

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

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

<b>BILL #:</b> <a href="#">CS/CS/CS/HB 651</a> <b>TITLE:</b> Department of Agriculture and Consumer Services <b>SPONSOR(S):</b> Tuck, Alvarez, D.	<b>COMPANION BILL:</b> <a href="#">CS/CS/CS/SB 700</a> (Truenow) <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
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**FINAL HOUSE FLOOR ACTION:** 88 Y's 27 N's **GOVERNOR'S ACTION:** Pending

### SUMMARY

#### **Effect of the Bill:**

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

#### **Fiscal or Economic Impact:**

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

**JUMP TO** [SUMMARY](#) [ANALYSIS](#) [RELEVANT INFORMATION](#)

### ANALYSIS

#### **EFFECT OF THE BILL:**

CS/CS/CS/HB 651 passed as [CS/CS/CS/SB 700](#). (Please note that bill section parentheticals do not contain hyperlinks to bill sections for Senate bills.)

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

#### **Selected Exempt Service for DACS Captains and Majors**

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

#### **Housing for Legally Verified Agricultural Workers**

The bill prohibits a governmental entity from adopting or enforcing any legislation, regulation, or ordinance to inhibit the construction or installation of housing for legally verified agricultural workers on land classified as agricultural land pursuant to [s. 193.461, F.S.](#), which is operated as a bona fide farm, except as provided by law. The bill requires the construction or installation of such housing to satisfy **all** of the following criteria:

- The dwelling units must meet federal, state, and local building standards.<sup>1</sup>
- The housing site must be maintained in a neat, orderly, and safe manner.
- All structures containing dwelling units must be located a minimum of 10 feet apart.
- The square footage of the housing site's climate-controlled facilities may not exceed 1.5 percent of the property's area or 35,000 square feet, whichever is less.

<sup>1</sup> This includes the Department of Health's migrant labor camps and housing standards adopted pursuant to ss. [381.008-381.00897, F.S.](#), federal standards for H-2A visa housing and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act.

**STORAGE NAME:** h0651z

**DATE:** 5/15/2025

- A housing site must provide front, side, and rear yard setbacks of at least 50 feet.
- A housing site may not be located less than 100 feet from a property line adjacent to property zoned for residential use, and if the housing site is located less than 250 feet from any property line, screening must be provided between the housing site and any residentially developed adjacent parcels that are under different ownership.
- All access driveways that serve the housing site must be made of packed shell, gravel, or a similar material that will provide a relatively dust-free surface. (Section 2)

Governmental entities may adopt local government land use regulations that are less restrictive than the bill's requirements as long as they meet Department of Health (DOH) regulations relating to migrant labor camps and housing pursuant to ss. [381.008](#) through [381.00897, F.S.](#) and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. However, such regulations may not conflict with the definition and requirements of a legally verified agricultural worker. (Section 2)

The bill defines "legally verified agricultural worker" as a person who:

- Is lawfully present in the United States;
- Meets the definition of eligible worker pursuant to 29 C.F.R. s. 502.10;
- Has been verified in accordance with the state's employment eligibility verification requirements and is authorized to work at the time of employment;
- Is seasonally or annually employed in bona fide agricultural production;
- Remains lawfully present and authorized to work throughout the duration of that employment; and
- Is not an unauthorized alien. (Section 2)

The bill also defines "housing site" as the totality of development supporting authorized housing, including buildings, mobile homes, barracks, dormitories used as living quarters, parking areas, common areas such as athletic fields or playgrounds, storage structures, and other related structures. (Section 2)

The bill requires a property owner to maintain records of all approved DOH permits, including successor permits, for migrant labor camps or housing as required under [s. 381.0081, F.S.](#) A property owner must maintain such records for at least 3 years and make the records available for inspection within 14 days after receipt of a request for records by a governmental entity. (Section 2)

The bill provides that a housing site may not continue to be used and may be required to be removed under the following circumstances:

- The housing site is not being used for legally verified agricultural workers for longer than 365 days.
  - Any structure used as living quarters must be removed from the housing site within 180 days after receipt of written notification from the county unless the property owner can demonstrate that use of the site for housing legally verified agricultural workers will occur within 90 days after the written notification.
- The property on which the housing site is located ceases to be classified as agricultural land pursuant to [s. 193.461, F.S.](#)
- The permit authorized by DOH for the housing site is revoked.
  - All structures must be removed from the housing site within 180 days after receipt of written notification from the county unless the permit is reinstated by DOH.
- The housing site is found to be occupied by any person who does not meet the definition of a legally verified agricultural worker, or is otherwise unlawfully present in the United States.
  - A property owner who violates this is subject to a fine, not to exceed \$1,000, for the first violation, and a fine, not to exceed \$5,000, for any subsequent violations. (Section 2)

The bill provides an exemption for housing sites constructed and in use before July 1, 2024. A governmental entity may not require property owners to make changes to meet the bill's requirements and such housing sites may continue to be used. However, property owners of such housing sites must provide regular maintenance and repair of such housing sites, including compliance with health and safety regulations and maintenance standards, to ensure the health, safety, and habitability of the site. This exemption does not apply if a housing site is going to be

enlarged, remodeled, renovated, or rehabilitated. (Section 2)

The bill also provides that the construction or installation of housing for legally verified agricultural workers in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern is subject to the respective permit allocation systems of those areas. (Section 2)

The bill requires DACS to adopt rules providing for:

- A method for governmental entities to submit quarterly reports to DACS of property owners who have a housing site for legally verified agriculture workers on lands classified as agricultural land pursuant to [s. 193.461, F.S.](#)
- A method for persons to submit complaints for review and investigation by DACS. (Section 2)

DACS must enforce the bill's requirements for housing for legally verified agricultural workers. Enforcement includes completing routine inspections based on a random sample of data collected by government entities that has been submitted to DACS, investigating and reviewing complaints, and enforcing violations. DACS must submit the information collected to the State Board of Immigration Enforcement on a quarterly basis. The first quarter begins 60 days after DACS receives and reviews the first quarterly data report by a governmental entity. (Section 2)

### **Former Agricultural Lands Owned by Electric Utilities**

The bill provides DACS the right of first refusal to acquire former [agricultural lands](#) that are owned or acquired by an electric utility as defined in [s. 366.02\(4\), F.S.](#),<sup>2</sup> on or after January 1, 2009, prior to those lands being offered for sale by the utility to a private entity. For lands acquired by an electric utility, on or after January 1, 2009, that have been classified as agricultural at any time in the 5 years before acquisition by the utility, the bill requires the utility to offer such lands for [fee simple acquisition](#) to DACS before offering the lands for sale to a private entity. Similarly, for lands owned by an electric utility, on or after January 1, 2009, that were classified as agricultural at any time in the 5 years before acquisition by the utility, the bill requires the utility to offer such lands for fee simple acquisition to DACS before offering the lands for sale to a private entity. The bill does not specify the purposes for which the state may acquire such lands and does not establish criteria for such acquisitions. (Section 6.)

