

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

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

**BILL #:** [HB 433](#)

**TITLE:** Department of Agriculture and Consumer Services

**SPONSOR(S):** Alvarez, D. and Johnson

**COMPANION BILL:** [CS/SB 290](#) (Truenow)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Commerce](#)



[State Affairs](#)



[Agriculture & Natural Resources Budget](#)



[Judiciary](#)

## SUMMARY

### Effect of the Bill:

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

### Fiscal or Economic Impact:

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

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

## ANALYSIS

### EFFECT OF THE BILL:

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

### Gasoline-powered Farm and Landscape Equipment

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

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

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

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**DATE:** 1/16/2026

## **Surplus Lands**

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

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

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

## **Babcock Ranch Advisory Group**

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

## **Theft of Construction Subcontractor and Supplier Services**

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

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

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

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

## **Commercial Driver License Examination**

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

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

### [Southern States Energy Compact](#)

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

### [Biosolids Management](#)

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

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

### [Food Establishment Inspections](#)

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

### [Healthy Food Financing Initiative](#)

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

### [Health Studios](#)

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

### [Commercial Solicitation](#)

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

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

The bill provides the following definitions (Section [16](#)):

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

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

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

The bill provides legislative intent. (Section [16](#))

### **Departmental Unit Reorganization**

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

### **Agriculture and Aquaculture Producers Emergency Recovery Loan Program**

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

### **Food Animal Veterinary Medicine Loan Repayment Program**

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

To be eligible, a candidate must:

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

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

The bill provides the following definitions:

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

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

### [Egg or Poultry Dealer](#)

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

### [Florida Forest Service](#)

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

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

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

### [Farmers Feeding Florida Program](#)

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

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

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

The bill requires Feeding Florida to submit:

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

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

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

### [Aquaculture Facilities](#)

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

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

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

### [Water Leases](#)

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

### [Florida Wine Trust Fund](#)

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

### [Fair Charters and Permitting](#)

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

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

Related to formation of a fair, the bill:

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

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

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



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

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

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

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

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

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

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

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

### **Unlawful Use of Badges and Concealed Weapon Permits**

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

## Disparagement of Agricultural Food Products

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

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

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

## Signal Jamming Devices

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

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

## **Miscellaneous**

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

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

## **FISCAL OR ECONOMIC IMPACT:**

### STATE GOVERNMENT:

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

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

### Gasoline-powered Farm and Landscape Equipment

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

<sup>2</sup> Naples Ordinance 2020-14542.

<sup>3</sup> Miami Beach Ordinance 2024-4589.



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

The Florida Right to Farm Act<sup>5</sup> provides that “a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to [s. 193.461, F.S.](#), where such activity is regulated through implemented best management practices or interim measures” developed by DEP, FDACS, or water management districts.

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

### *Home Rule Authority and Preemption*

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

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

### **Surplus Lands**

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

<sup>4</sup> Winter Park Ordinance 3292-24.

<sup>5</sup> [S. 823.14, F.S.](#)

<sup>6</sup> [Art. VIII, s. 1\(f\), Fla. Const.](#)

<sup>7</sup> [Art. VIII, s. 1\(g\), Fla. Const.](#)

<sup>8</sup> [Art. VIII, s. 2\(b\)](#); see also [s. 166.021\(1\), F.S.](#)

<sup>9</sup> Preemption Definition, Black’s Law Dictionary (12th ed. 2024).

<sup>10</sup> *D’Agostino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Jan. 12, 2026).

<sup>11</sup> See, e.g., *Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

<sup>12</sup> The Board of Trustees is a four-person board consisting of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. See [s. 253.02\(1\), F.S.](#)

<sup>13</sup> [S. 253.0341\(1\), F.S.](#)

<sup>14</sup> *Id.*

<sup>15</sup> Section [259.035, F.S.](#), provides that the ARC is a 10-member group with representatives from four state agencies, four appointees by the Governor, one appointee by the Fish and Wildlife Conservation Commission, and one appointee by the

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

Local government requests for surplus lands through purchase or exchange must be expedited throughout the surplus process.<sup>18</sup>

