement Board, available at [Cattle Enhancement Board - UF/IFAS Animal Sciences - University of Florida, Institute of Food and Agricultural Sciences - UF/IFAS](#) (last visited March 27, 2025).

<sup>153</sup> Florida Citrus, What is the history of Citrus?, available at <https://www.floridacitrus.org/about-florida-citrus/our-history/> (last visited March 19, 2025).

<sup>154</sup> *Id.*

2025 Season, Florida All Orange Production forecast released by the United States Department of Agriculture (USDA) Agricultural Statistics Board is 12 million boxes.<sup>155</sup>

### *Effect of Proposed Changes*

**Section 66** amends s. 581.1843, F.S., to remove the requirement that citrus nursery may not be propagated or grown on a site that is not at least one mile away from commercial citrus groves. The bill also removes the requirement that a citrus nursery registered with the department prior to April 1, 2006, shall not be required to comply with the one-mile setback from commercial citrus groves while continuously operating at the same location for which it was registered.

The bill removes requirements and prohibitions related to the authorized areas in which commercial citrus may be planted.

**Section 67** repeals the following statutes: ss. 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, F.S., relating to the Florida Boll Weevil Eradication Law; definitions; powers and duties of Department of Agriculture and Consumer Services; the entry of premises to carry out boll weevil eradication activities and inspections; reports by persons growing cotton; quarantine areas and the regulation of articles within a boll weevil eradication zone; the regulation of collection, transportation, distribution, and movement of cotton; cooperative programs for persons engaged in growing, processing, marketing, or handling cotton; the department's authority to designate eradication zones, prohibit planting of cotton, and require participation in eradication program; regulation of the pasturage of livestock, entry by persons, and location of honeybee colonies in eradication zones and other areas; eligibility for certification of cotton growers' organization; the certification of cotton growers' organization; a referendum; an assessment; the department's authority to enter agreements with the Farm Service Agency; liens; mandamus or injunction; penalty for violation; and the handling of moneys received, respectively

**Section 68** amends s. 595.404, F.S., to update judicial review statutes relating to appeal proceedings of school food and other nutrition programs.

## **Florida Viticulture Advisory Council**

### *Present Situation*

The Legislature declared that viticulture, the production and utilization of grapes, is an underdeveloped agricultural commodity enterprise in this state. The Legislature recognizes that 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 good 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.<sup>156</sup>

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<sup>155</sup> USDA, Citrus, available at

[https://www.nass.usda.gov/Statistics\\_by\\_State/Florida/Publications/Citrus/Citrus\\_Forecast/2024-25/cit0125.pdf](https://www.nass.usda.gov/Statistics_by_State/Florida/Publications/Citrus/Citrus_Forecast/2024-25/cit0125.pdf) (last visited March 19, 2025).

<sup>156</sup> Section 599.001 F.S.

Further, the Legislature finds that factors such as 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's which could contribute to the further development of viticulture in the state are inhibitory to the development of viticulture to the potential of which it is reasonably capable, going into the 21st century.<sup>157</sup>

The Legislature further declares that, in order to effectively support the efficient and expeditious development and growth of viticulture into a broad-based and economically sound industry, there is a need for leadership and statewide viticultural planning.<sup>158</sup>

### *Effect of Proposed Changes*

**Section 69** amends s. 599.002, F.S., to change the name of the “Viticulture Advisory Council” to the “Florida Wine Advisory Council” and make conforming changes related to the new name.

**Section 70** amends s. 599.003, F.S., to make conforming changes related to the new name.

**Section 71** amends s. 599.004, F.S., to make conforming changes related to the new name. The bill also provides that wineries that fail to recertify annually or pay the licensing fee are subject to having its certified Florida Farm Wineries sign removed and will be responsible for all costs incurred by the Department of Transportation in connection with the removal.

