

By Senator Truenow

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A bill to be entitled

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

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30 certain circumstances; providing retroactive  
31 applicability; amending s. 366.94, F.S.; defining the  
32 term "electric vehicle charging station"; authorizing  
33 the department to adopt rules; requiring local  
34 governmental entities to issue permits for electric  
35 vehicle charging stations based on specified standards  
36 and provisions of law; requiring an electric vehicle  
37 charger to register with the department before being  
38 placed into service for use by the public; providing  
39 the department with certain authority relating to  
40 electric vehicle charging stations; providing a  
41 penalty; authorizing the department to issue an  
42 immediate final order to an electric vehicle charging  
43 station under certain circumstances; providing that  
44 the department may bring an action to enjoin a  
45 violation of specified provisions or rules; requiring  
46 the court to issue a temporary or permanent injunction  
47 under certain circumstances; amending s. 388.011,  
48 F.S.; revising the definition of "board of  
49 commissioners"; defining the term "program"; amending  
50 s. 388.021, F.S.; making a technical change; amending  
51 s. 388.181, F.S.; authorizing programs to perform  
52 specified actions; amending s. 388.201, F.S.;  
53 conforming provisions to changes made by the act;  
54 requiring that the tentative work plan budget covering  
55 the proposed operations and requirements for arthropod  
56 control measures show the estimated amount to be  
57 raised by county, municipality, or district taxes;  
58 requiring that county commissioners' or a similar

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governing body's mosquito control budget be made and adopted pursuant to specified provisions and requiring that summary figures be incorporated into the county budgets as prescribed by the department; amending s. 388.241, F.S.; providing that certain rights, powers, and duties be vested in the board of county commissioners or similar governing body of a county, city, or town; amending s. 388.261, F.S.; increasing the amount of state funds, supplies, services, or equipment for a certain number of years for any new program for the control of mosquitos and other arthropods which serves an area not previously served by a county, municipality, or district; conforming a provision to changes made by the act; amending s. 388.271, F.S.; requiring each program participating in arthropod control activities to file a tentative integrated arthropod management plan with the department by a specified date; conforming provisions with changes made by the act; amending s. 388.281, F.S.; requiring that all funds, supplies, and services released to programs be used in accordance with the integrated arthropod management plan and certified budget; requiring that such integrated arthropod management plan and certified budget be approved by both the board of county commissioners and appropriate representative; conforming provisions to changes made by the act; amending s. 388.291, F.S.; providing that a program may perform certain source reduction measures in any area providing that the department has

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approved the operating or construction plan as outlined in the integrated arthropod management plan; conforming provisions to changes made by the act; amending s. 388.301, F.S.; revising the schedule by which state funds for the control of mosquitos and other arthropods may be paid; conforming provisions to changes made by the act; amending s. 388.311, F.S.; conforming provisions to changes made by the act; amending s. 388.321, F.S.; conforming provisions to changes made by the act; amending s. 388.322, F.S.; requiring the department to maintain a record and inventory of certain property purchased with state funds for arthropod control use; conforming provisions to changes made by the act; amending s. 388.323, F.S.; providing that certain equipment no longer needed by a program be first offered for sale to other programs engaged in arthropod control at a specified price; requiring that all proceeds from the sale of certain property owned by a program and purchased using state funds be deposited in the program's state fund account; conforming provisions to changes made by the act; amending s. 388.341, F.S.; requiring a program receiving state aid to submit a monthly report of all expenditures from all funds for arthropod control by a specified timeframe as may be required by the department; conforming provisions to changes made by the act; amending s. 388.351, F.S.; conforming provisions to changes made by the act; amending s. 388.361, F.S.; conforming provisions to changes made

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by the act; amending s. 388.3711, F.S.; revising the department's enforcement powers; amending s. 388.381, F.S.; conforming provisions to changes made by the act; amending s. 388.391, F.S.; conforming provisions to changes made by the act; amending s. 388.401, F.S.; conforming provisions to changes made by the act; amending s. 388.46, F.S.; revising the composition of the Florida Coordinating Council on Mosquito Control; amending s. 403.067, F.S.; providing an exception for inspection requirements for certain agricultural producers; authorizing the department to adopt rules establishing an enrollment in best management practices by rule process; authorizing the department to identify best management practices for specified landowners; requiring the department to annually perform onsite inspections of a certain percentage of all enrollments that meet specified qualifications within a specified area; providing requirements for such inspections; requiring agricultural producers enrolled by rule in a best management practice to annually submit nutrient records to the department; requiring the department to collect and retain such records; amending s. 403.852, F.S.; defining the term "water quality additive"; amending s. 403.859, F.S.; providing that the use of certain additives in a water system which do not meet the definition of water quality additive or certain other additives is prohibited and violates specified provisions; amending s. 482.111, F.S.; revising requirements for the

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renewal of a pest control operator's certificate;  
authorizing a third-party vendor to collect and retain  
a convenience fee; amending s. 482.141, F.S.;  
requiring the department to provide in-person and  
remote testing for the examination through a third-  
party vendor for an individual seeking pest control  
operator certification; authorizing a third-party  
vendor to collect and retain a convenience fee;  
amending s. 482.155, F.S.; requiring the department to  
provide in-person and remote testing for the  
examination through a third-party vendor for an  
individual seeking limited certification for a  
governmental pesticide applicator or a private  
applicator; authorizing a third-party vendor to  
collect and retain a convenience fee; deleting  
provisions requiring the department to make such  
examination readily accessible and available to all  
applicants on a specified schedule; amending s.  
482.156, F.S.; requiring the department to provide in-  
person and remote testing for the examination through  
a third-party vendor for an individual seeking a  
limited certification for commercial landscape  
maintenance; authorizing a third-party vendor to  
collect and retain a convenience fee; deleting  
provisions requiring the department to make such  
examination readily accessible and available to all  
applicants on a specified schedule; amending s.  
482.157, F.S.; revising requirements for issuance of a  
limited certification for commercial wildlife

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

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204 registration statement; authorizing the department to  
205 investigate or refer to the Florida Elections  
206 Commission certain violations of the charitable  
207 organization or sponsor; amending s. 496.415, F.S.;  
208 prohibiting specified persons from soliciting or  
209 accepting anything of value from a foreign source of  
210 concern; amending s. 496.417, F.S.; authorizing the  
211 department to investigate or refer to the Florida  
212 Elections Commission certain violations of a  
213 charitable organization or sponsor; amending s.  
214 496.419, F.S.; prohibiting a charitable organization  
215 or sponsor from registering as a charitable  
216 organization for a specified timeframe if the  
217 charitable organization or sponsor submits a false  
218 attestation; prohibiting specified persons from  
219 serving in any capacity in the charitable organization  
220 for a specified timeframe if such person was serving  
221 in such charitable organization at the time the  
222 charitable organization submitted a false attestation;  
223 creating s. 496.431, F.S.; requiring the department to  
224 create the Honest Service Registry to provide  
225 residents with information relating to charitable  
226 organizations; requiring a charitable organization  
227 included in the Honest Services Registry to submit an  
228 attestation statement to the department; requiring the  
229 department to publish the Honest Services Registry on  
230 the department's website; requiring the department to  
231 adopt rules; amending s. 500.03, F.S.; revising the  
232 definition of the term "cottage food product";



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amending s. 500.12, F.S.; providing that the department requires a food permit from any person or business that operates a food establishment; revising exceptions; revising the schedule for renewing certain food permits; authorizing the department to establish a single permit renewal date for certain food establishments; amending s. 500.166, F.S.; requiring certain persons engaged in interstate commerce to retain all records that show certain information for a specified timeframe; amending s. 500.172, F.S.; authorizing the department to facilitate the destruction of certain articles that violate specified provisions; prohibiting certain persons from certain actions without permission from, or in accord with a written agreement with, the department; creating s. 500.75, F.S.; providing that it is unlawful to import, sell, offer for sale, furnish, or give away certain spores or mycelium; providing a penalty for violations; creating s. 500.93, F.S.; defining terms; requiring the department to adopt rules to enforce the Food and Drug Administration's (FDA's) standard of identity for milk to prohibit the sale of plant-based products mislabeled as milk; providing a contingent effective date; requiring the department to adopt rules to enforce the FDA's standard of identity for meat, poultry, and poultry products to prohibit the sale of plant-based products mislabeled as meat; providing a contingent effective date; requiring the department to adopt rules; providing construction;

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repealing s. 501.135, F.S., relating to consumer unit pricing; amending s. 501.912, F.S.; revising the definition of "antifreeze"; creating s. 525.19, F.S.; requiring the department to create an annual petroleum registration program for petroleum owners or operators who own and operate vehicles for transporting petroleum; requiring the department to adopt rules for such registration which include specified information; requiring that the registration program be free for all registrants; authorizing the department to require registrants to provide certain information during a state of emergency; creating s. 526.147, F.S.; creating the Florida Retail Fuel Transfer Switch Modernization Grant Program within the department; requiring the grant program to provide funds up to a certain amount to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities; requiring the department to award funds based on specified criteria; requiring retail fuel facilities awarded grant funds to comply with specified provisions; requiring such facilities to install a transfer switch with specified capabilities; requiring retail fuel facilities to provide specified documentation before being awarded funding; prohibiting certain facilities from being awarded funding; requiring the department, in consultation with the Division of Emergency Management, to adopt rules; requiring that such rules include specified

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information; amending s. 531.48, F.S.; requiring that certain packages bear specified information on the outside of the package; amending s. 531.49, F.S.; revising requirements for the advertising of a packaged commodity; amending s. 570.07, F.S.; requiring the department to foster and encourage the employment and retention of qualified veterinary pathologists; providing that the department may reimburse the educational expenses of certain veterinary pathologists who enter into a certain agreement with the department; requiring the department to administer rules; requiring the department to extend certain opportunities to public school students enrolled in agricultural education to support Future Farmers of America programming; amending s. 570.544, F.S.; revising which provisions the director of the Division of Consumer Services must enforce; creating s. 570.546, F.S.; authorizing the department to create a process for the bulk renewal of licenses; authorizing the department to create a process that will allow licensees to align the expiration dates of licenses within a specified program; authorizing the department to change the expiration date for current licenses for a certain purpose; requiring the department to pro-rate the licensing fee for certain licenses; requiring the department to adopt rules; amending s. 570.822, F.S.; defining the term "declared emergency"; revising the definition of the term "program"; providing that loan

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funds from the department may be used to restock aquaculture; authorizing the department to renew a loan application under certain circumstances; authorizing the department to defer or waive loan payments under certain circumstances; conforming provisions to changes made by the act; creating s. 570.823, F.S.; defining terms; establishing the silviculture emergency recovery program within the department to administer a grant program to assist certain timber landowners; requiring that such grants be used for certain purposes; requiring that only timber lands located on agricultural property are eligible for the program; requiring the department to coordinate with state agencies to provide financial assistance to timber landowners after a specified declared emergency; providing construction; authorizing the department to adopt rules to implement this section; providing construction; amending s. 581.1843, F.S.; deleting provisions that exclude certain citrus nurseries from certain requirements; deleting provisions relating to regulated areas around the perimeter of commercial citrus nurseries; repealing ss. 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, F.S., relating to the Florida Boll Weevil Eradication Law; definitions; powers and duties of Department of Agriculture and Consumer Services; the entry of