The bill sets forth the following process for DACS to exercise its right of first refusal under these provisions:

- Within 30 days before offering for sale or transferring the lands to a private individual or entity, an electric utility must issue a written intent to sell by certified mail to the Commissioner of Agriculture (Commissioner).
- Within 30 days after the date of receipt of the written intent to sell by an electric utility, the Commissioner may issue a written intent to purchase by certified mail to the electric utility. If the Commissioner declines, or does not issue an intent to purchase within 30 days, the electric utility is released from the requirements of these provisions.
- Offers accepted by DACS which are received no later than 6 months before the start of a regular legislative session must be executed no later than July 31 following that regular legislative session. (Section 6.)

The bill requires DACS to adopt rules to implement these provisions. (Section 6.)

This bill makes these provisions effective July 31, 2026. (Section 6.)

The bill provides that DACS may surplus lands that it has acquired under these provisions if it determines, in consultation with the Department of Environmental Protection, that such lands are suitable for bona fide agricultural production.<sup>3</sup> The bill requires DACS to retain a rural-lands-protection easement under [s. 570.71, F.S.](#) for such lands that it has surplus. The bill provides that all proceeds from these surplus lands must be deposited into the Incidental Trust Fund within DACS to create conservation easements through [less than fee](#)

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<sup>2</sup> "Electric utility" means any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state. S. [366.02\(4\), F.S.](#)

<sup>3</sup> The bill excludes lands designated as state forest, state park, or wildlife management area.

[simple acquisitions](#) made pursuant to [ss. 570.71](#) and [570.715, F.S.](#) The bill requires DACS to provide an annual report of these surplus lands, beginning January 1, 2026. These provisions are retroactive to January 1, 2009. (Section 4.)

### **Use of Unmanned Aircraft (Drones)**

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

#### ***Agricultural Lands***

The bill prohibits a person from knowingly or willfully doing any of the following on lands classified as agricultural lands under [s. 193.461, F.S.](#):

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

The bill provides that a violation of any of these prohibitions is punishable as a second degree misdemeanor.<sup>4</sup> Under the bill, a second or subsequent violation is punishable as a first degree misdemeanor.<sup>5</sup>

The bill provides exceptions to the prohibition for actions of:

- The property owner of the agricultural lands.
- A person acting with prior written consent of the property owner of the agricultural lands.
- A person or entity acting in compliance with Florida law related to search and seizure using a drone.<sup>6</sup> (Section 5.)

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

The bill also prohibits a person from knowingly or willfully allowing a drone to make contact with private property,<sup>7</sup> state wildlife management lands, a sport shooting and training range,<sup>8</sup> or any person or object on the premises of or within the property with the intent to harass. A violation of the prohibition is punishable as a second degree misdemeanor and a second or subsequent violation is punishable as a first degree misdemeanor. Further, a person who violates this prohibition and records video of the property, including any persons or objects on the premises of or within the property, commits a first degree misdemeanor, and a second or subsequent violation is a third degree felony.<sup>9</sup>

The bill provides the same exceptions to the prohibition as listed above with regard to agricultural lands. (Section 5.)

#### ***Exceptions for Certain Surveillance Uses***

The bill removes an exception to Florida's general prohibition on the use of drones to conduct surveillance on private property and persons legally on such property. The bill removes the exception for persons and entities

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<sup>4</sup> A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

<sup>5</sup> A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

<sup>6</sup> S. [934.50, F.S.](#)

<sup>7</sup> The bill defines "private property" as "any residential or commercial property" and provides a definition for each of those terms.

<sup>8</sup> For purposes of the bill, a "sport shooting or training range" means any area that has been designed, or operated for the use of, firearms, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, BB guns, airguns, or similar devices, or any other type of sport or training shooting.

<sup>9</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

engaged in a state-licensed business or profession, or their agents, employees, and contractors, to use a drone to perform reasonable tasks within the scope of practice or activities permitted under the state-issued license. (Section 80.)

The bill provides that Florida's requirements and limitations on searches and seizures using a drone do not prohibit the use of a drone by a local governmental entity, or a person under contract with such entity, for activities with the purpose of managing and eradicating plant or animal diseases or activities. (Section 80.)

### **Florida Aquaculture Foundation**

The bill creates the Florida Aquaculture Foundation as a direct support organization within DACS. The purpose of the foundation is to conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers in this state and to identify and pursue methods to provide statewide resources and materials for these programs. (Section 63.)

The bill authorizes DACS to appoint an advisory committee adjunct to the foundation pursuant to [s. 570.232, F.S.](#)<sup>10</sup> (Section 63.)

### **Emergency Recovery Loans to Agriculture and Aquaculture Producers**

The bill expands the existing [Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program](#) to include loans to agriculture or aquaculture producers that have experienced damage or destruction from emergencies declared by the Commissioner of Agriculture.<sup>11</sup> Accordingly, the bill renames the program as the Agriculture and Aquaculture Producers Emergency Recovery Loan Program. (Sections 3 and 64.)

The bill also:

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

### **Emergency Recovery Grants for Timber Landowners**

The bill creates the Silviculture Emergency Recovery Program, which empowers DACS to administer grants to assist timber landowners whose timber land is damaged as a result of an emergency declared by the Governor<sup>12</sup> or the Commissioner of Agriculture.<sup>13</sup> Only timber land located on lands classified as agricultural lands are eligible to participate in the program. Grants provided to eligible timber owners may only be used for:

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

The bill requires DACS to coordinate with state agencies and other entities to ensure that timber landowners have

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<sup>10</sup> S. [570.232, F.S.](#), authorizes the Commissioner of Agriculture to appoint any advisory committee to assist DACS with its duties and responsibilities. An advisory committee may exist for no more than 3 years, but may be reestablished as necessary.

<sup>11</sup> Pursuant to [s. 570.07\(21\), F.S.](#), DACS may declare an emergency when one exists in any matter related to agriculture, adopt rules that are in effect during the term of the emergency, and issue food safety information related to the emergency.

<sup>12</sup> S. [252.36, F.S.](#), specifies the Governor's authority to declare a state of emergency. An emergency is defined as "any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property." S. [252.34, F.S.](#)

<sup>13</sup> S. [570.07\(21\), F.S.](#)

access to the maximum financial assistance available following a declared emergency. This coordination must attempt to ensure no duplication of financial assistance between the emergency recovery program grants and other federal or state funding sources, where such duplication would render an approved applicant ineligible for other financial assistance. (Section 65.)

## **Florida Wine**

The bill recognizes wine products made from fruits other than grapes by changing the name of the Viticulture Advisory Council to the Florida Wine Advisory Council (Section 70), changing the name of the State Viticulture Plan to the State Wine Plan (Section 71), changing the name of the Viticulture Trust Fund to the Florida Wine Trust Fund (Sections 59 and 73), and making conforming changes to reflect these changes. The bill also reflects a change to the name of the Florida Grape Growers' Association to the Florida Wine and Grape Growers Association.