**Section 72** amends s. 599.012, F.S., to make conforming changes replacing “viticulture” with “wine.”

### **County Fair Permitting**

#### *Present Situation*

The department is responsible for issuing annual permits to fair associations that are organized under Chapter 616, Florida Statutes.<sup>159</sup>

The purpose of fair associations is to produce an annual fair and/or exposition 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 or exposition represents and serves.<sup>160</sup>

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<sup>157</sup> *Id.*

<sup>158</sup> *Id.*

<sup>159</sup> FDACS, Division of Licensing, *Number of Licensees by Type* (Nov. 30, 2023), [https://www.fdacs.gov/content/download/82618/file/Number\\_of\\_Licensees\\_By\\_Type.pdf](https://www.fdacs.gov/content/download/82618/file/Number_of_Licensees_By_Type.pdf) (last visited March 19, 2025).

<sup>160</sup> *Id.*

### *Effect of Proposed Changes*

**Section 73** amends s. 616.12, F.S., to remove antiquated terms used in the department’s fair permitting program.

### **Right to Farm Laws, Nuisances, and the Florida Right to Farm Act**

#### *Present Situation*

In the 1970s, states began to identify the potential conflicts between farmers and developers as urban sprawl crept into rural and agricultural areas. One of the initial concerns was that the relocation of city dwellers into agricultural areas would result in a rash of very expensive nuisance lawsuits once the new neighbors were confronted with the sensory nature of farm life, complete with an inescapable array of odors, loud noises, dust, and other side-effects.<sup>161</sup>

In an effort to protect farms and agricultural operations from the encroaching sprawl, states passed anti-nuisance laws that are referred to as “Right to Farm” laws. These laws, enacted in all 50 states, protect agricultural production against some nuisance lawsuits. The laws do not grant absolute immunity but generally provide protections for defendants based upon a “coming to the nuisance” defense theory. These laws provide a liability shield for pre-existing agricultural operations when changes are made to the use of nearby parcels, such that the plaintiffs are described as “coming to the nuisance.”<sup>162</sup> The Florida Right to Farm Act was enacted in 1979.<sup>163</sup>

A nuisance is described as an activity, condition, or situation created by someone that significantly interferes with another person’s use or enjoyment of their property. A private nuisance affects a person’s private right that is not common to the public while a public nuisance is an interference that affects the general public, for example, a condition that is dangerous to health or community standards.<sup>164</sup>

The Florida Right to Farm Act protects farm operations from nuisance lawsuits if the operations comply with generally accepted agricultural and management practices.<sup>165</sup>

The Florida Right to Farm Act states that a farm operation cannot be classified as a public or private nuisance if the farm:

- Has been in operation for one year or more since its established date of operation;
- Was not a nuisance when it was established; and
- Conforms to generally accepted agricultural and management practices.<sup>166</sup>

However, the following four unsanitary conditions constitute evidence of a nuisance:

- The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life;

<sup>161</sup> Alexia B. Borden and Thomas R. Head, III, *The “Right To Farm” In The Southeast – Does it Go Too Far?* (2007).

<sup>162</sup> *Id.*

<sup>163</sup> Chapter 79-61, ss. 1-2, Laws of Fla.

<sup>164</sup> BLACK’S LAW DICTIONARY (11<sup>th</sup> ed. 2019).

<sup>165</sup> Section 823.14, F.S.

<sup>166</sup> Section 823.14(4)(a), F.S.

- The presence of improperly built or improperly maintained septic tanks, water closets, or privies;
- The keeping of diseased animals which are dangerous to human health, unless the animals are kept in accordance with a current state or federal disease control program; or
- The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.<sup>167</sup>

Additionally, a farm operation cannot be classified as a public or private nuisance due to a change:

- In ownership;
- In the type of farm product that is produced;
- In conditions in or around the locality of the farm; or
- Made in compliance with Best Management Practices adopted by local, state, or federal agencies.<sup>168</sup>

The Florida Right to Farm Act, however, may not be construed to permit an existing farm operation to increase to a more excessive farm operation with regard to noise, odor, dust, or fumes where the existing operation is adjacent to an established homestead or business.<sup>169,170</sup>

### *Effect of Proposed Changes*

**Section 74** creates s. 687.16, F.S., to establish the Florida Farmer Financial Protection Act. The bill provides the definitions of “agritourism activity,” “agriculture producer,” “Commissioner,” “company,” “denies or restricts,” “discriminate in the provision of financial services,” “ESG factor,” “farm,” “financial institution,” and “financial service.”