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

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

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

### *Bona fide Agricultural Purposes*

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

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

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

<sup>16</sup> [S. 253.0341\(1\), F.S.](#)

<sup>17</sup> *Id.*

<sup>18</sup> [S. 253.0341\(1\), F.S.](#)

<sup>19</sup> [S. 253.0341\(11\), F.S.](#)

<sup>20</sup> [S. 253.0341\(8\), F.S.](#)

<sup>21</sup> [Art. VII, s. 4\(a\), Fla. Const.](#)

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

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

<sup>24</sup> [S. 193.461\(3\)\(b\), F.S.](#)

- Whether the use has been continuous.
- The purchase price paid.
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- Such other factors as may become applicable.

### *Rural-Lands-Protection Easements*

FDACS, through the Rural and Family Lands Protection Program, is authorized to acquire permanent agricultural land conservation easements, called rural-lands-protection easements.<sup>25</sup> Under this program, FDACS, on behalf of the Board of Trustees, is authorized to allocate funds to acquire perpetual, less than fee simple interests in land and enter into agricultural protection agreements and resource conservation agreements.<sup>26</sup> These arrangements compensate property owners for restrictions on the future development of their land in perpetuity while allowing them to continue agricultural activities.<sup>27</sup>

### **Babcock Ranch Advisory Group**

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

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

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

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

<sup>25</sup> FDACS, Rural and Family Lands Protection Program, <https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program> (last visited May 2, 2025).

<sup>26</sup> S. [570.71, F.S.](#)

<sup>27</sup> *Id.* See also FDACS, *supra* note 26.

<sup>28</sup> FWC, *Babcock Ranch Preserve*, <https://myfwc.com/recreation/cooperative/babcock-ranch-preserve/> (last visited Dec. 23, 2025).

<sup>29</sup> *Id.*

<sup>30</sup> [S. 259.1052\(5\), F.S.](#)

<sup>31</sup> [S. 259.1053\(4\), F.S.](#)

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

The Babcock Ranch Advisory Group has not met since 2017.<sup>32</sup>

### Theft of Construction Subcontractor and Supplier Services

#### *Suspended Vendor List*

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

#### *Construction Contracting*

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

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

#### *Misapplication of Construction Funds*

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

<sup>32</sup> See Babcock Ranch Advisory Group 10-year plan, <https://www.fdacs.gov/Forest-Wildfire/Our-Forests/State-Forests/Babcock-Ranch-Preserve/Babcock-Ranch-Preserve-10-Year-Land-Management-Plan> (last visited Dec. 23, 2025).

<sup>33</sup> DMS, *Vendor registration and vendor lists*, [https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_agency\\_resources/vendor\\_registration\\_and\\_vendor\\_lists](https://www.dms.myflorida.com/business_operations/state_purchasing/state_agency_resources/vendor_registration_and_vendor_lists) (last visited Dec. 29, 2025).

<sup>34</sup> [S. 287.042, F.S.](#); see Rule 60A-10.006, F.A.C.

<sup>35</sup> [S. 489.107, F.S.](#)

<sup>36</sup> [S. 489.129, F.S.](#)

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

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

An inference that a person knowingly and intentionally misapplied construction funds is created when:<sup>38</sup>

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

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

### *Construction Defects*

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

### Commercial Driver License Examination

Individuals applying for a commercial driver license (CDL) must undergo an exam that tests the applicant's:<sup>42</sup>

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

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

<sup>37</sup> [S. 713.345\(1\)\(b\), F.S.](#)

<sup>38</sup> [S. 713.345\(1\)\(c\), F.S.](#)

<sup>39</sup> [S. 713.345\(1\)\(d\), F.S.](#)

<sup>40</sup> [S. 713.345\(1\)\(e\), F.S.](#)

<sup>41</sup> [S. 558.001, F.S.](#)

<sup>42</sup> [S. 322.12\(4\), F.S.](#)

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

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

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

### **Southern States Energy Compact**

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

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

### **Biosolids Management**

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

<sup>44</sup> [S. 322.212\(7\), F.S.](#)

<sup>45</sup> [S. 322.12\(4\), F.S.](#)

<sup>46</sup> Public Laws 87-563 and 92-440.