The bill also provides that a winery that fails to annually recertify with DACS and pay required licensing fees for participation in the Florida Farm Winery Program is subject to the removal of the program's logos, emblems, and directional signs previously installed by the Department of Transportation (DOT) and is responsible for all costs incurred by DOT in connection with the removal. (Section 72.)

## **Citrus Regulation**

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

- Prohibit persons from propagating citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by DACS and that is not at least one mile from commercial citrus groves.
- Require DACS to establish regulated areas of up to a one mile radius around the perimeter of certain commercial citrus groves, in which the planting of citrus is prohibited.
- Require DACS to require removal of infected or infested citrus, non-approved planted citrus, and citrus that has sprouted by natural means.
- Establish a process by which DACS may issue an immediate final order and notify property owners of any required removal. (Section 67.)

## **Mosquito Control**

The bill makes the following changes to Florida's laws governing [mosquito control programs](#):

- Defines a "program" as any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality (Section 8), and replaces references to "mosquito control districts" and "districts" throughout chapter 388, F.S., with "mosquito control programs" and "programs." (Multiple sections.)
- Recognizes the participation of municipalities in mosquito control programs. (Section 8 and multiple sections thereafter.)
- Increases to \$75,000 the annual cap on non-matching state funds available to a municipality, county, or mosquito control special district for a new program to control mosquitos and other arthropods.<sup>14</sup> (Section 13.)
- Clarifies references to "work plan" and "plan" by replacing such references with the term "integrated arthropod management plan."<sup>15</sup> (Section 14 and multiple sections thereafter.)
- Removes the requirement that state funds be paid quarterly. (Section 17.)
- Requires that a record and inventory of certain property that was purchased with state funds for arthropod control use and is owned by a mosquito control program must be maintained in accordance with rules

<sup>14</sup> Arthropods are defined in [s. 388.011, F.S.](#), as "insects of public health or nuisance importance, including all mosquitoes, midges, sand flies, dog flies, yellow flies, and house flies."

<sup>15</sup> S. [388.011\(6\), F.S.](#), defines "integrated arthropod control" as the implementation of arthropod control measures, including, but not limited to, the use of pesticides and biological control agents and source reduction, to control arthropods without an unreasonable adverse effect on the environment.

established by Florida's Chief Financial Officer under [s. 274.02, F.S.](#) (Section 20.)

- Requires that any serviceable equipment that was purchased with state funds for arthropod control use but is no longer needed must be offered to any or all other programs engaged in arthropod control at a price established by the board of commissioners owning the equipment. (Section 21.)
- Requires that the proceeds from the sale of any real or tangible personal property owned by a mosquito control program and purchased using state funds must be deposited in the program's state fund account. (Section 21.)
- Requires each mosquito control program receiving state aid to submit to DACS a monthly expenditure report for the preceding month and requires each program participating under ch. 388, F.S., to provide reports of activities and accomplishments. (Section 22.)
- Extends DACS' enforcement authority to authorize issuance of written warnings, imposition of fines, and denial of program participation for specified violations and authorizes probation in lieu of a fine if DACS finds that a fine would be detrimental to the public. (Section 25.)
- Adds a representative from the Center of Medical, Agricultural, and Veterinary Entomology to the Florida Coordinating Council on Mosquito Control, increases the number of mosquito control directors to serve on the council from two to four, and permits members of the council to serve until a successor is appointed. (Section 29.)

### **Beef Marketing Program**

The bill requires the [Cattle Enhancement Board, Inc.](#), in coordination with DACS and subject to appropriation, to establish a Florida beef marketing program to conduct research designed to expand the uses of beef and beef products and strengthen the market position of Florida's cattle industry through marketing campaigns and promotions within the state and nationwide. (Section 66.)

### **Basin Management Action Plans**

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

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

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

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

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

requirements. (Section 30.)

### **Water Quality Additives**

The bill defines the term “water quality additive” to mean any chemical, additive, or substance that is used in a [public water system](#) for the purpose of:

- Meeting or surpassing primary or secondary drinking water standards;
- Preventing, reducing, or removing contaminants; or
- Improving water quality. (Section 31.)

The bill prohibits the use of any additives in a public water system that do not meet the definition of a water quality additive, as defined above. (Section 32.)

### **Pest Control and Pesticide Licensing and Certification**

The bill authorizes DACS to offer examinations for various pest control and pesticide applicator certifications both in person and remotely through a third-party vendor and authorizes the third-party vendor to impose a convenience fee for this service. The bill eliminates provisions that specify the frequency with which these examinations must be offered. (Sections 33, 34, 35, 36, 37, 39.)

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

### **Florida Solicitation of Contributions Act**

#### ***Registration Statement***

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

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

Under the bill, a charitable organization or sponsor, whose registration is denied or revoked for submitting a false attestation, is subject to certain penalties.<sup>16</sup> (Section 45.)

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

#### ***Honest Services Registry***

The bill requires DACS to create the Honest Services Registry (Registry) to provide the residents of Florida with the information necessary to make an informed decision when deciding which charitable organizations to support. To

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<sup>16</sup> The penalties that DACS may impose include issuing a notice of noncompliance; issuing a cease and desist order; refusing to register or cancelling or suspending a registration; placing the registrant on probation for a period of time, subject to certain conditions as DACS may specify; cancelling an exemption; imposing an administrative fine not to exceed \$5,000 for each act or omission that constitutes a violation (if the violating entity is a 501(c)(3) organization, the administrative fine may not exceed \$500 per violation for failure to register or file for an exemption); and imposing an administrative fine not to exceed \$10,000 for a violation that involves fraud or deception. S. [496.419\(5\), F.S.](#)

be included on the Registry, the bill requires a charitable organization to, at a minimum, submit to DACS an attestation, on a form prescribed by DACS and verified according to [s. 92.525, F.S.](#), attesting to all of the following:

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

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

The bill makes it unlawful for any person, in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion, to solicit or accept contributions or anything of value from a foreign source of concern. The bill sets forth the following for violations of these provisions:

- The first violation is considered involuntary, and will not result in punitive action from DACS if the violator satisfies all of the following requirements:
  - Provides DACS with a solicitation or contribution form containing an attestation from such foreign source or country of concern in which the person, country, or entity falsely certifies that they are not a foreign country of concern or a foreign source of concern.
  - Provides DACS with a copy of a refund to the foreign source or country of concern within 30 days after notification by the department of the prohibited act.
  - Provides DACS with a plan of action to prevent the acceptance of contributions from a foreign country or source of concern in future solicitation activities by the charitable organization
- A second or subsequent violation is considered voluntary, and the violator is subject to the penalties<sup>17</sup> specified in the Solicitation of Contributions Act at the discretion of DACS. (Section 43.)

For purposes of the Honest Services Registry, as well as the Solicitation of Contributions Act, the bill defines "foreign country of concern" as the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, 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.<sup>18</sup> The bill defines "foreign source of concern" as any of the following:

- The government or any official of the government of a foreign country of concern;
- A political party or member of a political party or any subdivision of a political party in a foreign country of concern;
- A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country of concern, or a subsidiary of such entity;
- Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;
- An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or
- An entity in which a person, entity, or collection of persons or entities described above has a controlling interest.<sup>19</sup> (Section 41.)