The bill prohibits a financial institution from discriminating in the provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor. The bill also provides that if a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution’s denial or restriction of a financial service to an agriculture producer is discriminating against the agriculture producer based upon an ESG factor. The bill also provides that a financial institution may overcome such inference in by demonstrating that its denial or restriction of a financial service was based solely on documented risk analysis, and not on any ESG factor.

The bill authorizes the Attorney General, in consultation with the Office of Financial Regulation, to enforce these provisions. The bill provides that any violation constitutes an unfair trade practice under part II of ch. 501, F.S., and the Attorney General is authorized to investigate and seek remedies as provided in general law. The bill also permits that actions for damages may be sought by an aggrieved party.

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<sup>167</sup> *Id.*

<sup>168</sup> Section 823.14(4)(b), F.S.

<sup>169</sup> Section 823.14(5), F.S.

<sup>170</sup> In an effort to eliminate duplication of regulatory authority over farm operations, local governments may not adopt an ordinance or similar policy to prohibit or limit an activity of a bona fide farm operation on land that is classified as agricultural land in accordance with statute, where the activity is regulated through implemented best management practices or certain interim measures. The full text of this prohibition is contained in s. 823.14(6), F.S.



**Section 75** amends s. 741.0305, F.S., to make a conforming change related to religious institutions.

### **Firearm Licensing and Expedited Concealed Carry License Processing for Military, Law Enforcement License**

#### *Present Situation*

The department is statutorily authorized to issue concealed weapon and concealed firearm licenses to applicants who qualify.<sup>171</sup> For purposes of the concealed carry licensure law, “concealed weapons or concealed firearms” means a handgun, electronic weapon or device, tear gas gun, knife, or billie, but not a machine gun.<sup>172</sup>

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

- The name, address, place and date of birth, race, and occupation of the applicant;
- A full-frontal view color photograph of the applicant which must be taken within the preceding 30 days;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapon and firearms and is knowledgeable of its provisions;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents;
- A statement that the applicant desires a concealed weapon or firearm license as a means of lawful self-defense;
- A full set of fingerprints;
- Documented proof of completion of a firearm safety and training course; and
- A nonrefundable license fee.<sup>173</sup>

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

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government;<sup>174</sup>
- Is 21 years of age or older;<sup>175</sup>
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to

<sup>171</sup> Section 790.06(1), F.S.

<sup>172</sup> *Id.*

<sup>173</sup> Section 790.06,(4)-(5) F.S.

<sup>174</sup> Such consular security official must maintain diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country.

<sup>175</sup> Pursuant to s. 790.062, F.S., the department must issue a license to carry a concealed weapon or concealed firearm to a servicemember or veteran who does not meet the 21 years of age threshold if he or she is otherwise qualified.

controlled substances within a three-year period immediately preceding the date on which the application is submitted;

- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;<sup>176</sup>
- Desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense;
- Demonstrates competence with a firearm;
- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless five years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least five years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless three years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.<sup>177</sup>

Pursuant to s. 790.06(3), F.S., the department must deny the application if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless three years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.<sup>178</sup>

The department must:

- Revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding three years.<sup>179</sup>
- Upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement (FDLE) and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.<sup>180</sup>

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<sup>176</sup> It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted. Section 790.06(2), F.S.

<sup>177</sup> Section 790.06(2), F.S.

<sup>178</sup> Section 790.06(3), F.S.

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

- Suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.<sup>181</sup>

A service member<sup>182</sup> or a veteran<sup>183</sup> may request expedited processing of his or her application.<sup>184</sup> For expedited processing of an application:

- A servicemember must submit a copy of the Common Access Card, United States Uniformed Services Identification Card, or current deployment orders.
- A veteran must submit a copy of the DD Form 214, issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs.<sup>185</sup>

### *Effect of Proposed Changes*

**Section 76** amends s. 790.06, F.S., to permit the department to issue a concealed carry license if the applicant demonstrates competence with a firearm training through the United States military service.

The bill permits the department to temporarily suspend a license or application if notified by a law enforcement agency, a court, clerk's office, or FDLE that the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.