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premises to carry out boll weevil eradication activities and inspections; reports by persons growing cotton; quarantine areas and the regulation of articles within a boll weevil eradication zone; the regulation of collection, transportation, distribution, and movement of cotton; cooperative programs for persons engaged in growing, processing, marketing, or handling cotton; the department's authority to designate eradication zones, prohibit planting of cotton, and require participation in eradication program; regulation of the pasturage of livestock, entry by persons, and location of honeybee colonies in eradication zones and other areas; eligibility for certification of cotton growers' organization; the certification of cotton growers' organization; a referendum; an assessment; the department's authority to enter agreements with the Farm Service Agency; liens; mandamus or injunction; penalty for violation; and the handling of moneys received, respectively; amending s. 595.404, F.S.; revising the department's powers and duties regarding school nutrition programs; amending s. 599.002, F.S.; renaming the Viticulture Advisory Council as the Florida Wine Advisory Council; revising the membership of the Florida Wine Advisory council; conforming provisions to changes made by the act; amending s. 599.003, F.S.; renaming the State Viticulture Plan as the State Wine Plan; conforming provisions to changes made by the act; amending s. 599.004, F.S.; making

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technical changes; providing that wineries that fail to recertify annually or pay a specified licensing fee are subject to certain actions and costs; conforming provisions to changes made by the act; amending s. 599.012, F.S.; conforming provisions to changes made by the act; amending s. 616.12, F.S.; deleting provisions requiring a person who operates a minstrel show in connection with any certain public fairs to pay specified license taxes; deleting a provision that exempts such person from paying specified taxes; creating s. 687.16, F.S.; providing a short title; defining terms; prohibiting a financial institution from discriminating in the provision of financial services to an agricultural producer based on an ESG factor; providing an inference with regard to a certain violation; providing that the financial institution may overcome the inference by making certain demonstrations regarding its denial or restriction of financial services to an agricultural producer; authorizing the Attorney General to enforce specified provisions; providing that a violation of specified provisions constitutes an unfair and deceptive trade practice; authorizing the Attorney General to investigate and seek remedies for such unfair trade practices; authorizing an aggrieved party to seek an action for damages; amending s. 741.0305, F.S.; conforming a cross-reference; amending s. 790.06, F.S.; revising the circumstances under which the department may temporarily suspend a person's

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license to carry a concealed weapon or concealed  
firearm or the processing of an application for such  
license; requiring the department to notify certain  
licensees or applicants of his or her right to a  
hearing; requiring that the hearing regarding such  
suspension of license be for a limited purpose;  
requiring the department to issue an order lifting the  
suspension of an applicant's license upon a certain  
disposition of the criminal case; requiring that the  
suspension remain in effect upon a certain disposition  
of the criminal case; providing construction;  
providing legislative findings; revising the duties of  
the department after the date of receipt of a  
completed application for a license to carry a  
concealed weapon or concealed firearm; requiring that  
a license issued under this section be temporarily  
suspended or revoked if the license was issued in  
error or if the licensee commits certain actions;  
amending s. 790.33, F.S.; specifying requirements for  
the assessment of certain civil fines and attorney  
fees and costs; amending s. 812.0151, F.S.; revising  
the elements of third degree and second degree felony  
retail fuel theft; creating s. 812.136, F.S.; defining  
terms; providing elements for the crime of mail theft;  
providing elements of theft of or unauthorized  
reproduction of a mail depository key or lock;  
providing criminal penalties; creating s. 1013.373,  
F.S.; prohibiting a local government from adopting any  
measure to limit the activities of public educational

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facilities or auxiliary facilities constructed by certain organizations; requiring that lands used for agricultural education or for the Future Farmers of America or 4-H activities be considered agricultural lands; reenacting s. 295.07(5)(a), F.S., relating to preference in appointment and retention, to incorporate the amendment made to s. 110.205, F.S., in references thereto; reenacting ss. 125.01(1)(r), 163.3162(3)(a)-(d), 163.3163(3)(c), 163.3164(4), 163.3194(5), 170.01(4), 193.052(2), 193.4615, 212.08(5)(a) and (19)(a), 373.406(2), 403.182(11)(a), 403.9337(4), 472.029(2)(d), 474.2021(5), 474.2165(4)(d), 487.081(6), 570.85(1), 570.87(1), 570.94(3), 582.19(1)(a), 586.055, 604.50(2)(a) and (d), 604.73(3)(b), 692.201(1), 741.30(5)(a) and (6)(a), 810.011(5)(a), and 823.14(6), F.S., relating to powers and duties; agricultural lands and practices; applications for development permits; community planning act; legal status of comprehensive plan; authority for providing improvements and levying and collecting special assessments against property benefited; preparation and serving of returns; assessment of obsolete agricultural equipment; storage tax; exemptions; local pollution control programs; the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; authorization to enter lands of third parties; veterinary telehealth; ownership and control of veterinary medical patient records; exemptions; agritourism; agritourism participation



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impact on land classification; best management practices for wildlife; qualifications and tenure of supervisors; location of apiaries; nonresidential farm buildings; urban agriculture pilot projects; definitions; definitions; domestic violence; and the Florida Right to Farm Act, respectively, to incorporate the amendment made to s. 193.461, F.S., in references thereto; reenacting ss. 189.062(1)(a) and 388.261(7), F.S., relating to special procedures for inactive districts and state aid to counties and districts for arthropod control, respectively, to incorporate the amendment made to s. 388.271, F.S., in references thereto; reenacting ss. 482.072(3)(b) and 482.163, relating to pest control customer contact centers and responsibility for pest control activities of employee, respectively, to incorporate the amendment made to s. 482.161, F.S., in references thereto; reenacting s. 487.156, F.S., relating to governmental agencies, to incorporate the amendment made to s. 487.044, F.S., in a reference thereto; reenacting ss. 496.4055(2) and 496.406(2) and (4), F.S., relating to charitable organization or sponsor board duties and exemption from registration, respectively, to incorporate the amendment made to s. 496.405, F.S., in references thereto; reenacting s. 500.80(1)(a), F.S., relating to cottage food operations, to incorporate the amendment made to s. 500.12, F.S., in a reference thereto; reenacting s. 500.121(6), F.S., relating to disciplinary procedures,

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to incorporate the amendment made to s. 500.172, F.S.,  
in a reference thereto; reenacting s. 790.061, F.S.,  
relating to judges and justices, to incorporate the  
amendment made to s. 790.06, F.S., in a reference  
thereto; providing an effective date.

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

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

110.205 Career service; exemptions.—

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

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

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

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

3. Positions in the Department of Transportation which are  
assigned primary duties of serving as regional toll managers and

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managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

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

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

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

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

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

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

186.801 Ten-year site plans.—

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

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

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

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

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

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

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

(3)

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

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

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

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b. Whether the use has been continuous.

c. The purchase price paid.

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

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

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

g. Such other factors as may become applicable.

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

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

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

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

(3) Any loan made by the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program

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pursuant to s. 570.822.

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

330.41 Unmanned Aircraft Systems Act.—

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

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

(f) “Private property” means any residential or commercial property.

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

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

(i) “Sport shooting and training range” has the same

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639 meaning as s. 790.333(3)(h).

640 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

645 (6) PROTECTION OF AGRICULTURAL LANDS.—

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

649 1. Operate a drone.

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

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

655 (b) A person who violates paragraph (a) commits a  
656 misdemeanor of the second degree, punishable as provided in s.  
657 775.082 or s. 775.083. A person who commits a second or  
658 subsequent violation commits a misdemeanor of the first degree,  
659 punishable as provided in s. 775.082 or s. 775.083.

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

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

665 2. A law enforcement agency that is in compliance with s.  
666 934.50 or a person under contract with or otherwise acting under  
667 the direction of such law enforcement agency.

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

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

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

676       1. Operate a drone.

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

680       (b) A person who violates paragraph (a) commits a  
681 misdemeanor of the second degree, punishable as provided in s.  
682 775.082 or s. 775.083. A person who commits a second or  
683 subsequent violation commits a misdemeanor of the first degree,  
684 punishable as provided in s. 775.082 or s. 775.083.

685       (c) A person who violates paragraph (a) and records video  
686 of the private property, state wildlife management lands, or  
687 sport shooting and training range, including any person or  
688 object on the premises of or within the private property, state  
689 wildlife management lands, or sport shooting and training range,  
690 commits a misdemeanor of the first degree, punishable as  
691 provided in s. 775.082 or s. 775.083. A person who commits a  
692 second or subsequent violation commits a felony of the third  
693 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
694 775.084.

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



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

700       2. A law enforcement agency that is in compliance with s.  
701 934.50 or a person under contract with or otherwise acting under  
702 the direction of such law enforcement agency.

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

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

708       366.20 Sale and management of lands owned by electric  
709 utilities.—

710       (1) Lands acquired by an electric utility as defined in s.  
711 361.11(2) which have been classified as agricultural lands  
712 pursuant to s. 193.461 at any time in the 5 years preceding the  
713 acquisition of the land by the electric utility, must be offered  
714 for less than fee simple acquisition of development rights by  
715 the state.

716       (2) Lands owned by an electric utility as defined in s.  
717 361.11(2) which were classified as agricultural lands pursuant  
718 to s. 193.461 at any time in the 5 years preceding the date of  
719 acquisition of the land by the electric utility must be offered  
720 for less than fee simple acquisition of development rights by  
721 this state before offering for sale or transferring the land to  
722 a private individual or entity.

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

724       Section 7. Present paragraphs (3) and (4) of section  
725 366.94, Florida Statutes, are redesignated as subsections (4)

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and (5), respectively, a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

366.94 Electric vehicle charging.—

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

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

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

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

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

(d) Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the department on a form prescribed by department rule.

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

1. Issuance of a warning letter.

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

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

(g) In addition to the remedies provided in this subsection, and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin a violation of this subsection or rules adopted under this subsection in the circuit court of the county in which the violation occurs or is about to occur. Upon demonstration of competent and substantial evidence by the department to the court of the violation or threatened violation, the court shall immediately issue the temporary or permanent injunction sought by the department. The injunction shall be issued without bond.

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

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388.011 Definitions.—As used in this chapter:

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

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

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

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

388.021 Creation of mosquito control special districts.—

(1) The abatement or suppression of arthropods, whether disease-bearing or merely pestiferous, within any or all counties of this state is advisable and necessary for the maintenance and betterment of the comfort, health, and welfare of the people thereof and is found and declared to be for public purposes. Areas where arthropods incubate, hatch, or occur in significant numbers so as to constitute a public health, welfare, or nuisance problem may be controlled or abated as provided in this chapter or the rules promulgated hereunder. Therefore, any municipality ~~city~~, town, or county, or any portion or portions thereof, whether such portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of arthropods under the provisions of this chapter.

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

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

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

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

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

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

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purposes, for the operation and maintenance of the program's  
~~district's~~ works, the conduct of the program ~~district~~ generally,  
to which may be added an amount to be held as a reserve.