<sup>47</sup> Southern States Energy Board, *About SSEB*, <http://www.sseb.org/about/> (last visited Dec. 29, 2025).

<sup>48</sup> Section [373.4595, F.S.](#), defines biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

<sup>49</sup> DEP, *Domestic wastewater biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Dec. 29, 2025).

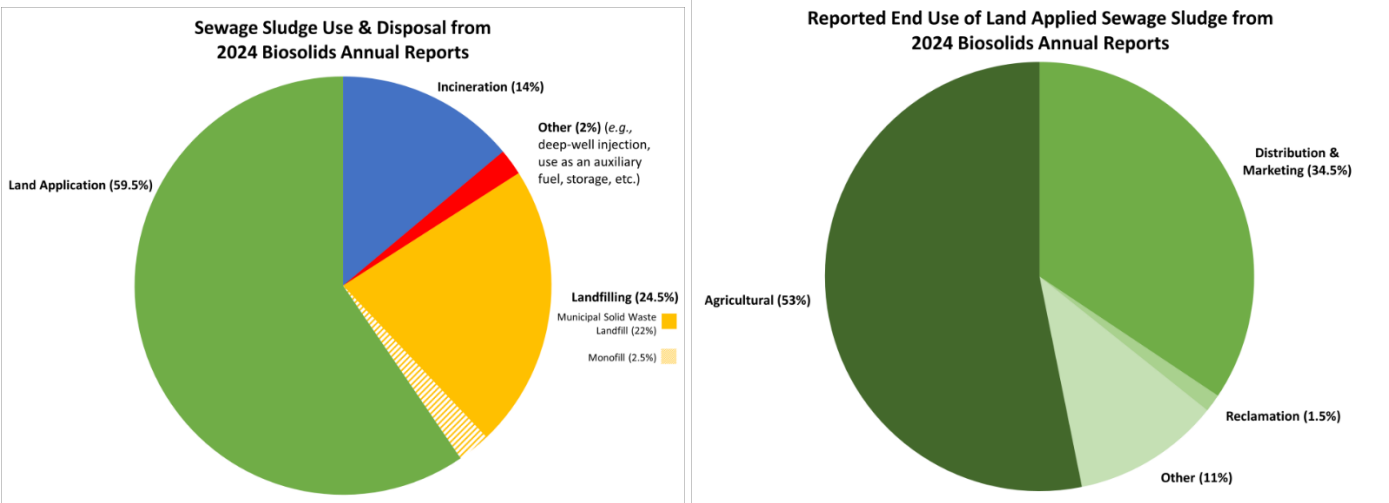
<sup>50</sup> Rule 62-640.200(6), F.A.C.

<sup>51</sup> *Id.*



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

U.S. Environmental Protection Agency – Biosolids use and disposal across the U.S.:<sup>55</sup>



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

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

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

<sup>52</sup> DEP, *Biosolids in Florida*, <https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf#:~:text=Biosolids%20and%20Management%20in%20Florida%20Estimated%20Total%20Production,two-thirds%20are%20beneficially%20used%20and%20onethird%20is%20landfilled> (last visited Dec. 29, 2025).

<sup>53</sup> *Id.*

<sup>54</sup> Rule 62-640, F.A.C.

<sup>55</sup> EPA, *Basic Information about Sewage Sludge and Biosolids*, <https://www.epa.gov/biosolids/fact-sheet-use-landfilling-biosolids-management> (last visited Dec. 29, 2025).

<sup>56</sup> EPA, *Land application of biosolids*, <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Dec. 29, 2025).

<sup>57</sup> *Id.*

<sup>58</sup> 40 C.F.R. Part 503; EPA, *Land Application of Biosolids*, <https://www.epa.gov/biosolids/land-application-biosolids> (last visited Jan. 12, 2026).

<sup>59</sup> R. 62-640.200(11), F.A.C.; *see also* National Biosolids Data Project, *Florida Biosolids* (last updated 2018), <https://www.biosolidsdata.org/florida> (last visited Jan. 15, 2026).

<sup>60</sup> Rule 62-640.200, F.A.C.