## **Florida Food Safety Act**

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

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<sup>17</sup> See s. [496.419\(5\), F.S.](#)

<sup>18</sup> See s. [286.101\(1\)\(b\), F.S.](#)

<sup>19</sup> Controlling interest means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest. (Section 41.)

(Section 47.)

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

The bill also:

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

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

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

### ***Mushroom Spores and Mycelium***

The bill prohibits a person from transporting or offering to transport, importing into this state, selling or offering for sale, furnishing, or giving away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including [psilocybin](#) or psilocyn, during its lifecycle. A violation of the prohibition is a first degree misdemeanor. (Section 51.)

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

The bill requires DACS to adopt rules to enforce the U.S. Food and Drug Administration's (FDA) standard of identity for milk, as adopted in Florida law, to prohibit the sale of [plant-based products labeled as milk in Florida](#). This section in the bill is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products labeled as milk by any 11 of the following 14 states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. (Section 52.)

Similarly, the bill requires DACS to adopt rules to enforce the FDA's standard of identity for [meat](#), [poultry](#), poultry products, [eggs](#), and egg products to prohibit the sale of plant-based products labeled as meat, poultry, poultry products, eggs or egg products in Florida. This section in the bill is also effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products labeled as meat, poultry, poultry products, eggs, or egg products by any 11 of the 14 states listed in the group above. (Section 52.)

The bill requires DACS to notify the Division of Law Revision upon the enactment into law by any 11 of the 14 states in the group above of the mandatory labeling requirements. DACS is authorized to adopt rules to implement these provisions. The bill provides that these provisions may not be construed to limit DACS' authority to enforce its other laws and regulations. (Section 52.)

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

- "Egg" and "egg product" have the same meaning as in 21 U.S.C. § 1033 and the Egg Products Inspection

Act.<sup>20</sup>

- “Meat” has the same meaning as in 9 C.F.R. § 301.2 and the Federal Meat Inspection Act.<sup>21</sup>
- “Milk” has the same meaning as in 21 C.F.R. § 31.110 and the Grade “A” pasteurized milk ordinance.<sup>22</sup>
- “Poultry” and “Poultry Product” have the same meanings as in 9 C.F.R. § 381.1 and the Poultry Products Inspection Act.<sup>23</sup> (Section 52.)

### **Consumer Unit Pricing Act**

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

### **Veterinary Pathologists**

The bill grants DACS the power and duty to foster and encourage the development and retention of [veterinary pathologists](#). The bill authorizes DACS to reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with DACS to retain employment for a specified time. DACS is granted rulemaking authority in the bill to administer these provisions. (Section 60.)

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

- Extend state and national Future Farmers of American (FFA) opportunities to any public school student enrolled in agricultural education, at little or no cost; and
- Support statewide FFA programming that helps those students develop their potential for premier leadership, personal growth, and career success. (Section 60.)

### **Contracts Procured by Other State Agencies**

The bill authorizes DACS, notwithstanding certain provisions<sup>24</sup> in Florida law, to use contracts procured by another agency. For purposes of this authorization, the term “agency” means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of Florida’s government; the term, however, does not include the university and college boards of trustees or the state universities and colleges.<sup>25</sup> (Section 60.)

### **Bulk Renewal of Licenses**

The bill authorizes DACS to:

- Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.
- Create a process that will allow licensees, upon request, to align the expiration date of licenses within a statutory program.
- Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month. (Section 62.)

Under the bill, DACS must prorate any licensing fee for which the term of the license was reduced for the purposes of alignment. The bill authorizes DACS to adopt rules to implement these provisions. (Section 62.)

### **Boll Weevil Eradication**

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<sup>20</sup> 21 U.S.C. § 1031, *et seq.*

<sup>21</sup> 21 U.S.C. § 601 *et seq.*

<sup>22</sup> See U.S. Food and Drug Administration, Grade “A” Pasteurized Milk Ordinance: 2023 Revision (Feb. 2025), <https://www.fda.gov/media/180975/download?attachment> (last visited May 2, 2025).

<sup>23</sup> 21 U.S.C. § 451 *et seq.*

<sup>24</sup> The provisions include ss. [287.042](#) and [287.057, F.S.](#)

<sup>25</sup> S. [287.012\(1\), F.S.](#)

The bill repeals the Florida Boll Weevil Eradication Law. (Section 68.)

### **Retail Fuel Transfer Switch Modernization Grant Program**

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

The bill provides that grant funds may be used for installation and equipment costs. Retail fuel facilities in fiscally constrained counties<sup>26</sup> are eligible for up to \$10,000 to cover costs for the purchase and installation of transfer switches. Retail fuel facilities in all other counties are eligible for up to \$5,000 to cover these costs. Prior to being awarded funding, a retail fuel facility must provide DACS with documentation on transfer switch installation and required generator sizing. Facilities that are awarded grants must comply with requirements in Florida law for maintaining alternate generated power capacity and must install a transfer switch capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment.

The following retail fuel facilities are not eligible for grant funding under this program:

- Marinas and facilities with fewer than 4 fueling positions.
- Newly constructed or substantially renovated retail fuel facilities, as described in [s. 526.143\(2\), F.S.](#)

### **Registration of Petroleum Transportation**

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

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

### **Packaging Information**

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

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

### **Regulation of Antifreeze**

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

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

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<sup>26</sup> A fiscally constrained county, as defined in [s. 218.67, F.S.](#), is a "county that is entirely within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1."

motor vehicle components.<sup>27</sup>

### **Electric Vehicle Charging Station Regulation**

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

The bill creates the following requirements and enforcement authority:

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

### **Licenses for Certain Shows**

The bill eliminates the reference to "[minstrel](#)" shows in current Florida law. (Section 74.)

### **Florida Farmer Financial Protection Act**

The bill creates the Florida Farmer Financial Protection Act (FFFP Act), which prohibits a [financial institution](#) from denying or restricting services to an agriculture producer where the denial or restriction is based, in whole or in part, on an ESG factor. (Section 75.)

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

- Is authorized to do business in Florida;
- Has total assets of more than \$100 million; and
- Offers financial services, which is defined in the bill as any product or service that is of a financial nature and offered by a financial institution. (Section 75.)

Under the bill, if a financial institution has made **any** ESG commitment related to agriculture, there is an inference that the financial institution has violated the FFFP Act. A financial institution may overcome that inference, however, by demonstrating that its denial or restriction of financial services was based solely on documented risk analysis, and not on an ESG factor. (Section 75.)

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<sup>27</sup> See, e.g., Mister Transmission, *The Essential Guide To Cooling Transmission Fluid: Keeping Your Car Healthy*, (Mar. 22, 2024), <https://www.mistertransmission.com/the-essential-guide-to-cooling-transmission-fluid-keeping-your-car-healthy/#:~:text=Transmission%20fluid%20does%20more%20than,smooth%20operation%20of%20your%20vehicle> (last visited May 2, 2025); Romeoville Toyota, *Stop Right There: Understanding the Importance of Brake Fluid*, (Feb. 12, 2021), <https://www.romeovilletoyota.com/stop-right-there-understanding-the-importance-of-brake-fluid/> (last visited May 2, 2025).