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

(4) The governing board:

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

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

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

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

388.241 Board of county commissioners vested with powers

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

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

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

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

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

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900 distribute the funds as prescribed by rule. Such rules shall  
901 provide for up to 80 percent of the funds to be distributed to  
902 programs with local funds for mosquito control budgets of less  
903 than \$1 million, if the county, municipality, or district meets  
904 the eligibility requirements. The funds shall be distributed as  
905 equally as possible within the category of counties pursuant to  
906 this section. The remaining funds shall be distributed as  
907 prescribed by rule among the remaining counties to support  
908 mosquito control and to support research, education, and  
909 outreach.

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

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

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

926 (8) The department is authorized to use up to 5 percent of  
927 the funds appropriated annually by the Legislature under this  
928 section to provide technical assistance to the counties,



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municipalities, or districts, or to purchase equipment, supplies, or services necessary to administer the provisions of this chapter.

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

388.271 Prerequisites to participation.—

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

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

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purchases in accordance therewith.

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

388.281 Use of state matching funds.—

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

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

Section 16. Subsections (1) and (2) of section 388.291, Florida Statutes, are amended to read:

388.291 Source reduction measures; supervision by department.—

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

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arthropods in significant numbers to constitute a health or nuisance problem.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

388.361 Department authority and rules; administration.—

(7) The department shall have the authority to collect, detect, suppress, and control mosquitoes and other arthropods

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that are determined by the State Health Officer to pose a threat to public health, or determined by the Commissioner of Agriculture to pose a threat to animal health, wherever they may occur on public or private land in this state, and to do all things necessary in the exercise of such authority. Prior to the start of treatments for the control of mosquitoes or other arthropods, the department shall consult with the mosquito control programs ~~districts~~ in the proposed treatment areas, the Department of Health, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission regarding the proposed locations, dates, and methods to be used.

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

388.3711 Enforcement.—

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

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

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

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

(3) The department may, if it finds a violation is of such

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1103 nature or circumstances that imposition of a fine, denial,  
1104 revocation, or suspension of a certification or license or  
1105 disbursal of state aid would be detrimental to the public or be  
1106 unnecessarily harsh under the circumstances, in its discretion,  
1107 place the offending party on probation for a period of not more  
1108 than 2 years. If the department determines that the terms of  
1109 such probation have been violated, it may reinstitute license or  
1110 certification or state aid denial, suspension, or revocation  
1111 proceedings.

1112 Section 26. Section 388.381, Florida Statutes, is amended  
1113 to read:

1114 388.381 Cooperation by programs ~~counties and district~~.—Any  
1115 program conducting county or district carrying on an arthropod  
1116 control ~~program~~ may cooperate with another county, district, or  
1117 municipality in carrying out work ~~a program~~ for the control of  
1118 mosquitoes and other arthropods, by agreement as to the program  
1119 and reimbursement thereof, when approved by the department.

1120 Section 27. Section 388.391, Florida Statutes, is amended  
1121 to read:

1122 388.391 Control measures in municipalities and portions of  
1123 counties located outside boundaries of programs ~~districts~~.—Any  
1124 program ~~district~~ whose operation is limited to a portion of the  
1125 county in which it is located may perform any control measures  
1126 authorized by this chapter in any municipality located in the  
1127 same county or in any portions of the same county, where there  
1128 is no established program ~~district~~, when requested to do so by  
1129 the municipality or county, pursuant to s. 388.381.

1130 Section 28. Section 388.401, Florida Statutes, is amended  
1131 to read:

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

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

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

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

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

1. The Secretary of Environmental Protection.
2. The State Surgeon General.
3. The executive director of the Fish and Wildlife  
Conservation Commission.
4. The state epidemiologist.
5. The Commissioner of Agriculture.
6. The Board of Trustees of the Internal Improvement Trust  
Fund.
7. Representatives from:



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

b. The United States Environmental Protection Agency.

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

d. The United States Fish and Wildlife Service.

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

Section 30. Paragraph (d) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

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

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

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

2. No later than January 1, 2017:

a. The department, in consultation with the water

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

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

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

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

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice, except those enrolled by rule in subparagraph 4., to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best

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management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

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

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

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

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

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

e. A parcel not abutting an impaired water body identified

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in subsection (4); and

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

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

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

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

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Florida Statutes, to read:

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

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

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

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

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

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

482.111 Pest control operator's certificate.—

(10) In order to renew a certificate, the certificateholder must complete 2 hours of approved continuing education on legislation, safety, pesticide labeling, and integrated pest management and 2 hours of approved continuing education in each category of her or his certificate or must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. The department may not renew a certificate if the continuing education or examination requirement is not met.

(a) Courses or programs, to be considered for credit, must

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include one or more of the following topics:

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

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

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

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

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

6. Integrated pest management.

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

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

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

482.141 Examinations.—

(1) Each individual seeking certification must

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

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

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

(1)

(b) A person seeking limited certification under this subsection must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given or approved by the department~~. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than \$150 or less than \$50; and a recertification fee of \$25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is \$50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The limited certificate expires 4 years after the date of issuance. If the certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. The department shall make available ~~provide~~ the appropriate reference material ~~and make~~

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~~the examination readily accessible and available to all applicants at least quarterly or as necessary in each county.~~

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

482.156 Limited certification for commercial landscape maintenance personnel.—

(2)(a) A person seeking limited certification under this section must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than \$150 or less than \$50. Before the department issues a limited certification under this section, each person applying for the certification must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

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

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

482.157 Limited certification for commercial wildlife management personnel.—



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

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

(b) Passes an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~administered by the department.~~ The department shall make available ~~provide~~ the appropriate study materials for the examination ~~and make the examination readily available to applicants in each county as necessary, but not less frequently than quarterly;~~ and

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

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

482.161 Disciplinary grounds and actions; reinstatement.—

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

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

Section 39. Subsection (2) of section 487.044, Florida Statutes, is amended to read:

487.044 Certification; examination.—

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

(a) The proper use of the equipment.

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

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

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

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

(f) General precautions to be followed in the disposal of

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containers, as well as the cleaning and decontamination of the equipment which the applicant proposes to use.

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

(h) General safety precautions.

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

487.175 Penalties; administrative fine; injunction.—

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

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

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

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

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

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

(b) A political party or member of a political party or any

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subdivision of a political party in a foreign country of  
concern;

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

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

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

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

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

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496.405 Registration statements by charitable organizations and sponsors.—

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

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

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

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

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chapter 106.

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

(7)

(b) If a charitable organization or sponsor discloses information specified in subparagraphs (2) (f) 2.-7. ~~(2) (d) 2.-7.~~ in the initial registration statement or annual renewal statement, the time limits set forth in paragraph (a) are waived, and the department shall process such initial registration statement or annual renewal statement in accordance with the time limits set forth in chapter 120. The registration of a charitable organization or sponsor shall be automatically suspended for failure to disclose any information specified in subparagraphs (2) (f) 2.-7. ~~(2) (d) 2.-7.~~ until such time as the required information is submitted to the department.

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

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

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

(20) Solicit or accept contributions or anything of value

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1567 from a foreign source of concern.

1568 Section 44. Section 496.417, Florida Statutes, is amended  
1569 to read:

1570 496.417 Criminal penalties.—Except as otherwise provided in  
1571 ss. 496.401-496.424, and in addition to any administrative or  
1572 civil penalties, any person who willfully and knowingly violates  
1573 ss. 496.401-496.424 commits a felony of the third degree,  
1574 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
1575 For a second or subsequent conviction, such violation  
1576 constitutes a felony of the second degree, punishable as  
1577 provided in s. 775.082, s. 775.083, or s. 775.084. The  
1578 department may also investigate and refer the charitable  
1579 organization or sponsor to the Florida Elections Commission for  
1580 investigation of violations pursuant to chapters 104 and 106.

1581 Section 45. Subsection (11) is added to section 496.419,  
1582 Florida Statutes, to read:

1583 496.419 Powers of the department.—

1584 (11) (a) A charitable organization or sponsor whose  
1585 registration is denied or revoked for submitting a false  
1586 attestation required pursuant to s. 496.405(2) (d) or s.  
1587 496.405(2) (e) may not register as a charitable organization or  
1588 sponsor for 5 years for an initial violation, and may not  
1589 register as a charitable organization or sponsor following any  
1590 subsequent violations.

1591 (b) A person serving as a board member, executive  
1592 leadership team member, or registering agent of a charitable  
1593 organization at the time in which the charitable organization is  
1594 found to have submitted a false attestation as required by s.  
1595 496.405(2) (d) or (e) may not serve in any capacity with a

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charitable organization required to comply with the requirements of ss. 496.405 and 496.406 for 5 years after the date of the violation of this subsection.

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

496.431 Honest Service Registry.—

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

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

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

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

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

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

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

500.03 Definitions; construction; applicability.—

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



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(j) "Cottage food product" means food that is not time or temperature controlled for safety, a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

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

500.12 Food permits; building permits.—

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

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

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

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

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

(b) Each food establishment regulated under this chapter must apply for and receive a food permit before operation

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

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

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

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1683        3. The department may establish a single permit renewal  
1684 date for multiple food establishments owned by the same entity  
1685 ~~The owner of 100 or more permitted food establishment locations~~  
1686 ~~may elect to set the expiration of food permits for such~~  
1687 ~~establishments as December 31 of each calendar year.~~

1688        Section 49. Section 500.166, Florida Statutes, is amended  
1689 to read:

1690        500.166 Records of interstate shipment.—For the purpose of  
1691 enforcing this chapter, carriers engaged in interstate commerce  
1692 and persons receiving food in interstate commerce shall retain  
1693 all records for 3 years from the date of the record showing the  
1694 movement in interstate commerce of any food, and the quantity,  
1695 shipper and consignee thereof and, upon the request by an  
1696 officer or employee duly designated by the department, permit  
1697 the officer or employee to have access to and to copy all  
1698 records showing the movement in interstate commerce of any food,  
1699 and the quantity, shipper, and consignee thereof.

1700        Section 50. Subsection (1) of section 500.172, Florida  
1701 Statutes, is amended to read:

1702        500.172 Embargoing, detaining, destroying of food, food  
1703 processing equipment, or areas that are in violation.—

1704        (1) When the department, or its duly authorized agent who  
1705 has received appropriate education and training regarding the  
1706 legal requirements of this chapter, finds or has probable cause  
1707 to believe that any food, food processing equipment, food  
1708 processing area, or food storage area is in violation of this  
1709 chapter or any rule adopted under this chapter so as to be  
1710 dangerous, unwholesome, mislabeled, fraudulent, or insanitary  
1711 within the meaning of this chapter, an agent of the department

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may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. The department is authorized to enter into a written agreement with the owner of such food, food processing equipment, food processing area, or food storage area, or otherwise facilitate the destruction of any article found or suspected by the department to be in violation of this section. A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise without such permission from or in accordance with a written agreement with the department.

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

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

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1741 first degree, punishable as provided in s. 775.082 or s.  
1742 775.083.