The bill requires that the department notify the licensee or applicant suspended under this section of his or her right to a hearing pursuant to ch. 120, F.S. The bill provides that a hearing conducted regarding the temporary suspension must be for the limited purpose of determining whether the licensee has been arrested or charged with a disqualifying crime resulting in the department issuing an order lifting the suspension or in a disqualifying disposition. The suspension remains in effect and the department must proceed with denial or revocation proceedings pursuant to ch. 120 F.S.

The bill provides that these provisions may not be construed to limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state. The bill also provides that Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner. The bill also provides that the Legislature intends to clarify that suspensions pursuant to this section are temporary and the department has the duty to make an eligibility determination and issue a license in the prescribed time frame.

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<sup>181</sup> *Id.*

<sup>182</sup> "Servicemember" means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces. s. 250.01, F.S.

<sup>183</sup> "Veteran" means a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. s. 1.01(14), F.S.

<sup>184</sup> Section 790.06(4)(f), F.S.

<sup>185</sup> Section 790.06(4)(f), F.S.

The bill permits the department to extend the 90-day time period for a license if a criminal history screening identifies a potential crime that may disqualify the applicant, but there is no final disposition of the crime, or it lacks sufficient information to make an eligibility determination. The bill permits the department to request information where the criminal history originated but also issue a license if does not obtain a disposition or sufficient information to make an eligibility determination within the additional 90-day period. The bill permits the department to take appropriate action if it receives disqualifying criminal history information during the review or after issuance of a license.

The bill permits the department to temporarily suspend a license if the license was issued in error.

**Section 91** reenacts s. 790.061, F.S., related to judges and justices exemption from concealed carry provisions, to conform to the changes made by the bill to s. 790.06, F.S.

## **Retail Fuel Theft and Retail Theft**

### *Present Situation*

The department regularly inspects petroleum distribution systems and samples of petroleum products to ensure consistency as well as retail gas stations to ensure fuel dispensers are working safely and properly.<sup>186</sup>

A fuel pulser is a plastic device connected to the fuel pump dispenser meter housed within the fuel pump. The pulse converts the mechanical movement of the fuel meter and then sends electrical pulses to control the dispenser's electronic display.<sup>187</sup>

The pulsers can be replaced by an altered pulser that interrupts the electrical signal.<sup>188</sup> This enables the ability to obtain large amounts of gas for a small percentage of the cost. In Hillsborough County, \$60,000 worth of gasoline was stolen from two different gas stations by individuals using the pulsar manipulation devices.<sup>189</sup> In Lakeland, two individuals were caught while filling up a large gas tank in the back of a pickup truck after accessing the inside of the fuel pump.<sup>190</sup>

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<sup>186</sup> Florida Department of Agriculture and Consumer Services, Petroleum Inspection, available at <https://www.fdacs.gov/Business-Services/Petroleum-Inspection> (last visited March 19, 2025).

<sup>187</sup> Florida Department of Agriculture and Consumer Services, SB 1150 Analysis. On file with the Senate Commerce and Tourism Committee.

<sup>188</sup> *Id.*

<sup>189</sup> Matthew Impelli, Fuel Thieves Used 'Homemade Device' to Steal \$60,000 in Gas, Police Say, Newsweek, April 4, 2022, available at <https://www.newsweek.com/fuel-thieves-used-homemade-device-steal-60000-gas-police-say-1694856> (last visited March 19, 2025).

<sup>190</sup> Catherine Hawley, Florida men accused of tampering with gas pumps, stealing fuel in Bay area, Fox 13 News, March 17, 2022, available at <https://www.fox13news.com/news/florida-men-accused-of-tampering-with-gas-pumps-stealing-fuel-in-bay-area> (last visited March 19, 2025).

The use of these devices is not just an issue in Florida. It is happening in other states as well. In Arizona, the State Senate is considering a bill that would make the possession of a pulsar manipulation device a third-degree felony.<sup>191</sup>

Currently, law enforcement relies on s. 316.80, F.S., for fuel theft crimes; however, the statute does not address fuel pulsers and only penalizes the use of conveyances or vehicles equipped with auxiliary fuel tanks or bladders which do not comply with applicable federal regulation.<sup>192</sup>

Section 812.014(1), F.S., provides that a person commits “theft” if he or she knowingly obtains or uses, or endeavors to obtain or use, the property of another with intent to, either temporarily or permanently:

- Deprive the other person of a right to the property or a benefit from the property; or
- Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

The statute punishes “grand theft” and “petit theft.” Grand theft is more severe than petit theft penalties and is typically theft of property valued at \$750 or more. Petit theft is generally theft of property valued at less than \$750.