For purposes of the FFFP Act, the bill creates definitions for the following terms:

- “Agriculture producer” means a person or company that is:
  - Authorized to do business in Florida, and
  - Engaged in the production of goods derived from plants or animals, which includes, but is not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.
- “Denies or restricts” means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.
- “Environmental, social, and governance factor” means:
  - Any factor or consideration that is collateral to (or not reasonably likely to affect or impact) financial risk; and
  - Includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer’s greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery. (Section 75.)

The bill authorizes the Attorney General, in consultation with the [Office of Financial Regulation](#), to enforce the FFFP Act. Further, any violation of the FFFP Act constitutes an unfair trade practice under the Florida Deceptive and Unfair Trade Practices Act. Under the bill, the Attorney General is authorized to investigate and seek remedies as provided in general law. (Section 75.)

The bill also provides that actions for damages may be sought by an aggrieved party, which creates a private right of action for a violation of the FFFP Act. (Section 75.)

### [Concealed Weapons and Preemption of Firearm Regulations](#)

The bill requires DACS to, upon notification by a law enforcement agency, court, *clerk’s office*, or the Florida Department of Law Enforcement (FDLE), **temporarily** suspend a concealed weapons or concealed firearms license (CWL) or the processing of an application for a CWL if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a CWL until final disposition of the case. (Section 77.)

The bill also requires DACS to notify a CWL holder whose license was suspended, or a CWL applicant for whom DACS suspended the processing of an application for a CWL, of his or her right to a hearing pursuant to ch. 120, F.S. If the criminal case or injunction results in a non-disqualifying disposition and the applicant or licensee is otherwise eligible, the bill requires DACS to end the suspension. DACS must then issue an order confirming the end of the suspension within 90 days after the licensee’s or applicant’s submission to DACS of a certified copy of the final resolution of the criminal case or injunction. The bill requires the copy provided to DACS to be sent by electronic mail or certified mail to a location specified on the notice of suspension received by the licensee or applicant. If the criminal case results in a disqualifying disposition, the suspension remains in effect and DACS must proceed with denial or revocation proceedings pursuant to ch. 120, F.S. (Section 77.)

The bill provides the above provisions do not limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state; finds that it is a matter of public policy and public safety to ensure that potentially disqualifying information about a CWL licensee or applicant is investigated and processed in a timely manner by DACS; and charges DACS with making an eligibility determination and issuing a license in the particular time frames prescribed by the bill. (Section 77.)

Under the bill, if a criminal history screening identifies criminal history information related to a crime that may disqualify a CWL applicant, but the information does not contain a final disposition of the crime or lacks sufficient information to make an eligibility determination, the [90-day extension under current law](#) may be extended for an additional 45 days after the receipt of the information. DACS may make a request for information to the jurisdiction where the criminal history information originated, but **must** issue a CWL if it does not obtain a disposition or sufficient information to make an eligibility determination within the additional 45 days, **if the CWL applicant is otherwise eligible**. (Section 77.)

## **Fuel Theft**

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

- Possess or use any form of a payment instrument that can be used, alone or in conjunction with another device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or chip encoded with account information or both;
- With the intent to defraud the fuel retailer, authorized payment instrument account holder, or the banking institution that issued the payment instrument financial account. (Section 78.)

The bill also makes it a *second degree* felony<sup>28</sup> to willfully, knowingly, and without authorization physically tamper with, manipulate, remove, replace, or interrupt any mechanical or electronic component located on the **external** portion of a retail fuel dispenser. (Section 78.)

## **Mail Theft**

The bill provides that a person commits mail theft if he or she:

- Knowingly removes mail<sup>29</sup> from a mail depository<sup>30</sup> or takes mail from a mail carrier of a postal service<sup>31</sup> with an intent to temporarily or permanently:
  - Deprive the intended recipient of his or her right to the mail.
  - Appropriate the mail to his or her own use or the use of any person not entitled to the use of the mail.
- Knowingly obtains custody of mail by fraud or deception with an intent to temporarily or permanently:
  - Deprive the intended recipient of his or her right to the mail.
  - Appropriate the mail to his or her own use or the use of any person not entitled to the use of the mail.
- Sells, receives, possesses, transfers, buys, or conceals mail obtained in violation of the above provisions, while he or she knows or should know the mail was obtained illegally. (Section 79.)

The bill also provides that a person commits theft of or unauthorized reproduction of a mail depository key or lock if he or she:

- Knowingly obtains or uses, or endeavors to obtain or use, any key or lock used by a postal service for a mail depository with the intent to temporarily or permanently:
  - Deprive the owner of the key or lock of his or her right to the key or lock.
  - Appropriate the key or lock to his or her own use or the use of any person not entitled to the use of the key or lock.
- Knowingly and unlawfully makes, forges, or counterfeits any key or lock adopted by a postal service, or possesses such key or lock, with an intent to defraud any person or violate any of the above provisions.
- Sells, receives, possesses, transfers, buys, or conceals a key or lock obtained in violation of the above provisions while he or she knows or should know the key or lock was obtained illegally. (Section 79.)

Under the bill, a first violation of the above provisions constitutes a first degree misdemeanor. A second or subsequent violation constitutes a third degree felony. (Section 79.)

## **Facilities for Agricultural Education**

The bill prohibits a local government from adopting any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a

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<sup>28</sup> A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

<sup>29</sup> "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another, along with its contents.

<sup>30</sup> "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 or any other authorized receptacle.

<sup>31</sup> "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.

board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animals or equipment. (Section 81.)

The bill also provides that lands used for agricultural education or for Future Farmers of America or 4-H activities shall be considered agricultural lands. (Section 81.)

The bill reenacts several provisions of existing law to incorporate the amendments made by the bill. (Sections 82–91)

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2025. (Section 92.)

## **RULEMAKING:**

The bill requires DACS to adopt rules providing for: a method for governmental entities to submit quarterly reports to DACS of property owners who have a housing site for legally verified agriculture workers on lands classified as agricultural land pursuant to [s. 193.461](#); and a method for persons to submit complaints for review and investigation by DACS. (Section 2)

The bill requires DACS to adopt rules to implement the bill’s provisions relating to DACS’ right of first refusal to acquire former agricultural lands that are owned or acquired by an electric utility, on or after January 1, 2009, prior to those lands being offered for sale by the utility to a private entity. (Section 6.)

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

The bill requires DACS, in consultation with the Division of Emergency Management, to adopt rules to implement the Florida Retail Fuel Transfer Switch Modernization Grant Program created by the bill, including rules that establish an application process, deadlines, and required supporting documentation. (Section 56.)