1743 Section 52. Section 500.93, Florida Statutes, is created to  
1744 read:

1745 500.93 Mislabeling of plant-based products as milk, meat,  
1746 or poultry.—

1747 (1) As used in this section, the term:

1748 (a) "FDA" means the United States Food and Drug  
1749 Administration.

1750 (b) "Meat" has the same meaning as in 9 C.F.R. s. 301.2 and  
1751 the Federal Meat Inspection Act.

1752 (c) "Milk" has the same meaning as in 21 C.F.R. s. 131.110  
1753 and the Grade "A" pasteurized milk ordinance.

1754 (d) "Poultry" or "Poultry Product" has the same meaning as  
1755 in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act.

1756 (2)(a) In accordance with the established standard of  
1757 identity for milk defined in 21 C.F.R. s. 131.110 and the Grade  
1758 "A" pasteurized milk ordinance, the department shall adopt rules  
1759 to enforce the FDA's standard of identity for milk, as adopted  
1760 in state law, to prohibit the sale of plant-based products  
1761 misabeled as milk in this state.

1762 (b) This subsection is effective upon the enactment into  
1763 law of a mandatory labeling requirement to prohibit the sale of  
1764 plant-based products mislabeled as milk that is consistent with  
1765 this section by any 11 of the group of 14 states composed of  
1766 Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana,  
1767 Maryland, Mississippi, Oklahoma, South Carolina, Tennessee,  
1768 Texas, Virginia, and West Virginia.

1769 (3)(a) In accordance with the established standard of

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

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

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

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

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

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

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

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

(1) "Antifreeze" means any substance or preparation, including, but not limited to, coolant, antifreeze-coolant, antifreeze and summer coolant, or summer coolant, that is sold, distributed, or intended for use:

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

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

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

525.19 Petroleum registration.—

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

(a) Name of the petroleum owner or operator;

(b) Address of the petroleum owner or operator;

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

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

(e) Requirements for the transfer switch;

(f) Fuel and petroleum infrastructure; and

(g) Fuel and petroleum inventory and delivery information.

(2) The registration program must be free for all

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registrants.

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

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

526.147 Florida Retail Fuel Transfer Switch Modernization Grant Program.—

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

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

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

1. Up to \$10,000, of costs for transfer switch purchase and installation for retail fuel locations in fiscally constrained counties, as defined in s. 218.67.

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

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



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alternative generated power source.

(e) Before being awarded funding from the department, retail fuel facilities must provide documentation on transfer switch installation and required generator sizing to the department.

(f) Marinas and fueling facilities with fewer than 4 fueling positions are excluded from being awarded funding through this program.

(g) Fueling facilities subject to s. 526.143(2) are excluded from being awarded funding through this program.

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

Section 57. Section 531.48, Florida Statutes, is amended to read:

531.48 Declarations of unit price on random packages.—In addition to the declarations required by s. 531.47, any package being one of a lot containing random weights of the same commodity ~~and bearing the total selling price of the package~~ shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by department rule.

Section 58. Section 531.49, Florida Statutes, is amended to read:

531.49 Advertising packages for sale.—~~Whenever~~ A packaged

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commodity is ~~advertised in any manner with the retail price~~  
~~stated, there shall be~~ closely and conspicuously associated with  
the retail price must have a declaration of quantity as is  
required by law or rule to appear on the package.

Section 59. Present subsections (44), (45), and (46) of  
section 570.07, Florida Statutes, are redesignated as  
subsections (46), (47), and (48), respectively, and new  
subsections (44) and (45) are added to that section, to read:

570.07 Department of Agriculture and Consumer Services;  
functions, powers, and duties.—The department shall have and  
exercise the following functions, powers, and duties:

(44) (a) To foster and encourage the employment and  
retention of qualified veterinary pathologists. The department  
may reimburse the educational expenses of qualified veterinary  
pathologists who enter into an agreement with the department to  
retain employment for a specified period of time.

(b) The department shall adopt rules to administer this  
subsection.

(45) Subject to appropriation, to extend state and national  
Future Farmers of America opportunities to any public school  
student enrolled in agricultural education, at little or no cost  
to the student or school district, and to support statewide  
Future Farmers of America programming that helps such students  
develop their potential for premier leadership, personal growth,  
and career success.

Section 60. Subsection (2) of section 570.544, Florida  
Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers;  
processing of complaints; records.—

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(2) The director shall supervise, direct, and coordinate the activities of the division and shall, under the direction of the department, enforce the provisions of ss. 366.94 and ss. 604.15-604.34 and chapters 171, 472, 496, 501, 507, 525, 526, 527, 531, 534, 535, 539, 559, 616, 692, 817, and 849.

Section 61. Section 570.546, Florida Statutes, is created to read:

570.546 Licensing.—

(1) The department is authorized to:

(a) Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.

(b) Create a process that will allow licensees, upon request, to align the expiration dates of licenses within a statutory program.

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

(2) The department shall prorate any licensing fee for which the term of the license was reduced for the purposes of alignment.

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

Section 62. Section 570.822, Florida Statutes, is amended to read:

570.822 Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.—

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

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(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 or on sovereign submerged land that is leased to the applicant by the department pursuant to s. 597.010 and that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency ~~natural disaster~~" means an emergency ~~a natural disaster~~ for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

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

(d) "Essential physical property" means fences; equipment; structural production facilities, such as shade houses and greenhouses; or other agriculture or aquaculture facilities or infrastructure.

(e) "Program" means the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.

(2) USE OF LOAN FUNDS; LOAN TERMS.—

(a) The program is established within the department to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency ~~natural disaster~~. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property, or restock aquaculture. A structure or building constructed using loan proceeds must comply with storm-hardening standards for nonresidential farm buildings as defined in s. 604.50(2). The department shall adopt such standards by rule.

(b) The department may make a low-interest or interest-free

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loan to an eligible applicant. The maximum amount that an applicant may receive during the application period for a loan is \$500,000. An applicant may not receive more than one loan per application period and no more than two loans per year or no more than five loans in any 3-year period. A loan term is 10 years.

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

(a) Own or lease a bona fide farm operation that is located in a county named in a declared emergency ~~natural disaster~~ and that was damaged or destroyed as a result of such declared emergency ~~natural disaster~~.

(b) Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.

(4) LOAN APPLICATION AND AGREEMENT.—

(a) Requests for loans must be made by application to the department. Upon a determination that funding for loans is available, the department shall publicly notice an application period for the declared emergency ~~natural disaster~~, beginning within 60 days after the date of the declared emergency ~~natural disaster~~ and running up to 1 year after the date of the declared emergency ~~natural disaster~~ or until all available loan funds are exhausted, whichever occurs first. The application may be renewed upon a determination from the department and an active declared emergency declaration.

(b) An applicant must demonstrate the need for financial assistance and an ability to repay or meet a standard credit rating determined by the department.

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(c) Loans must be made pursuant to written agreements specifying the terms and conditions agreed to by the approved applicant and the department. The loan agreement must specify that the loan is due upon sale if the property or other collateral for the loan is sold.

(d) An approved applicant must agree to stay in production for the duration of the loan. A loan is not assumable.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be secured by a lien, subordinate only to any mortgage held by a financial institution as defined in s. 655.005, on property or other collateral as set forth in the loan agreement. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant. The department shall record the lien in public records in the county where the property is located and, in the case of personal property, perfect the security interest by filing appropriate Uniform Commercial Code forms with the Florida Secured Transaction Registry as required pursuant to chapter 679.

(6) LOAN REPAYMENT.—

(a) A loan is due and payable in accordance with the terms of the loan agreement.

(b) The department shall defer payments for the first 3 years of the loan. After 3 years, the department shall reduce the principal balance annually through the end of the loan term such that the original principal balance is reduced by 30 percent. If the principal balance is repaid before the end of the 10th year, the applicant may not be required to pay more than 70 percent of the original principal balance. The approved

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applicant must continue to be actively engaged in production in order to receive the original principal balance reductions and must continue to meet the loan agreement terms to the satisfaction of the department.

(c) An approved applicant may make payments on the loan at any time without penalty. Early repayment is encouraged as other funding sources or revenues become available to the approved applicant.

(d) All repayments of principal and interest, if applicable, received by the department in a fiscal year must be returned to the loan fund and made available for loans to other applicants in the next application period.

(e) The department may periodically review an approved applicant to determine whether he or she continues to be in compliance with the terms of the loan agreement. If the department finds that an applicant is no longer in production or has otherwise violated the loan agreement, the department may seek repayment of the full original principal balance outstanding, including any interest or costs, as applicable, and excluding any applied or anticipated original principal balance reductions.

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

(7) ADMINISTRATION.—

(a) The department shall create and maintain a separate account in the General Inspection Trust Fund as a fund for the

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program. All repayments must be returned to the loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the loan program are not subject to reversion. The department shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department is authorized to contract with a third-party administrator to administer the program and manage the loan fund. A contract for a third-party administrator that includes management of the loan fund must, at a minimum, require maintenance of the loan fund to ensure that the program may operate in a revolving manner.

(b) The department shall coordinate with other state agencies and other entities to ensure to the greatest extent possible that agriculture and aquaculture producers in this state have access to the maximum financial assistance available following a declared emergency ~~natural disaster~~. The coordination must endeavor to ensure that there is no duplication of financial assistance between the loan program and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

(8) PUBLIC RECORDS EXEMPTION.—

(a) The following information held by the department pursuant to its administration of the program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:



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1. Tax returns.

2. Credit history information, credit reports, and credit scores.

(b) This subsection does not prohibit the disclosure of information held by the department pursuant to its administration of the program in an aggregated and anonymized format.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

(9) RULES.—The department shall adopt rules to implement this section.

(10) REPORTS.—By December 1, 2024, and each December 1 thereafter, the department shall provide a report on program activities during the previous fiscal year to the President of the Senate and the Speaker of the House of Representatives. The report must include information on noticed application periods, the number and value of loans awarded under the program for each application period, the number and value of loans outstanding, the number and value of any loan repayments received, and an anticipated repayment schedule for all loans.

(11) SUNSET.—This section expires July 1, 2043, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 63. Section 570.823, Florida Statutes, is created to read:

570.823 Silviculture emergency recovery program.—

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

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(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency" means an emergency for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

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

(d) "Program" means the Silviculture Emergency Recovery Program.

(2) USE OF GRANT FUNDS; GRANT TERMS.—

(a) The silviculture emergency recovery program is established within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency. Grants provided to eligible timber landowners must be used for:

1. Timber stand restoration, including downed tree removal on land which will retain the existing trees on site which are lightly or completely undamaged; or

2. Site preparation, and tree replanting.

3. Road and trail clearing on private timber lands to provide emergency access and facilitate salvage operations.

(b) Only timber land located on lands classified as agricultural lands under s. 193.461 are eligible for the program.

(c) The department shall coordinate with state agencies and other entities to ensure to the greatest extent possible that

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timber landowners have access to the maximum financial assistance available following a specified declared emergency. The coordination must endeavor to ensure that there is no duplication of financial assistance between these funds and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which would render the approved applicant ineligible for other financial assistance.