While theft is generally punished in s. 812.014, F.S., and thefts from retailers can be punished under that statute, s. 812.015, F.S., is specifically directed at punishing “retail theft,” which the statute defines as “the taking possession of or carrying away of merchandise,<sup>193</sup> property, money, or negotiable documents; altering or removing a label, universal product code, or price tag; transferring merchandise from one container to another; or removing a shopping cart, with intent to deprive the merchant<sup>194</sup> of possession, use, benefit, or full retail value.”<sup>195</sup>

Section 812.015(8), F.S., provides that it is a third-degree felony<sup>196</sup> to commit retail theft, if the property stolen is valued at \$750 or more, and the person:

- Individually commits retail theft, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, which may occur through multiple acts of retail theft, in which the amount of each individual theft is aggregated within a 30-day period to determine the value of the property stolen;
- Conspires with another person to commit retail theft with the intent to sell the stolen property for monetary or other gain, and subsequently takes or causes such property to be placed in the control of another person in exchange for consideration, in which the stolen property

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<sup>191</sup> Morgan Loew, Arizona Senate committee votes to outlaw fuel theft devices, 3TV/CBS 5, Feb. 3, 2023, available at <https://www.azfamily.com/2023/02/03/arizona-senate-committee-votes-outlaw-fuel-theft-devices/> (last visited March 19, 2025).

<sup>192</sup> Florida Department of Agriculture and Consumer Services, SB 1150 Analysis. On file with the Senate Commerce and Tourism Committee.

<sup>193</sup> “Merchandise” means “any personal property, capable of manual delivery, displayed, held, or offered for retail sale by a merchant.” Section 812.015(1)(a), F.S.

<sup>194</sup> “Merchant” means “an owner or operator, or the agent, consignee, employee, lessee, or officer of an owner or operator, of any premises or apparatus used for retail purchase or sale of any merchandise.” Section 812.015(1)(b), F.S.

<sup>195</sup> Section 812.015(1)(d), F.S.

<sup>196</sup> A third degree felony is generally punishable by not more than five years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

taken or placed within a 30-day period is aggregated to determine the value of the stolen property;

- Individually, or in concert with one or more other persons, commits theft from more than one location within a 30-day period, in which the amount of each individual theft is aggregated to determine the value of the property stolen;
- Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or
- Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.

### *Effect of Proposed Changes*

**Section 77** amends s. 812.0151, F.S., to provide that a person commits a felony if they possess any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account.

The bill also provides that a person commits a felony if they tamper with any mechanical or electrical component located externally on a retail fuel dispenser.

**Section 78** creates s. 812.136, F.S., to create an offense of mail theft. The bill provides definitions for "mail," "mail depository," and "postal service." The bill also provides what is considered acts that constitute mail theft and the theft of or unauthorized reproduction of a mail depository key or lock.

The bill creates the following criminal penalties for mail theft:

- First degree misdemeanor, punishable by a term of imprisonment not exceeding 1 year, for a first violation; and
- Felony of the third degree, punishable by a term of imprisonment not exceeding 5 years or a fine not to exceed \$5,000, for a second or subsequent violation.

**Section 92** provides that the bill shall take effect July 1, 2025.

## **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill may have an indeterminate impact on local property taxes due to lands used for agricultural education now being taxed as agricultural lands.

B. Private Sector Impact:

Third parties are now permitted to collect and retain convenience fees related to remote pest control license examinations.

Food distributors may incur costs associated with the proper labeling of plant-based products currently labeled as meat, poultry, and eggs.

C. Government Sector Impact:

The bill increases the amount of state aid a county or district can receive from \$50,000 to \$75,000 per year for three years for any new program for the control of mosquitoes in an area not previously serviced by county.

The bill creates new misdemeanors for illegal activities relating to drones on agricultural land, mushroom spores' distribution, and mail theft. The bill also creates felonies<sup>197</sup> for possession of any form of payment used to defraud fuel retailers or tamper with components of retail fuel dispenser.