The bill grants DACS rulemaking authority to establish an enrollment by rule process for best management practices (BMPs) that agricultural pollutant sources and agricultural producers may use instead of certain other DACS’ BMPs. (Section 30.)

Under the bill, the attestation statements required under the Florida Solicitation of Contributions Act and Honest Services Registry must be submitted on a form prescribed by DACS. (Sections 42 and 46.) The bill also requires DACS to adopt rules to implement the provisions in the bill relating to the Honest Services Registry. (Sections 42 and 46.)

The bill requires DACS to adopt rules to administer the bill’s requirement that DACS foster and encourage the employment and retention of qualified veterinary pathologists in the state. (Section 60.)

The bill requires DACS to adopt rules for bulk licensing renewal processes. (Section 62.)

The bill authorizes DACS to adopt rules, including emergency rules, to implement a silviculture emergency recovery program. The bill provides that emergency rules adopted under this authority are effective for six months and may be renewed during the process of adopting permanent rules addressing the same subject. (Section 65.)

The bill requires DACS to adopt rules establishing registration requirements for the annual petroleum registration program created by the bill. (Section 55.)

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

## **FISCAL OR ECONOMIC IMPACT:**

## STATE GOVERNMENT:

The provisions in this bill pose an indeterminate positive fiscal impact to DACS.<sup>32</sup> Benefit costs for the reclassification of certain DACS personnel will have an indeterminate fiscal impact on the department.

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

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

## LOCAL GOVERNMENT:

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

## PRIVATE SECTOR:

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

# RELEVANT INFORMATION

## SUBJECT OVERVIEW:

### [Classification of Agricultural Lands](#)

A property appraiser classifies all lands as either agricultural or nonagricultural. Agricultural lands are those used primarily for bona fide agricultural purposes<sup>33</sup> such as horticulture, viticulture, forestry, and farming.<sup>34</sup> Under Florida’s greenbelt law, only the area of the land used for agricultural purposes benefits from the agricultural classification.

A property appraiser must reclassify lands as nonagricultural if the lands are diverted from an agricultural to a nonagricultural use or are no longer used for agricultural purposes. There are certain protections for agricultural classifications when land is temporarily not being used for agriculture due to a natural disaster or in compliance with certain state agriculture programs.<sup>35</sup>

Agricultural lands are taxed at a value based solely on their agricultural use,<sup>36</sup> which requires a property appraiser to use a different analysis to value the land than that used to determine the just value of land.<sup>37</sup> Lands classified as agricultural also enjoy certain benefits and protections, such as a preemption on local government restrictions of farming on those lands<sup>38</sup> and limits on nuisance complaints related to farming activities.<sup>39</sup>

### ***Regulation of Land Use***

The Community Planning Act<sup>40</sup> empowers counties and municipalities to plan for future development by adopting

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<sup>32</sup> Email from Thomas Poucher, Deputy Commissioner of Office and Policy and Budget, Department of Agriculture and Consumer Services, RE: HB 651 – Fiscal Impact, (March 28, 2025).

<sup>33</sup> “Bona fide agricultural purposes” means good faith commercial agricultural use of the land. S. [193.461\(3\)\(b\), F.S.](#)

<sup>34</sup> S. [193.461\(5\), F.S.](#)

<sup>35</sup> S. [193.461\(7\), F.S.](#)

<sup>36</sup> Art. VII, s. 4(a), Fla. Const.

<sup>37</sup> S. [193.461\(6\)\(c\), F.S.](#)

<sup>38</sup> S. [163.3162, F.S.](#)

<sup>39</sup> See s. [823.14, F.S.](#)

<sup>40</sup> Ch. [163, Part II, F.S.](#)

comprehensive plans.<sup>41</sup> Each county and municipality must maintain a comprehensive plan to guide future development and growth.<sup>42</sup>

A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.<sup>43</sup> The land use element of the plan designates proposed future general distribution, location, and extent of the uses of land for agriculture, residential uses, commercial uses, industry, recreation, and other categories of the public and private uses of land.<sup>44</sup> Local governments regulate aspects of land development by enacting ordinances that address zoning, rezoning, building construction, and other regulations controlling the development of land.

**Migrant Farmworkers**

The federal government authorizes farmers to hire seasonal or temporary workers from foreign countries through the H-2A visa program.<sup>45</sup> Annually, 150,000 to 200,000 migrant and seasonal farmworkers and their families travel to and work in Florida.<sup>46</sup>

Farmers who employ temporary agriculture workers through the H-2A program are required to provide housing, at no cost, to those workers.<sup>47</sup> Migrant farmworker housing is regulated by the Department of Health (DOH) in coordination with local health departments and federal law.<sup>48</sup> The objective of DOH’s migrant farmworker housing program is to reduce the risk of transmission of communicable diseases and injury among migrant farmworkers by establishing procedures for permitting and inspecting migrant farmworker housing.<sup>49</sup>

Migrant farmworker housing may include certain residential housing, including mobile homes or a migrant labor camp consisting of dormitories constructed and operated as living quarters for migrant farmworkers.<sup>50</sup> Establishment of such housing requires advance notice, inspections, and permitting based on standards of construction, sanitation, equipment, and operation, as well as compliance with inspections during use.<sup>51</sup>

**State Acquisition of Property and Property Rights**

In property law, a [fee simple acquisition](#) is an outright purchase of land. A “[less than fee simple](#)” acquisition refers to the purchase of limited property rights, often for purposes of conserving and protecting resources on the property at less cost than purchasing the land outright.<sup>52</sup>

As an example of less than fee simple acquisitions, DACS, through the Rural and Family Lands Protection Program, is authorized to acquire permanent agricultural land conservation easements.<sup>53</sup> Under this program, DACS, on behalf of the Board of Trustees of the Internal Improvement Trust Fund (Board), is authorized to allocate funds to acquire perpetual, less than fee simple interests in land and enter into agricultural protection agreements and

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<sup>41</sup> [S. 163.3167\(1\), F.S.](#)  
<sup>42</sup> [S. 163.3167\(2\), F.S.](#)  
<sup>43</sup> [S. 163.3177\(6\), F.S.](#)  
<sup>44</sup> [S. 163.3177\(6\)\(a\), F.S.](#)  
<sup>45</sup> U.S. Dep’t of Labor, *H-2A Temporary Agricultural Program*, [H-2A Temporary Agricultural Program | U.S. Department of Labor](#) (last visited May 12, 2025).  
<sup>46</sup> Florida Dep’t of Health (DOH), *Migrant Farmworker Housing* (last updated Dec. 16, 2024), [Migrant Farmworker Housing | Florida Department of Health](#) (last visited May 12, 2025).  
<sup>47</sup> 20 C.F.R. § 655.122(d).  
<sup>48</sup> [Ss. 381.008 – 381.00897, F.S.](#)  
<sup>49</sup> DOH, *supra* note 46.  
<sup>50</sup> [S. 381.008\(5\) and \(8\), F.S.](#)  
<sup>51</sup> [S. 381.0083, F.S.](#)  
<sup>52</sup> The Florida Senate, Committee on Environmental Preservation and Conservation, Issue Brief 2011-217, *Florida Forever’s Land Acquisition Using Less-Than-Fee Methods*, October 2010, <https://www.flsenate.gov/UserContent/Session/2011/Publications/InterimReports/pdf/2011-217ep.pdf> (last visited May 2, 2025).  
<sup>53</sup> DACS, Rural and Family Lands Protection Program, <https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program> (last visited May 2, 2025).