(d) The department is authorized to adopt rules to implement this section, including emergency rules. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 64. Subsections (2) and (5) of section 581.1843, Florida Statutes, are amended to read:

581.1843 Citrus nursery stock propagation and production and the establishment of regulated areas around citrus nurseries.—

(2) Effective January 1, 2007, it is unlawful for any person to propagate for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by the department ~~and that is not at least 1 mile away from commercial citrus groves. A citrus nursery registered with the department prior to April 1, 2006, shall not be required to comply with the 1-mile setback from commercial citrus groves while continuously operating at the~~

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2176 ~~same location for which it was registered.~~ However, the nursery  
2177 shall be required to propagate citrus within a protective  
2178 structure approved by the department. Effective January 1, 2008,  
2179 it is ~~shall be~~ unlawful to distribute any citrus nursery stock  
2180 that was not produced in a protective structure approved by the  
2181 department.

2182 ~~(5) The department shall establish regulated areas around~~  
2183 ~~the perimeter of commercial citrus nurseries that were~~  
2184 ~~established on sites after April 1, 2006, not to exceed a radius~~  
2185 ~~of 1 mile. The planting of citrus in an established regulated~~  
2186 ~~area is prohibited. The planting of citrus within a 1-mile~~  
2187 ~~radius of commercial citrus nurseries that were established on~~  
2188 ~~sites prior to April 1, 2006, must be approved by the~~  
2189 ~~department. Citrus plants planted within a regulated area prior~~  
2190 ~~to the establishment of the regulated area may remain in the~~  
2191 ~~regulated area unless the department determines the citrus~~  
2192 ~~plants to be infected or infested with citrus canker or citrus~~  
2193 ~~greening. The department shall require the removal of infected~~  
2194 ~~or infested citrus, nonapproved planted citrus, and citrus that~~  
2195 ~~has sprouted by natural means in regulated areas. The property~~  
2196 ~~owner shall be responsible for the removal of citrus planted~~  
2197 ~~without proper approval. Notice of the removal of citrus trees,~~  
2198 ~~by immediate final order of the department, shall be provided to~~  
2199 ~~the owner of the property on which the trees are located. An~~  
2200 ~~immediate final order issued by the department under this~~  
2201 ~~section shall notify the property owner that the citrus trees,~~  
2202 ~~which are the subject of the immediate final order, must be~~  
2203 ~~removed and destroyed unless the property owner, no later than~~  
2204 ~~10 days after delivery of the immediate final order, requests~~

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and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay from the department of the immediate final order prior to seeking a stay from the district court of appeal.

Section 65. Sections 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, Florida Statutes, are repealed.

Section 66. Subsection (11) of section 595.404, Florida Statutes, is amended to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(11) To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the programs implemented pursuant to this chapter, notwithstanding ss. 120.569, 120.57-120.595, and 120.68 ~~ss. 120.569 and 120.57-120.595.~~

Section 67. Section 599.002, Florida Statutes, is amended to read:

599.002 Florida Wine ~~Viticulture~~ Advisory Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Florida Wine ~~Viticulture~~ Advisory Council, to consist of eight members as follows: the president of the Florida Wine and Grape Growers Association ~~Florida Grape Growers' Association~~ or a designee thereof; a representative from the Institute of Food and Agricultural Sciences; a representative from the viticultural science program at Florida

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Agricultural and Mechanical University; and five additional commercial members, to be appointed for a 2-year term each by the Commissioner of Agriculture, including a wine producer, a fresh fruit producer, a nonwine product (juice, jelly, pie fillings, etc.) producer, and a viticultural nursery operator.

(2) The meetings, powers and duties, procedures, and recordkeeping of the Florida Wine ~~Viticulture~~ Advisory Council shall be pursuant to s. 570.232.

(3) The primary responsibilities of the Florida Wine ~~Viticulture~~ Advisory Council are to submit to the Commissioner of Agriculture, annually, the industry's recommendations for wine and viticultural research, promotion, and education and, as necessary, the industry's recommendations for revisions to the State Wine ~~Viticulture~~ Plan.

Section 68. Section 599.003, Florida Statutes, is amended to read:

599.003 State Wine ~~Viticulture~~ Plan.—

(1) The Commissioner of Agriculture, in consultation with the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and coordinate the implementation of the State Wine ~~Viticulture~~ Plan, which shall identify problems and constraints of the wine and viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for the orderly growth of the industry, including:

(a) Criteria for wine and viticultural research, service, and management priorities.

(b) Additional proposed legislation that may be required.

(c) Plans and goals to improve research and service capabilities at Florida Agricultural and Mechanical University

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and the University of Florida in their efforts to address current and future needs of the industry.

(d) The potential for viticulture products in terms of market and needs for development.

(e) Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies.

(f) Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum grades and standards, promotion and advertising, development of production and marketing strategies, and setting minimum standards on types and quality of nursery plants.

(g) Evaluation of policy alternatives for nonwine processed products, including, but not limited to, setting minimum quality standards and development of production and marketing strategies.

(h) Research and service priorities for further development of the wine and viticulture industry.

(i) The identification of state agencies and public and private institutions concerned with research, education, extension, services, planning, promotion, and marketing functions related to wine and viticultural development and the delineation of contributions and responsibilities.

(j) Business planning, investment potential, financial risks, and economics of production and utilization.

(2) A revision and update of the State Wine ~~Viticulture~~ Plan shall be submitted biennially to the President of the

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Senate, the Speaker of the House of Representatives, and the chairs of appropriate committees of the Senate and House of Representatives, and a progress report and budget request shall be submitted annually.

Section 69. Paragraph (a) of subsection (2) and subsection (3) of section 599.004, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(2)(a) The department, in coordination with the Florida Wine Viticulture Advisory Council, shall develop and designate by rule a Florida Farm Winery logo, emblem, and directional sign to guide the public to certified Florida Farm Wineries ~~Winery~~ ~~tourist attractions~~. The logo and emblem of certified Florida Farm Winery signs shall be uniform.

(d) Wineries that fail to recertify annually or pay the licensing fee required in paragraph (c) are subject to having the signs referenced in paragraph (b) removed and will be responsible for all costs incurred by the Department of Transportation in connection with the removal.

(3) All fees collected, except as otherwise provided by this section, shall be deposited into the Florida Wine Viticulture Trust Fund and used to develop consumer information on the native characteristics and proper use of wines.

Section 70. Paragraph (a) of subsection (1) of section 599.012, Florida Statutes, is amended to read:

599.012 Wine ~~Viticulture~~ Trust Fund; creation.—

(1) There is established the Viticulture Trust Fund within



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the Department of Agriculture and Consumer Services. The department shall use the moneys deposited in the trust fund pursuant to subsection (2) to do all the following:

(a) Develop and coordinate the implementation of the State Viticulture Plan.

Section 71. Subsection (1) of section 616.12, Florida Statutes, is amended to read:

616.12 Licenses upon certain shows; distribution of fees; exemptions.—

(1) Each person who operates any traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel~~, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession, including a concession operating in a tent, enclosure, or other temporary structure, within the grounds of, and in connection with, any annual public fair held by a fair association shall pay the license taxes provided by law.

However, if the association satisfies the requirements of this chapter, including securing the required fair permit from the department, the license taxes and local business tax authorized in chapter 205 are waived and the department shall issue a tax exemption certificate. The department shall adopt the proper forms and rules to administer this section, including the necessary tax exemption certificate, showing that the fair association has met all requirements and that the traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel~~, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession is exempt.

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Section 72. Section 687.16, Florida Statutes, is created to read:

687.16 Florida Farmer Financial Protection Act.—

(1) SHORT TITLE.—This section may be cited as the “Florida Farmer Financial Protection Act.”

(2) DEFINITIONS.—

(a) “Agritourism activity” has the same meaning as provided in s. 570.86.

(b) “Agriculture producer” means a person or company authorized to do business in this state and engaged in the production of goods derived from plants or animals, including, but not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.

(c) “Commissioner” means the Commissioner of Agriculture.

(d) “Company” means a for-profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations authorized to do business in this state.

(e) “Denies or restricts” means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.

(f) “Discriminate in the provision of financial services” means to deny or restrict services and thereby decline to provide financial services.

(g) “ESG factor” means any factor or consideration that is collateral to or not reasonably likely to affect or impact

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financial risk and includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer's greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery.

(h) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(i) "Financial institution" means a company authorized to do business in this state which has total assets of more than \$100 million and offers financial services. A financial institution includes any affiliate or subsidiary company, even if that affiliate or subsidiary company is also a financial institution.

(j) "Financial service" means any product or service that is of a financial nature and is offered by a financial institution.

(3) FINANCIAL DISCRIMINATION; AGRICULTURAL PRODUCERS.—

(a) A financial institution may not discriminate in the provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor.

(b) If a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution's denial or restriction of a financial service to an agriculture producer violates paragraph (a).

(c) A financial institution may overcome the inference in paragraph (b) by demonstrating that its denial or restriction of a financial service was based solely on documented risk analysis, and not on any ESG factor.

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(4) ENFORCEMENT; COMPENSATORY DAMAGES.—The Attorney General, in consultation with the Office of Financial Regulation, is authorized to enforce subsection (3). Any violation of subsection (3) constitutes an unfair trade practice under part II of chapter 501 and the Attorney General is authorized to investigate and seek remedies as provided in general law. Actions for damages may be sought by an aggrieved party.

Section 73. Paragraph (a) of subsection (3) of section 741.0305, Florida Statutes, is amended to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.
2. A clinical social worker licensed under chapter 491.
3. A marriage and family therapist licensed under chapter 491.
4. A mental health counselor licensed under chapter 491.
5. An official representative of a religious institution which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the representative has relevant training.
6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

Section 74. Paragraph (h) of subsection (2), subsection

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(3), paragraph (c) of subsection (6), and subsection (10) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or United States military service;

6. Is licensed or has been licensed to carry a concealed weapon or concealed firearm in this state or a county or

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municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live fire using a firearm and ammunition as defined in s. 790.001;

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had

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adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, clerk's office, or the Florida Department of Law Enforcement ~~and subsequent written verification~~, temporarily suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence. The department shall notify the licensee or applicant suspended under this section of his or her right to a hearing pursuant to chapter 120. A hearing conducted regarding the temporary suspension must be for the limited purpose of determining whether the licensee has been arrested or charged with a disqualifying crime or issued an injunction or court order. If the criminal case or injunction results in a nondisqualifying disposition, the department must issue an order lifting the suspension upon the applicant or licensee's submission to the department of a certified copy of the final resolution. If the criminal case results in a disqualifying disposition, the suspension remains in effect and the department must proceed with denial or revocation proceedings pursuant to chapter 120.

(b) This subsection may not be construed to limit, restrict, or inhibit the constitutional right to bear arms and

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2524 carry a concealed weapon in this state. The Legislature finds it  
2525 a matter of public policy and public safety that it is necessary  
2526 to ensure that potentially disqualifying information about an  
2527 applicant or licensee is investigated and processed in a timely  
2528 manner by the department pursuant to this section. The  
2529 Legislature intends to clarify that suspensions pursuant to this  
2530 section are temporary, and the department has the duty to make  
2531 an eligibility determination and issue a license in the time  
2532 frame prescribed in this subsection.