<sup>61</sup> *Id.*; DEP, *supra* note 50.

<sup>62</sup> Rule 62-640.200, F.A.C.

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

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

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

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

FDACS develops and adopts BMPs by rule for different types of agricultural commodities.<sup>71</sup> At least every 2 years, DACS must perform onsite inspections of each agricultural producer that enrolls in a BMP to ensure that such practice is being properly implemented.<sup>72</sup> Such verification must include a collection and review of the BMP documentation from the previous 2 years, including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained.<sup>73</sup>

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

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

<sup>63</sup> Rule 62-640.100, F.A.C.

<sup>64</sup> Rule 62-640.300, F.A.C.

<sup>65</sup> Rule 62-640.500, F.A.C.

<sup>66</sup> *Id.*

<sup>67</sup> Rule 62-640.650, F.A.C.

<sup>68</sup> Rule 62-640.800, F.A.C.

<sup>69</sup> DEP. *Domestic wastewater biosolids*; National Biosolids Data Project. *Florida biosolids*.

<https://www.biosolidsdata.org/florida> (last visited Dec. 29, 2025); Rule 62-640.850, F.A.C.; R. 62-640.850(2), F.A.C.; *see also* [s. 576.181\(1\), F.S.](#), and R. Ch. 5E-1, F.A.C.

<sup>70</sup> [s. 403.067\(7\)\(a\)1., F.S.](#); Rule 62-303.100(1), F.A.C.

<sup>71</sup> *Id.*

<sup>72</sup> [s. 403.067\(7\)\(d\)3., F.S.](#)

<sup>73</sup> *Id.*

<sup>74</sup> Equivalent Programs provide water quality protections equal to or more stringent than the applicable BMPs.

<sup>75</sup> [s. 403.067\(7\)\(c\)3., F.S.](#)

<sup>76</sup> [s. 373.4595\(3\)\(b\)16., F.S.](#)

<sup>77</sup> [s. 373.4595\(4\)\(b\)5., F.S.](#)

<sup>78</sup> [s. 373.4595\(4\)\(d\)5., F.S.](#)

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

### *Biosolids Rulemaking*

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

### Food Establishment Inspections

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

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

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

### Healthy Food Financing Initiative

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

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

<sup>79</sup> *Id.*; [ss. 373.4595\(3\)\(b\)16](#), and [373.4595\(4\)\(b\)5, F.S.](#); see also R. 62-640.850, F.A.C.

<sup>80</sup> Ch. 2020-150, Laws of Fla.

<sup>81</sup> [S. 403.0855, F.S.](#)

<sup>82</sup> DEP, *DEP Chapter 62-640, F.A.C., Rulemaking*, <https://floridadep.gov/water/domestic-wastewater/content/dep-chapter-62-640-fac-rulemaking> (last visited Dec. 29, 2025).

<sup>83</sup> Ch. 2021-153, Laws of Fla.

<sup>84</sup> See <https://www.fdacs.gov/Divisions-Offices/Food-Safety> (last visited Dec. 29, 2025).

<sup>85</sup> [S. 500.81, F.S.](#)

<sup>86</sup> [S. 500.81, F.S.](#)

<sup>87</sup> Chapter 2016-221, Laws of Florida.

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

### Health Studios

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

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

The following health studios or health-related businesses are exempt from registration:<sup>89</sup>

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

### Commercial Solicitation

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

Some local ordinances in Florida impose further restrictions on home solicitation sales. For example, Leon County prohibits such solicitation on properties that display a “No Solicitation” sign that meets certain requirements,<sup>94</sup> the

<sup>88</sup> OPPAGA, The Florida Healthy Food Financing Initiative, <https://oppaga.fl.gov/Documents/Reports/23-09.pdf> (last visited Dec. 23, 2025).