This may have a positive indeterminate prison bed impact (an unquantifiable increase in prison beds) on the Department of Corrections. The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference (CJIC), which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet reviewed the bill.

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<sup>197</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S. A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

Overall, the bill has an indeterminate, yet insignificant impact to the Department of Agriculture and Consumer Services (department). It is unknown how many administrative and enforcement actions the department will realize due to the changes in the bill. Any additional responsibilities required by the bill will be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 110.205, 163.3162, , 201.25, 253.0341, 330.41, 366.94, 388.011, 388.021, 388.181, 388.201, 388.241, 388.261, 388.271, 388.281, 388.291, 388.301, 388.311, 388.321, 388.322, 388.323, 388.341, 388.351, 388.361, 388.3711, 388.381, 388.391, 388.401, 388.46, 403.067, 403.852, 403.859, 482.111, 482.141, 482.155, 482.156, 482.157, 482.161, 487.044, 487.175, 496.404, 496.405, 496.415, 496.417, 496.419, 500.03, 500.12, 500.166, 500.172, 501.912, 531.48, 531.49, 570.07, 570.544, 570.822, 581.1843, 595.404, 599.002, 599.003, 599.004, 599.012, 616.12, 741.0305, 790.06, 812.0151, and 943.50.

This bill creates the following sections of the Florida Statutes: 366.20, 496.431, 500.75, 500.93, 525.19, 526.147, 570.694, 570.546, 570.546, 570.823, 570.831, 687.16, 812.136, and 1013.373.

This bill repeals the following sections of the Florida Statutes: 501.135, 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117.

This bill re-enacts the following sections of the Florida Statutes: 189.062, 295.07, , 388.261, 482.072, 482.163, 487.156, 496.4055, 496.406, 500.80, 500.121, 790.061.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Appropriation Committee on Agriculture, Environment and General Government on March 26, 2025:**

The committee substitute makes the following changes:

- Technical changes to remove reenactments that are no longer necessary.
- Establishes the Florida beef marketing program and outlines the purpose.

**CS by Agriculture on March 11, 2025:**

The CS makes the following changes:



- Provides definitions and permits the construction of housing for “legally verified agricultural workers.”
- Provides penalties for agricultural property owners who violate the provisions related to verified agricultural worker housing.
- Provides that the department will monitor complaints, provide enforcement, and provide information to the State Board of Immigration Enforcement about verified agricultural worker housing.
- Removes requirements related to 10-year site plans from electric utilities.
- Permits the department to consult with the DEP to create a process to acquire land purchased by utility companies, which were formerly agricultural land. The bill also permits the department to retain a rural-lands protection easement on surplus land suitable for bona fide agricultural production.
- Requires the department to provide a report of lands surplus to the board.
- Provides that any lands designated as a state forest, state park, or wildlife management area are ineligible to be surplus. The bill also provides that this subsection is retroactive to January 1, 2009.
- Provides drone usage exemptions to be in compliance with provisions of s. 934.50, F.S. Eliminates governmental entity exemptions to drone usage.
- Eliminates penalties for charitable organizations that provide false statements to the department and replaces them with penalties pursuant to s. 496.405(2)(d) F.S.
- Provides definition for “egg” and “egg product,” to have the same meanings as in 21 1464 U.S.C. s. 1033 and the Egg Products Inspection Act.
- Permits the department to adopt rules to enforce the FDA’s standard of identity for eggs and egg products to prohibit the sale of plant-based products mislabeled as egg or egg products in this state.
- Permits the department to directly use contracts procured by another agency. The bill also provides the term “agency” has the same meaning as provided in s. 287.012, F.S.
- Establishes the Florida Aquaculture Foundation as a direct-support organization within the department. The bill provides the purpose of the foundation and governance of foundation.
- Removes civil fines and any attorney fees assessed upon a finding that an entity received notice of the local regulations infringing the field of regulation of firearms and ammunition at least 30 days before a suit and that the entity failed to take action.
- Eliminates the exemption provided to those using drones, under a business or professional license to perform reasonable tasks within the scope of practice or activities permitted under their license.

**B. Amendments:**

None.