2533 (6)

2534 (c) The Department of Agriculture and Consumer Services  
2535 shall, within 90 days after the date of receipt of the items  
2536 listed in subsection (5):

2537 1. Issue the license; or

2538 2. Deny the application based solely on the ground that the  
2539 applicant fails to qualify under the criteria listed in  
2540 subsection (2) or subsection (3). If the Department of  
2541 Agriculture and Consumer Services denies the application, it  
2542 shall notify the applicant in writing, stating the ground for  
2543 denial and informing the applicant of any right to a hearing  
2544 pursuant to chapter 120.

2545 3. In the event the result of the criminal history  
2546 screening identifies ~~department receives~~ criminal history  
2547 information related to a crime that may disqualify the applicant  
2548 but does not contain ~~with no final disposition of the crime or~~  
2549 lacks sufficient information to make an eligibility  
2550 determination ~~on a crime which may disqualify the applicant,~~ the  
2551 time limitation prescribed by this paragraph may be extended for  
2552 up to an additional 90 days from the receipt of the information



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~~suspended until receipt of the final disposition or proof of~~  
~~restoration of civil and firearm rights. The department may make~~  
~~a request for information to the jurisdiction where the criminal~~  
~~history information originated but shall issue a license if it~~  
~~does not obtain a disposition or sufficient information to make~~  
~~an eligibility determination within the additional 90 days if~~  
~~the applicant is otherwise eligible. The department shall take~~  
~~any action authorized in this section if it receives~~  
~~disqualifying criminal history information during the additional~~  
~~90-day review or after issuance of a license.~~

(10) A license issued under this section shall be  
temporarily suspended as provided for in subparagraph (6)(c)3.,  
or revoked pursuant to chapter 120 if the license was issued in  
error or if the licensee:

(a) Is found to be ineligible under the criteria set forth  
in subsection (2);

(b) Develops or sustains a physical infirmity which  
prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee  
ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under chapter 893, or  
similar laws of any other state, relating to controlled  
substances;

(e) Is committed as a substance abuser under chapter 397,  
or is deemed a habitual offender under s. 856.011(3), or similar  
laws of any other state;

(f) Is convicted of a second violation of s. 316.193, or a  
similar law of another state, within 3 years after a first  
conviction of such section or similar law of another state, even

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though the first violation may have occurred before the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or concealed firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21 days plus 5 days for mailing). The department shall document its attempts to provide notice, and such documentation is admissible in the courts of this state and constitutes sufficient proof that notice was given.

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Section 75. Paragraph (f) of subsection (3) of section 790.33, Florida Statutes, is amended to read:

790.33 Field of regulation of firearms and ammunition preempted.—

(3) PROHIBITIONS; PENALTIES.—

(f)1. A person or an organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy, whether written or unwritten, promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district, or other entity in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief and for actual damages, as limited herein, caused by the violation. Civil fines assessed pursuant to paragraph (3) (c) and any attorney fees and costs shall be assessed only upon a finding that the entity received notice of the local ordinance or administrative rule or regulation impinging upon such exclusive occupation of the field of regulation of firearms and ammunition at least 30 days before a suit under this paragraph was filed and that the entity failed to change the ordinance, regulation, measure, directive, rule, enactment, order, or policy within that 30-day period. A court shall award the prevailing party ~~plaintiff~~ in any such suit:

a. Reasonable attorney fees and costs in accordance with the laws of this state, including a contingency fee multiplier, as authorized by law; and

b. The actual damages incurred, but not more than \$100,000.

2. If after the filing of a complaint a defendant voluntarily changes the ordinance, regulation, measure,

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directive, rule, enactment, order, or policy, written or  
unwritten, promulgated or caused to be enforced in violation of  
this section, with or without court action, the plaintiff is  
considered a prevailing plaintiff for purposes of this section.

Interest on the sums awarded pursuant to this subsection shall  
accrue at the legal rate from the date on which suit was filed.

Section 76. Subsection (2) of section 812.0151, Florida  
Statutes, is amended to read:

812.0151 Retail fuel theft.—

(2)(a) A person commits a felony of the third degree,  
punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
if he or she willfully, knowingly, and without authorization:

1. Breaches a retail fuel dispenser or accesses any  
internal portion of a retail fuel dispenser; or

2. Possesses any device constructed for the purpose of  
fraudulently altering, manipulating, or interrupting the normal  
functioning of a retail fuel dispenser.

3. Possesses any form of a payment instrument that can be  
used, alone or in conjunction with another access device, to  
authorize a fuel transaction or obtain fuel, including, but not  
limited to, a plastic payment card with a magnetic stripe or a  
chip encoded with account information or both, with the intent  
to defraud the fuel retailer, the authorized payment instrument  
financial account holder, or the banking institution that issued  
the payment instrument financial account.

(b) A person commits a felony of the second degree,  
punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
if he or she willfully, knowingly, and without authorization:

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1. Physically tampers with, manipulates, removes, replaces, or interrupts any mechanical or electronic component located on ~~within~~ the internal or external portion of a retail fuel dispenser; or

2. Uses any form of electronic communication to fraudulently alter, manipulate, or interrupt the normal functioning of a retail fuel dispenser.

(c) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she:

1. Obtains fuel as a result of violating paragraph (a) or paragraph (b); ~~or~~

2. Modifies a vehicle's factory installed fuel tank or possesses any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with the intent to use such fuel tank or item to hold or transport fuel obtained as a result of violating paragraph (a) or paragraph (b); or

3. Uses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account.

Section 77. Section 812.136, Florida Statutes, is created to read:

812.136 Mail theft.—

(1) As used in this section, unless the context otherwise

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requires:

(a) "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another, along with its contents.

(b) "Mail depository" means a mail box, letter box, mail route, or mail receptacle of a postal service, an office of a postal service, or mail carrier of a postal service, or a vehicle of a postal service.

(c) "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.

(2) Any of the following acts shall constitute mail theft:

(a) Removing mail from a mail depository or taking mail from a mail carrier of a postal service with an intent to steal.

(b) Obtaining custody of mail by fraud or deception with an intent to steal.

(c) Selling, receiving, possessing, transferring, buying, or concealing mail obtained by acts described in paragraph (a) or paragraph (b) of this subsection, while knowing or having reason to know the mail was obtained illegally.

(3) Any of the following shall constitute theft of or unauthorized reproduction of a mail depository key or lock:

(a) Stealing or obtaining by false pretense any key or lock adopted by a postal service for a mail depository or other authorized receptacle for the deposit or delivery of mail.

(b) Knowingly and unlawfully making, forging, or counterfeiting any such key or possessing any such key or lock adopted by a postal service with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock,

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or to cause the key or lock to be unlawfully or improperly used,  
sold, or otherwise disposed.

(4) The first violation of this section shall constitute a  
misdemeanor of the first degree, punishable by a term of  
imprisonment not exceeding 1 year pursuant to s. 775.082(4)(a)  
or a fine not to exceed \$1,000 pursuant to s. 775.083(1)(d), or  
both. A second or subsequent violation of this section shall  
constitute a felony of the third degree, punishable by a term of  
imprisonment not exceeding 5 years pursuant to s. 775.82(3)(e)  
or a fine not to exceed \$5,000 pursuant to s. 775.083(1)(c), or  
both.

Section 78. Section 1013.373, Florida Statutes, is created  
to read:

1013.373 Educational facilities used for agricultural  
education.—

(1) Notwithstanding any other provision of law, a local  
government may not adopt any ordinance, regulation, rule, or  
policy to prohibit, restrict, regulate, or otherwise limit any  
activities of public educational facilities and auxiliary  
facilities constructed by a board for agricultural education,  
for Future Farmers of America or 4-H activities, or the storage  
of any animals or equipment therein.

(2) Lands used for agricultural education or for Future  
Farmers of America or 4-H activities shall be considered  
agricultural lands pursuant to s. 193.461 and subject to s.  
823.14.

Section 79. For the purpose of incorporating the amendment  
made by this act to section 110.205, Florida Statutes, in a  
reference thereto, paragraph (a) of subsection (5) of section

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295.07, Florida Statutes, is reenacted to read:

295.07 Preference in appointment and retention.—

(5) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are not exempt.

Section 80. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (r) of subsection (1) of section 125.01, Florida Statutes, is reenacted to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal



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service taxing unit.

1. Notwithstanding any other provision of law, a county may not levy special assessments on lands classified as agricultural lands under s. 193.461 unless the revenue from such assessments has been pledged for debt service and is necessary to meet obligations of bonds or certificates issued by the county which remain outstanding on July 1, 2023, including refundings thereof for debt service savings where the maturity of the debt is not extended. For bonds or certificates issued after July 1, 2023, special assessments securing such bonds may not be levied on lands classified as agricultural under s. 193.461.

2. The provisions of subparagraph 1. do not apply to residential structures and their curtilage.

Section 81. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraphs (a) through (d) of subsection (3) of section 163.3162, Florida Statutes, are reenacted to read:

163.3162 Agricultural lands and practices.—

(3) DUPLICATION OF REGULATION.—Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter:

(a) A governmental entity may not exercise any of its powers to adopt or enforce any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection,

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the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

(b) A governmental entity may not charge a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

(c) A governmental entity may not charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if the farm operation has a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program.

(d) For each governmental entity that, before March 1, 2009, adopted a stormwater utility ordinance or resolution,

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adopted an ordinance or resolution establishing a municipal services benefit unit, or adopted a resolution stating the governmental entity's intent to use the uniform method of collection pursuant to s. 197.3632 for such stormwater ordinances, the governmental entity may continue to charge an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural pursuant to s. 193.461, if the ordinance or resolution provides credits against the assessment or fee on a bona fide farm operation for the water quality or flood control benefit of:

1. The implementation of best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program;

2. The stormwater quality and quantity measures required as part of a National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit; or

3. The implementation of best management practices or alternative measures which the landowner demonstrates to the governmental entity to be of equivalent or greater stormwater benefit than those provided by implementation of best management practices adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of a National Pollutant Discharge Elimination System permit, environmental resource

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permit, or works-of-the-district permit.

Section 82. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 163.3163, Florida Statutes, is reenacted to read:

163.3163 Applications for development permits; disclosure and acknowledgment of contiguous sustainable agricultural land.—

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

(c) "Sustainable agricultural land" means land classified as agricultural land pursuant to s. 193.461 which is used for a farm operation that uses current technology, based on science or research and demonstrated measurable increases in productivity, to meet future food, feed, fiber, and energy needs, while considering the environmental impacts and the social and economic benefits to the rural communities.

Section 83. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (4) of section 163.3164, Florida Statutes, is reenacted to read:

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

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel that:

(a) Is owned by a single person or entity;

(b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years prior to the date of any comprehensive plan amendment application;

(c) Is surrounded on at least 75 percent of its perimeter

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by:

1. Property that has existing industrial, commercial, or residential development; or

2. Property that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development;

(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel may not exceed 4,480 acres.