resource conservation agreements.<sup>54</sup> These arrangements compensate property owners for restrictions on the future development of their land in perpetuity while allowing them to continue agricultural activities.<sup>55</sup> Property owners may apply to DACS to be included in the program's approved acquisition list.<sup>56</sup> To qualify for acquisition under the program, the agricultural land must protect the integrity and function of working landscapes, ensure opportunities for viable agricultural activities on working lands threatened by conversion to other uses, and meet certain public purposes.<sup>57</sup> The program is voluntary; upon written request from a property owner, DACS must remove the owner's property from any lists or maps developed to implement the program.<sup>58</sup>

In general, the Board is responsible for determining which state-owned lands are surplus and should be disposed of.<sup>59</sup>

### **Prohibited Uses of Unmanned Aircraft**

Under Florida law, a person may not knowingly or willfully operate a drone over specified critical infrastructure facilities,<sup>60</sup> allow a drone to contact these facilities or persons or objects on the premises, or allow a drone to come within a distance close enough to interfere with operation of these facilities or cause a disturbance. Similarly, a person may not knowingly or willfully operate a drone over a public or private school or make contact with a school or persons or objects on the premises. First time violations of these prohibitions are second degree misdemeanors, while subsequent violations are first degree misdemeanors, though these charges are upgraded if the drone operator also records video of a school or persons or objects on the school's premises.<sup>61</sup>

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

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.<sup>62</sup>

Exceptions to these prohibitions are provided for owners or operators of critical infrastructure facilities, persons acting with prior written consent, law enforcement acting in compliance with Florida law related to search and seizure using a drone, and governmental entities.<sup>63</sup>

Further, Florida law generally prohibits the use of drones to record images with the intent to conduct surveillance of privately owned real property or persons legally on such property, absent written consent of the person or property owner.<sup>64</sup> The law provides several exceptions for specific uses, including the use of a drone to perform "reasonable tasks" within the scope or practice or activities permitted under a state-issued license by a person or an entity engaged in a business or profession licensed by the state, or by the person or entity's agent, employee, or contractor. This exception does not apply to a profession in which the licensee's authorized scope of practice includes obtaining information about the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.<sup>65</sup> Other exceptions are made for certain activities by law enforcement, government entities conducting disaster assessments, property appraisers, utilities, aerial mapping, cargo delivery, communications service providers, and state government

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<sup>54</sup> S. [570.71, F.S.](#)

<sup>55</sup> *Id.* See also DACS, *supra* note 53.

<sup>56</sup> DACS, *supra* note 53.

<sup>57</sup> S. [570.71, F.S.](#)

<sup>58</sup> *Id.*

<sup>59</sup> S. [253.0341\(1\), F.S.](#)

<sup>60</sup> For purposes of this law, "critical infrastructure facilities" are defined in [s. 330.41\(2\)\(a\), F.S.](#)

<sup>61</sup> S. [330.41, F.S.](#)

<sup>62</sup> S. [330.41\(b\), F.S.](#), cross-referencing the definition provided in [s. 934.50\(2\)\(a\), F.S.](#)

<sup>63</sup> S. [330.41, F.S.](#)

<sup>64</sup> S. [934.50\(3\)\(b\), F.S.](#)

<sup>65</sup> S. [934.50\(4\)\(i\), F.S.](#)

employees in the performance of specified duties.<sup>66</sup>

### [Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program](#)

Following the devastation of Hurricane Idalia in 2023, the Florida legislature passed CS/HB 1-C to provide relief to those affected by the hurricane.<sup>67</sup> Among other things, the law established the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program within DACS to make loans to agriculture and aquaculture producers who experience damage or destruction from a declared natural disaster. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property.<sup>68</sup>

Under the program, DACS is authorized to make low-interest or interest-free loans of up to \$500,000 to eligible applicants. An approved applicant may receive no more than one loan per declared disaster, two loans per year, and five loans within any 3-year period. The term of each loan is 10 years.<sup>69</sup> To be eligible, an applicant must:

- Own or lease a bona fide farm operation that is located in a county that experienced a declared natural disaster and that was damaged or destroyed as a result of the declared natural disaster; and
- Maintain complete and acceptable farm records, pursuant to criteria published by DACS, and present them as proof of production levels and bona fide farm operations.<sup>70</sup>

The loan program expires on July 1, 2043, unless reviewed and saved from repeal by the Legislature.<sup>71</sup>

In the same bill, the Legislature appropriated \$37.5 million in nonrecurring funds to administer a cost-sharing grant program to assist timber landowners in specified counties whose timber land was damaged as a result of Hurricane Idalia. Grants made to eligible timber landowners must be for up to 75 percent of the costs for site preparation and tree replanting on lands classified as agricultural lands under s. 193.461, Florida Statutes. The maximum grant award is \$250,000. Site preparation work may include downed tree removal by a variety of methods, including mechanical harvesting or prescribed burns authorized by the Florida Forest Service.<sup>72</sup>

### [Viticulture](#)

“Wine” is defined in Florida law as all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added.<sup>73</sup> “Viticulture” refers only to the production and utilization of grapes.<sup>74</sup>

Florida law creates a Viticulture Advisory Council (Council) within DACS. The primary responsibility of the Council is to provide annually industry recommendations for viticultural research, promotion, and education to the Commissioner of Agriculture.<sup>75</sup> The Commissioner, in consultation with the Council, develop and coordinate the implementation of the State Viticulture Plan, which identifies problems in the viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for orderly growth of the industry.<sup>76</sup>

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

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<sup>66</sup> S. [934.50\(4\), F.S.](#)

<sup>67</sup> Ch. 2023-349, Laws of Fla., codified at [s. 570.822, F.S.](#)

<sup>68</sup> *Id.*

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

<sup>70</sup> “Bona fide farm operations” are defined in [s. 570.822\(1\)\(a\), F.S.](#)

<sup>71</sup> S. [570.822\(10\), F.S.](#)

<sup>72</sup> Ch. 2023-349, s. 24, Laws of Fla.

<sup>73</sup> S. [564.01, F.S.](#)

<sup>74</sup> S. [599.001, F.S.](#)

<sup>75</sup> S. [599.002, F.S.](#)

<sup>76</sup> S. [599.003, F.S.](#)

placing each sign paid by the winery.<sup>77</sup>

### **Citrus Regulation**

In 2006, the Legislature replaced DACS' citrus canker eradication program with a comprehensive citrus health plan aimed at minimizing the impact of exotic citrus pests and diseases.<sup>78</sup> As a result of these changes, Florida law prohibits any person from propagating for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by DACS and that is not at least one mile from commercial citrus groves.