<sup>89</sup> [Ss. 501.0125 - 501.013, F.S.](#)

<sup>90</sup> [S. 501.021\(1\), F.S.](#)

<sup>91</sup> [S. 501.022\(2\), F.S.](#)

<sup>92</sup> [S. 501.055, F.S.](#)

<sup>93</sup> [Ss. 501.025 and 501.031, F.S.](#)

<sup>94</sup> Chapter 12, Article IV, Sec. 12-82, Leon County Code of Laws.

town of Palm Beach prohibits such solicitation outside of specified hours and on properties that display a “No Solicitation” sign,<sup>95</sup> and the city of Belle Isle<sup>96</sup> prohibits such solicitation outside of specified hours.<sup>97</sup>

**Departmental Unit Reorganization**

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

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

Section [570.07, F.S.](#), outlines the functions, powers, and duties of FDACS.

**Agriculture and Aquaculture Producers Emergency Recovery Loan Program**

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

Under the program, FDACS is authorized to make low-interest or interest-free loans of up to \$500,000 to eligible applicants. An approved applicant may receive no more than one loan per declared disaster, two loans per year, and five loans within any three-year period. The term of each loan is 10 years.<sup>101</sup>

To be eligible, an applicant must:<sup>102</sup>

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

**Food Animal Veterinary Medicine Loan Repayment Program**

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

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<sup>95</sup> Chapter 78, Article I, sec. 78-1, Palm Beach, Florida, Code of Ordinances.  
<sup>96</sup> Ch. 20, sec. 20-2, Belle Isle, Florida, Code of Ordinances, available at: [https://library.municode.com/fl/belle\\_isle/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20PESO\\_S20-4PROBSOPE](https://library.municode.com/fl/belle_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH20PESO_S20-4PROBSOPE) (last visited Dec. 29, 2025).  
<sup>97</sup> Chapter 20, sec. 20-2, Belle Isle, Florida, Code of Ordinances.  
<sup>98</sup> [S. 20.04\(7\)\(a\), \(b\), F.S.](#)  
<sup>99</sup> [S. 20.04\(7\)\(c\), F.S.](#)  
<sup>100</sup> [S. 570.822\(2\), F.S.](#)  
<sup>101</sup> *Id.*  
<sup>102</sup> [S. 570.822\(3\), F.S.](#)

average starting salaries of \$140,000, while around 3 percent of new graduates pursue food animal practice, with starting salaries averaging \$100,000.<sup>103</sup>

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

### Egg or Poultry Dealer

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

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

### Florida Forest Service

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

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

The center must focus on curriculum related to, but not limited to:<sup>108</sup>

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

<sup>103</sup> Larkin, M, (2025, October 15). American Veterinary Medical Association. *Inflation continues to dampen gains in veterinarian salaries, fewer new grads entering full time employment*. <https://www.avma.org/news/inflation-continues-dampen-gains-veterinarian-salaries-fewer-new-grads-entering-full-time> (last visited Dec. 29, 2025).

<sup>104</sup> National Veterinary Services Act, Public Law No. 108-61, 117 Stat. 2014 (2003).  
<https://www.congress.gov/108/plaws/publ161/PLAW-108publ161.pdf> (last visited Dec. 29, 2025).

<sup>105</sup> USDA. *The Veterinary Medicine Loan Repayment Program*. <https://www.nifa.usda.gov/grants/programs/veterinary-medicine-loan-repayment-program> (last visited Dec. 29, 2025).

<sup>106</sup> 21 U.S.C. § 464. (2020).

<sup>107</sup> S. 590.02(7), F.S.

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



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

The center must provide wildfire suppression training opportunities for rural fire departments, volunteer fire departments, and other local fire response units.<sup>110</sup>

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

**Farmers Feeding Florida Program**

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

**Aquaculture Facilities**

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

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

**Water Leases**

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

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

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

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

### Florida Wine Trust Fund

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

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

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

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

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

### Fair Charters and Permitting

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

<sup>120</sup> Rule 18-21.003(67), F.A.C.; [s. 253.03\(1\), F.S.](#)

<sup>121</sup> [Ss. 253.68](#) and [597.010, F.S.](#)

<sup>122</sup> Rule 18-21.021(1)(q), F.A.C.

<sup>123</sup> [S. 597.010\(5\), F.S.](#)

<sup>124</sup> [S. 599.001, F.S.](#)

<sup>125</sup> *Id.*

<sup>126</sup> Chapter 599, F.S.