Section 84. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (5) of section 163.3194, Florida Statutes, is reenacted to read:

163.3194 Legal status of comprehensive plan.—

(5) The tax-exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act as long as the land

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meets the criteria set forth in s. 193.461.

Section 85. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (4) of section 170.01, Florida Statutes, is reenacted to read:

170.01 Authority for providing improvements and levying and collecting special assessments against property benefited.—

(4) Notwithstanding any other provision of law, a municipality may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under s. 193.461 unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of \$10,000. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. As used in this subsection, the term "agricultural pole barn" means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

Section 86. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (2) of section 193.052, Florida Statutes, is reenacted to read:

193.052 Preparation and serving of returns.—

(2) No return shall be required for real property the ownership of which is reflected in instruments recorded in the public records of the county in which the property is located,

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unless otherwise required in this title. In order for land to be considered for agricultural classification under s. 193.461 or high-water recharge classification under s. 193.625, an application for classification must be filed on or before March 1 of each year with the property appraiser of the county in which the land is located, except as provided in s. 193.461(3)(a). The application must state that the lands on January 1 of that year were used primarily for bona fide commercial agricultural or high-water recharge purposes.

Section 87. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, section 193.4615, Florida Statutes, is reenacted to read:

193.4615 Assessment of obsolete agricultural equipment.—For purposes of ad valorem property taxation, agricultural equipment that is located on property classified as agricultural under s. 193.461 and that is no longer usable for its intended purpose shall be deemed to have a market value no greater than its value for salvage.

Section 88. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) and paragraph (a) of subsection (19) of section 212.08, Florida Statutes, are reenacted to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this

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chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(a) *Items in agricultural use and certain nets.*—There are exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock; animal health products that are administered to, applied to, or consumed by livestock or poultry to alleviate pain or cure or prevent sickness, disease, or suffering, including, but not limited to, antiseptics, absorbent cotton, gauze for bandages, lotions, vaccines, vitamins, and worm remedies; aquaculture health products that are used by aquaculture producers, as defined in s. 597.0015, to prevent or treat fungi, bacteria, and parasitic diseases; portable containers or movable receptacles in which portable containers are placed, used for processing farm products; field and garden seeds, including flower seeds; nursery stock, seedlings, cuttings, or other propagative material purchased for growing stock; seeds, seedlings, cuttings, and plants used to produce food for human consumption; cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm; hog wire and barbed wire fencing, including gates and materials used to construct or repair such fencing, used in agricultural production on lands classified as agricultural lands under s. 193.461; materials used to construct or repair permanent or



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temporary fencing used to contain, confine, or process cattle, including gates and energized fencing systems, used in agricultural operations on lands classified as agricultural lands under s. 193.461; stakes used by a farmer to support plants during agricultural production; generators used on poultry farms; and liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised; however, such exemption is not allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein. Also exempt are cellophane wrappers, glue for tin and glass (apiarists), mailing cases for honey, shipping cases, window cartons, and baling wire and twine used for baling hay, when used by a farmer to contain, produce, or process an agricultural commodity.

(19) FLORIDA FARM TEAM CARD.—

(a) Notwithstanding any other law, a farmer whose property has been classified as agricultural pursuant to s. 193.461 or who has implemented agricultural best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 403.067(7)(c)2. may apply to the department for a Florida farm tax exempt agricultural materials (TEAM) card to claim the applicable sales tax exemptions provided in this section. A farmer may present the Florida farm TEAM card to a selling dealer in lieu of a certificate or affidavit otherwise required by this chapter.

Section 89. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (2) of section 373.406, Florida

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Statutes, is reenacted to read:

373.406 Exemptions.—The following exemptions shall apply:

(2) Notwithstanding s. 403.927, nothing herein, or in any rule, regulation, or order adopted pursuant hereto, shall be construed to affect the right of any person engaged in the occupation of agriculture, silviculture, floriculture, or horticulture to alter the topography of any tract of land, including, but not limited to, activities that may impede or divert the flow of surface waters or adversely impact wetlands, for purposes consistent with the normal and customary practice of such occupation in the area. However, such alteration or activity may not be for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands. This exemption applies to lands classified as agricultural pursuant to s. 193.461 and to activities requiring an environmental resource permit pursuant to this part. This exemption does not apply to any activities previously authorized by an environmental resource permit or a management and storage of surface water permit issued pursuant to this part or a dredge and fill permit issued pursuant to chapter 403. This exemption has retroactive application to July 1, 1984.

Section 90. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (11) of section 403.182, Florida Statutes, is reenacted to read:

403.182 Local pollution control programs.—

(11)(a) Notwithstanding this section or any existing local pollution control programs, the Secretary of Environmental Protection has exclusive jurisdiction in setting standards or

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procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural land pursuant to s. 193.461 and being converted to a nonagricultural use. The exclusive jurisdiction includes defining what constitutes all appropriate inquiry consistent with 40 C.F.R. part 312 and guidance thereunder.

Section 91. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (4) of section 403.9337, Florida Statutes, is reenacted to read:

403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.—

(4) This section does not apply to the use of fertilizer on farm operations as defined in s. 823.14 or on lands classified as agricultural lands pursuant to s. 193.461.

Section 92. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 472.029, Florida Statutes, is reenacted to read:

472.029 Authorization to enter lands of third parties; conditions.—

(2) LIABILITY AND DUTY OF CARE ON AGRICULTURAL LAND.—

(d) This subsection applies only to land classified as agricultural pursuant to s. 193.461.

Section 93. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (5) of section 474.2021, Florida Statutes, is reenacted to read:

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474.2021 Veterinary telehealth.—

(5) A veterinarian personally acquainted with the caring and keeping of an animal or group of animals on food-producing animal operations on land classified as agricultural pursuant to s. 193.461 who has recently seen the animal or group of animals or has made medically appropriate and timely visits to the premises where the animal or group of animals is kept may practice veterinary telehealth for animals on such operations.

Section 94. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (d) of subsection (4) of section 474.2165, Florida Statutes, is reenacted to read:

474.2165 Ownership and control of veterinary medical patient records; report or copies of records to be furnished.—

(4) Except as otherwise provided in this section, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:

(d) In any criminal action or situation where a veterinarian suspects a criminal violation. If a criminal violation is suspected, a veterinarian may, without notice to or authorization from the client, report the violation to a law enforcement officer, an animal control officer who is certified pursuant to s. 828.27(4)(a), or an agent appointed under s. 828.03. However, if a suspected violation occurs at a commercial

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3133 food-producing animal operation on land classified as  
3134 agricultural under s. 193.461, the veterinarian must provide  
3135 notice to the client or the client's legal representative before  
3136 reporting the suspected violation to an officer or agent under  
3137 this paragraph. The report may not include written medical  
3138 records except upon the issuance of an order from a court of  
3139 competent jurisdiction.

3140 Section 95. For the purpose of incorporating the amendment  
3141 made by this act to section 193.461, Florida Statutes, in a  
3142 reference thereto, subsection (6) of section 487.081, Florida  
3143 Statutes, is reenacted to read:

3144 487.081 Exemptions.—

3145 (6) The Department of Environmental Protection is not  
3146 authorized to institute proceedings against any property owner  
3147 or leaseholder of property under the provisions of s. 376.307(5)  
3148 to recover any costs or damages associated with pesticide  
3149 contamination of soil or water, or the evaluation, assessment,  
3150 or remediation of pesticide contamination of soil or water,  
3151 including sampling, analysis, and restoration of soil or potable  
3152 water supplies, subject to the following conditions:

3153 (a) The pesticide contamination of soil or water is  
3154 determined to be the result of the use of pesticides by the  
3155 property owner or leaseholder, in accordance with state and  
3156 federal law, applicable registered labels, and rules on property  
3157 classified as agricultural land pursuant to s. 193.461;

3158 (b) The property owner or leaseholder maintains records of  
3159 such pesticide applications and such records are provided to the  
3160 department upon request;

3161 (c) In the event of pesticide contamination of soil or

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water, the department, upon request, shall make such records available to the Department of Environmental Protection;

(d) This subsection does not limit regulatory authority under a federally delegated or approved program; and

(e) This subsection is remedial in nature and shall apply retroactively.

The department, in consultation with the secretary of the Department of Environmental Protection, may adopt rules prescribing the format, content, and retention time for records to be maintained under this subsection.

Section 96. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (1) of section 570.87, Florida Statutes, is reenacted to read:

570.87 Agritourism participation impact on land classification.—

(1) In order to promote and perpetuate agriculture throughout this state, farm operations are encouraged to engage in agritourism. An agricultural classification pursuant to s. 193.461 may not be denied or revoked solely due to the conduct of agritourism activity on a bona fide farm or the construction, alteration, or maintenance of a nonresidential farm building, structure, or facility on a bona fide farm which is used to conduct agritourism activities. So long as the building, structure, or facility is an integral part of the agricultural operation, the land it occupies shall be considered agricultural in nature. However, such buildings, structures, and facilities, and other improvements on the land, must be assessed under s.

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193.011 at their just value and added to the agriculturally assessed value of the land.

Section 97. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (3) of section 570.94, Florida Statutes, is reenacted to read:

570.94 Best management practices for wildlife.—The department and the Fish and Wildlife Conservation Commission recognize that agriculture provides a valuable benefit to the conservation and management of fish and wildlife in the state and agree to enter into a memorandum of agreement to develop and adopt by rule voluntary best management practices for the state's agriculture industry which reflect the industry's existing contribution to the conservation and management of freshwater aquatic life and wild animal life in the state.

(3) Notwithstanding any other provision of law, including s. 163.3162, the implementation of the best management practices pursuant to this section is voluntary and except as specifically provided under this section and s. 9, Art. IV of the State Constitution, an agency, department, district, or unit of local government may not adopt or enforce any ordinance, resolution, regulation, rule, or policy regarding the best management practices on land classified as agricultural land pursuant to s. 193.461.

Section 98. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 582.19, Florida Statutes, is reenacted to read:

582.19 Qualifications and tenure of supervisors.—

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(1) The governing body of the district shall consist of five supervisors, elected as provided in s. 582.18.

(a) To qualify to serve on the governing body of a district, a supervisor must be an eligible voter who resides in the district and who:

1. Is actively engaged in, or retired after 10 years of being engaged in, agriculture as defined in s. 570.02;

2. Is employed by an agricultural producer; or

3. Owns, leases, or is actively employed on land classified as agricultural under s. 193.461.

Section 99. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (1) of section 570.85, Florida Statutes, is reenacted to read:

570.85 Agritourism.—

(1) It is the intent of the Legislature to promote agritourism as a way to support bona fide agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry. It is also the intent of the Legislature to eliminate duplication of regulatory authority over agritourism as expressed in this section. Except as otherwise provided for in this section, and notwithstanding any other law, a local government may not adopt or enforce a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461. This subsection does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities or an emergency as provided in chapter



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Section 100. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, section 586.055, Florida Statutes, is reenacted to read:

586.055 Location of apiaries.—An apiary may be located on land classified as agricultural under s. 193.461 or on land that is integral to a beekeeping operation.