<sup>127</sup> [S. 599.012\(1\), F.S.](#)

<sup>128</sup> [S. 599.012\(2\), F.S.](#)

<sup>129</sup> Ch. 7388, Laws of Fla.

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

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

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

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

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

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

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

FDACS regulates the following types of public fairs:<sup>138</sup>

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

<sup>130</sup> Ch. 74-322, Laws of Fla.

<sup>131</sup> Ch. 93-168, Laws of Fla.

<sup>132</sup> [S. 616.01, F.S.](#)

<sup>133</sup> [S. 616.03, F.S.](#)

<sup>134</sup> [S. 616.05, F.S.](#)

<sup>135</sup> [S. 616.07, F.S.](#)

<sup>136</sup> [S. 616.15, F.S.](#)

<sup>137</sup> Generally, a *premium* is a prize, bonus, or award given as an inducement, as to purchase products or enter competitions. Dictionary.com, *Premium*, <https://www.dictionary.com/browse/premium> (last visited Jan. 12, 2026).

<sup>138</sup> [S. 616.001, F.S.](#)

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

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

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

### Unlawful Use of Badges and Concealed Weapon Permits

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

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

<sup>139</sup> [S. 616.251, F.S.](#)

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

<sup>141</sup> [S. 843.085\(1\), \(5\), F.S.](#)

**Disparagement of Agricultural Food Products**

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

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

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

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

The law defines the following terms:<sup>147</sup>

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

**Signal Jamming Devices**

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

<sup>142</sup> Brian Duignan, *How Oprah Got Sued for Dissing a Burger, A brief history of food-libel laws*, Britannica, <https://www.britannica.com/story/a-brief-history-of-food-libel-laws> (last visited Dec. 29, 2025); Megan Semple, *Veggie Libel Meets Free Speech: A Constitutional Analysis of Agricultural Disparagement Law*, 15 VA. ENVTL. L. J. 403 (1996), available at [https://nationalaglawcenter.org/wp-content/uploads/assets/bibarticles/semple\\_veggie.pdf](https://nationalaglawcenter.org/wp-content/uploads/assets/bibarticles/semple_veggie.pdf).

<sup>143</sup> *Id.*  
<sup>144</sup> Erika K. Eckley and Roger A. McEowen, *Pink Slime and the Legal History of Food Disparagement*, Choices Magazine, 2012, <https://www.choicesmagazine.org/choices-magazine/theme-articles/pink-slimemarketing-uncertainty-and-risk-in-the-24-hour-news-cycle/pink-slime-and-the-legal-history-of-food-disparagement> (last visited Jan. 12, 2026).

<sup>145</sup> S. 865.065, F.S.  
<sup>146</sup> S. 865.065(3), (4), F.S.  
<sup>147</sup> S. 865.065(2), F.S.

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

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

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

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

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

RECENT LEGISLATION:

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

<sup>148</sup> FCC, Enforcement Advisory No. 2012-02, Mar. 6, 2012, available at [https://docs.fcc.gov/public/attachments/DA-12-347A1\\_Rcd.pdf](https://docs.fcc.gov/public/attachments/DA-12-347A1_Rcd.pdf) (last visited Dec. 29, 2025).

<sup>149</sup> FCC, Enforcement Advisory No. 2014-05, Dec. 8, 2014, available at [https://docs.fcc.gov/public/attachments/DA-14-1785A1\\_Rcd.pdf](https://docs.fcc.gov/public/attachments/DA-14-1785A1_Rcd.pdf) (last visited Dec. 29, 2025). Additionally, bad network connections can be caused by a variety of factors, including faulty equipment, physical obstructions that block the signal, or lawful devices that are operating on the same frequencies may interfere with signals and radio frequencies. FCC, *Jammer Enforcement*, <https://www.fcc.gov/general/jammer-enforcement> (last visited Dec. 29, 2025).

<sup>150</sup> 47 U.S.C. § 302a (2021).



BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Commerce Committee</a>			Hamon	Wright
<a href="#">State Affairs Committee</a>				
<a href="#">Agriculture &amp; Natural Resources Budget Subcommittee</a>				
<a href="#">Judiciary Committee</a>				