Section 101. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in references thereto, paragraphs (a) and (d) of subsection (2) of section 604.50, Florida Statutes, are reenacted to read:

604.50 Nonresidential farm buildings; farm fences; farm signs.—

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

(a) "Bona fide agricultural purposes" has the same meaning as provided in s. 193.461(3)(b).

(d) "Nonresidential farm building" means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

Section 102. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section

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604.73, Florida Statutes, is reenacted to read:

604.73 Urban agriculture pilot projects; local regulation of urban agriculture.—

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

(b) “Urban agriculture” means any new or existing noncommercial agricultural uses on land that is:

1. Within a dense urban land area, as described in s. 380.0651(3)(a);

2. Not classified as agricultural pursuant to s. 193.461;

3. Not zoned as agricultural as its principal use; and

4. Designated by a municipality for inclusion in an urban agricultural pilot project that has been approved by the department.

The term does not include vegetable gardens, as defined in s. 604.71(4), for personal consumption on residential properties.

Section 103. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (1) of section 692.201, Florida Statutes, is reenacted to read:

692.201 Definitions.—As used in this part, the term:

(1) “Agricultural land” means land classified as agricultural under s. 193.461.

Section 104. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 810.011, Florida Statutes, is reenacted to read:

810.011 Definitions.—As used in this chapter:

(5)(a) “Posted land” is land upon which any of the

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following are placed:

1. Signs placed not more than 500 feet apart along and at each corner of the boundaries of the land or, for land owned by a water control district that exists pursuant to chapter 298 or was created by special act of the Legislature, signs placed at or near the intersection of any district canal right-of-way and a road right-of-way or, for land classified as agricultural pursuant to s. 193.461, signs placed at each point of ingress and at each corner of the boundaries of the agricultural land, which prominently display in letters of not less than 2 inches in height the words "no trespassing" and the name of the owner, lessee, or occupant of the land. The signs must be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line; or

2.a. A conspicuous no trespassing notice is painted on trees or posts on the property, provided that the notice is:

(I) Painted in an international orange color and displaying the stenciled words "No Trespassing" in letters no less than 2 inches high and 1 inch wide either vertically or horizontally;

(II) Placed so that the bottom of the painted notice is not less than 3 feet from the ground or more than 5 feet from the ground; and

(III) Placed at locations that are readily visible to any person approaching the property and no more than 500 feet apart on agricultural land.

b. When a landowner uses the painted no trespassing posting to identify a no trespassing area, those painted notices must be accompanied by signs complying with subparagraph 1. and must be

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placed conspicuously at all places where entry to the property is normally expected or known to occur.

Section 105. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) and paragraph (a) of subsection (6) of section 741.30, Florida Statutes, are reenacted to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(5)(a) If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13, providing the petitioner a temporary parenting plan, including a time-sharing schedule, which may award the petitioner up to 100 percent of the time-sharing. If temporary time-sharing is awarded to the respondent, the exchange of the child must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of

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the child after consideration of all of the factors specified in s. 61.13(3). The temporary parenting plan remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. If the petitioner and respondent have an existing parenting plan or time-sharing schedule under another court order, designating that the exchange of the minor child or children of the parties must occur at a neutral safe exchange location as provided in s. 125.01(8) or a location authorized by a supervised visitation program as defined in s. 753.01 if the court determines it is in the best interests of the child after consideration of all of the factors specified in s. 61.13(3).

5. Awarding to the petitioner the temporary exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as defined under s. 413.08, if the respondent is the service animal's handler.

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic

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3394 violence as defined by s. 741.28 or has reasonable cause to  
3395 believe he or she is in imminent danger of becoming a victim of  
3396 domestic violence, the court may grant such relief as the court  
3397 deems proper, including an injunction:

3398 1. Restraining the respondent from committing any acts of  
3399 domestic violence.

3400 2. Awarding to the petitioner the exclusive use and  
3401 possession of the dwelling that the parties share or excluding  
3402 the respondent from the residence of the petitioner.

3403 3. On the same basis as provided in chapter 61, providing  
3404 the petitioner with 100 percent of the time-sharing in a  
3405 temporary parenting plan that remains in effect until the order  
3406 expires or an order is entered by a court of competent  
3407 jurisdiction in a pending or subsequent civil action or  
3408 proceeding affecting the placement of, access to, parental time  
3409 with, adoption of, or parental rights and responsibilities for  
3410 the minor child.

3411 4. If the petitioner and respondent have an existing  
3412 parenting plan or time-sharing schedule under another court  
3413 order, designating that the exchange of the minor child or  
3414 children of the parties must occur at a neutral safe exchange  
3415 location as provided in s. 125.01(8) or a location authorized by  
3416 a supervised visitation program as defined in s. 753.01 if the  
3417 court determines it is in the best interests of the child after  
3418 consideration of all of the factors specified in s. 61.13(3).

3419 5. On the same basis as provided in chapter 61,  
3420 establishing temporary support for a minor child or children or  
3421 the petitioner. An order of temporary support remains in effect  
3422 until the order expires or an order is entered by a court of

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competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.

6. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of batterers' intervention programs from which the respondent must choose a program in which to participate.

7. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

8. Awarding to the petitioner the exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as defined under s. 413.08, if the respondent is the service animal's handler.

9. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

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Section 106. For the purpose of incorporating the amendment made by this act to section 193.461, Florida Statutes, in a reference thereto, subsection (6) of section 823.14, Florida Statutes, is reenacted to read:

823.14 Florida Right to Farm Act.—

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a local government, and the adopted best management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any local government to address an emergency as provided for in chapter 252.

Section 107. For the purpose of incorporating the amendment



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made by this act to section 388.271, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 189.062, Florida Statutes, is reenacted to read:

189.062 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to an inquiry by the department within 21 days;

4. The department determines, pursuant to s. 189.067, that the district has failed to file any of the reports listed in s. 189.066;

5. The district has not had a registered office and agent on file with the department for 1 or more years;

6. The governing body of a special district provides

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documentation to the department that it has unanimously adopted a resolution declaring the special district inactive. The special district is responsible for payment of any expenses associated with its dissolution;

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community development district established under chapter 190 or to any independent special district operating pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

Section 108. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, subsection (7) of section 388.261, Florida Statutes, is reenacted to read:

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

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

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3539 eligible to receive state funds under s. 388.271.

3540 Section 109. For the purpose of incorporating the amendment  
3541 made by this act to section 482.161, Florida Statutes, in a  
3542 reference thereto, paragraph (b) of subsection (3) of section  
3543 482.072, Florida Statutes, is reenacted to read:

3544 482.072 Pest control customer contact centers.—

3545 (3)

3546 (b) Notwithstanding any other provision of this section:

3547 1. A customer contact center licensee is subject to  
3548 disciplinary action under s. 482.161 for a violation of this  
3549 section or a rule adopted under this section committed by a  
3550 person who solicits pest control services or provides customer  
3551 service in a customer contact center.

3552 2. A pest control business licensee may be subject to  
3553 disciplinary action under s. 482.161 for a violation of this  
3554 section or a rule adopted under this section committed by a  
3555 person who solicits pest control services or provides customer  
3556 service in a customer contact center operated by a licensee if  
3557 the licensee participates in the violation.

3558 Section 110. For the purpose of incorporating the amendment  
3559 made by this act to section 482.161, Florida Statutes, in a  
3560 reference thereto, section 482.163, Florida Statutes, is  
3561 reenacted to read:

3562 482.163 Responsibility for pest control activities of  
3563 employee.—Proper performance of pest control activities by a  
3564 pest control business employee is the responsibility not only of  
3565 the employee but also of the certified operator in charge, and  
3566 the certified operator in charge may be disciplined pursuant to  
3567 the provisions of s. 482.161 for the pest control activities of

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an employee. A licensee may not automatically be considered responsible for violations made by an employee. However, the licensee may not knowingly encourage, aid, or abet violations of this chapter.

Section 111. For the purpose of incorporating the amendment made by this act to section 487.044, Florida Statutes, in a reference thereto, section 487.156, Florida Statutes, is reenacted to read:

487.156 Governmental agencies.—All governmental agencies shall be subject to the provisions of this part and rules adopted under this part. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 112. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in a reference thereto, subsection (2) of section 496.4055, Florida Statutes, is reenacted to read:

496.4055 Charitable organization or sponsor board duties.—

(2) The board of directors, or an authorized committee thereof, of a charitable organization or sponsor required to register with the department under s. 496.405 shall adopt a policy regarding conflict of interest transactions. The policy shall require annual certification of compliance with the policy by all directors, officers, and trustees of the charitable organization. A copy of the annual certification shall be submitted to the department with the annual registration statement required by s. 496.405.

Section 113. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in a

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reference thereto, subsections (2) and (4) of section 496.406, Florida Statutes, are reenacted to read:

496.406 Exemption from registration.—

(2) Before soliciting contributions, a charitable organization or sponsor claiming to be exempt from the registration requirements of s. 496.405 under paragraph (1)(d) must submit annually to the department, on forms prescribed by the department:

(a) The name, street address, and telephone number of the charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is organized, and the purpose or purposes for which the contributions to be solicited will be used.

(b) The tax exempt status of the organization.

(c) The date on which the organization's fiscal year ends.

(d) The names, street addresses, and telephone numbers of the individuals or officers who have final responsibility for the custody of the contributions and who will be responsible for the final distribution of the contributions.

(e) A financial statement of support, revenue, and expenses and a statement of functional expenses that must include, but not be limited to, expenses in the following categories: program, management and general, and fundraising. In lieu of the financial statement, a charitable organization or sponsor may submit a copy of its Internal Revenue Service Form 990 and all attached schedules or Internal Revenue Service Form 990-EZ and Schedule O.

(4) Exemption from the registration requirements of s. 496.405 does not limit the applicability of other provisions of

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this section to a charitable organization or sponsor.

Section 114. For the purpose of incorporating the amendment made by this act to section 500.12, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 500.80, Florida Statutes, is reenacted to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed \$250,000.

Section 115. For the purpose of incorporating the amendment made by this act to section 500.172, Florida Statutes, in a reference thereto, subsection (6) of section 500.121, Florida Statutes, is reenacted to read:

500.121 Disciplinary procedures.—

(6) If the department determines that a food offered in a food establishment is labeled with nutrient claims that are in violation of this chapter, the department shall retest or reexamine the product within 90 days after notification to the manufacturer and to the firm at which the product was collected. If the product is again found in violation, the department shall test or examine the product for a third time within 60 days after the second notification. The product manufacturer shall reimburse the department for the cost of the third test or examination. If the product is found in violation for a third time, the department shall exercise its authority under s. 500.172 and issue a stop-sale or stop-use order. The department may impose additional sanctions for violations of this

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subsection.

Section 116. For the purpose of incorporating the amendment made by this act to section 790.06, Florida Statutes, in a reference thereto, section 790.061, Florida Statutes, is reenacted to read:

790.061 Judges and justices; exceptions from licensure provisions.—A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must comply with the provisions of s. 790.06(2)(h). The Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

Section 117. This act shall take effect July 1, 2025.