The law requires DACS to establish regulated areas around the perimeter of commercial citrus groves established after April 1, 2006, not to exceed a one mile radius, in which planting of citrus is prohibited. For groves established before April 1, 2006, planting within a one mile radius must be approved by DACS. In regulated areas, DACS must require removal of infected or infested citrus, non-approved planted citrus, and citrus that has sprouted by natural means. The law establishes a process by which DACS may issue an immediate final order and notify property owners of any required removal.<sup>79</sup>

### **Mosquito Control**

By the mid-1920s, mosquito control programs were beginning to form in the state to locally control mosquitoes and protect public health in their regions. Today, Florida has over 60 state-approved mosquito control programs.<sup>80</sup> Mosquito control programs work to suppress populations of mosquitoes by implementing "integrated mosquito management." This process involves crucial methods for mosquito abatement, including population surveillance, source reduction, and various types of treatments for immature and adult mosquitoes. As licensed pesticide applicators, mosquito control programs are regulated by DACS.<sup>81</sup>

### **Cattle Enhancement Board**

The Florida Cattle Enhancement Board is a direct support organization of the University of Florida.<sup>82</sup> It was created in 2016 to promote research and education on issues relating to the Florida cattle industry, including production, disease prevention, forage development, and genetic research and technology.<sup>83</sup> The Cattle Enhancement Board is funded through state appropriations.<sup>84</sup> Since its inception, the Cattle Enhancement Board has funded over \$5.2 million in research projects, education, and extension efforts at the University of Florida.<sup>85</sup>

### **Florida's Water Resources**

All groundwater and surface water in Florida is a public resource.<sup>86</sup> It is this state's policy to promote the conservation and proper utilization of surface and groundwater;<sup>87</sup> "promote the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems;"<sup>88</sup> and "to protect, maintain, and improve the quality [of the waters of the state] for public water supplies, for the propagation of wildlife and fish and other aquatic life, and for domestic, agricultural, industrial, recreational, and other beneficial uses and to provide that no

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<sup>77</sup> S. [599.004, F.S.](#)

<sup>78</sup> Ch. 2006-45, Laws of Fla.

<sup>79</sup> S. [581.1843, F.S.](#)

<sup>80</sup> DACS, Florida Mosquito Control, <https://www.fdacs.gov/Business-Services/Mosquito-Control/Mosquitoes-General-Information> (last visited May 2, 2025).

<sup>81</sup> See ch. 388, F.S.

<sup>82</sup> University of Florida Institute of Food and Agricultural Sciences, *Florida Cattle Enhancement Board*, <https://animal.ifas.ufl.edu/research-programs/cattle-enhancement-board/> (last visited May 2, 2025).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> Ch. 373, F.S.

<sup>87</sup> S. [373.016\(3\)\(b\), F.S.](#)

<sup>88</sup> S. [373.016\(3\)\(d\), F.S.](#)

wastes be discharged into any waters of the state without first being given the degree of treatment necessary to protect the beneficial uses of such water.”<sup>89</sup>

### ***Total Maximum Daily Load***

If Florida’s Department of Environmental Protection (DEP) determines that any waters are impaired,<sup>90</sup> the waterbody or segment must be placed on the verified list of impaired waters (Verified List) and a total maximum daily load (TMDL) must be calculated.<sup>91</sup> A TMDL is the science-backed maximum amount of a pollutant that a waterbody or segment may take in and still maintain water quality standards.<sup>92</sup> DEP is the lead agency that coordinates the development and implementation of TMDLs.<sup>93</sup>

The Florida Watershed Restoration Act<sup>94</sup> guides the development and implementation of TMDLs.<sup>95</sup> TMDLs must include reasonable and equitable pollutant load allocations between or among point sources (e.g., pipes and culverts discharging from a permitted facility, such as a domestic wastewater treatment facility) and nonpoint sources (e.g., agriculture, septic tanks, golf courses) that will alone, or in conjunction with other management and restoration activities, reduce pollutants and achieve water quality standards.<sup>96</sup> As of December 2023, 459 TMDLs had been established for impaired waters in Florida.<sup>97</sup>

### ***Basin Management Action Plans***

Once a TMDL is adopted,<sup>98</sup> DEP may develop and implement a [basin management action plan](#) (BMAP), which is a restoration plan for the watersheds and basins connected to the impaired waterbody<sup>99</sup> that is included on DEP’s Verified List. BMAPs are one of the primary mechanisms DEP utilizes to achieve TMDLs, and a BMAP addresses the pollutant causing the impairment.<sup>100</sup>

Each new or revised BMAP must include:

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

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<sup>89</sup> Ss. [373.016\(3\)\(h\)](#) and [403.021\(2\)](#), F.S.

<sup>90</sup> A body of water is considered impaired if it is contaminated by pollutants. California Office of Environmental Health Hazard, *Impaired Water Bodies*, <https://oehha.ca.gov/calenviroscreen/indicator/impaired-water-bodies#:~:text=When%20water%20is%20contaminated%20by,or%20near%20the%20water%20body>. (last visited May 2, 2025).

<sup>91</sup> S. [403.067\(1\)](#), F.S.; Dep’t of Environmental Protection (DEP), *Verified List Waterbody Ids* (WBIDs), <https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about> (last visited May 2, 2025); and s. [403.067\(4\)](#), F.S.

<sup>92</sup> S. [403.031\(20\)](#), F.S.

<sup>93</sup> S. [403.061](#), F.S. DEP has the power and duty to control and prohibit the pollution of air and water in accordance with the law and rules adopted and promulgated by it. Florida law allows DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, and certain other parties. S. [403.061\(22\)](#), F.S.

<sup>94</sup> Ch. 99-223, Laws of Fla.

<sup>95</sup> S. [403.067](#), F.S.

<sup>96</sup> S. [403.067\(6\)\(b\)](#), F.S.

<sup>97</sup> Office of Economic & Demographic Research, *Annual Assessment of Florida’s Water Resources: Quality*, p. 5 (2024 Edition), [http://edr.state.fl.us/Content/natural-resources/2023 AnnualAssessmentWaterResources Chapter4.pdf](http://edr.state.fl.us/Content/natural-resources/2023%20AnnualAssessmentWaterResources%20Chapter4.pdf) (last visited May 2, 2025).

<sup>98</sup> S. [403.067\(6\)\(c\)](#), F.S.

<sup>99</sup> S. [403.067\(7\)\(a\)1.](#), F.S.

<sup>100</sup> DEP, Division of Environmental Assessment and Restoration, *Guidance on Developing Restoration Plans as Alternatives to TMDLs – Assessment Category 4b and 4e Plans*, p. 2 (June 2015) <https://floridadep.gov/sites/default/files/4b4ePlansGuidance.pdf> (last visited May 2, 2025).

- or other entity for each listed project, if applicable; and
- A planning-level estimate of each listed project's expected load reduction, if applicable.<sup>101</sup>

BMAPs must include 5-year milestones for implementation and water quality improvement, as well as a water quality monitoring component to evaluate whether reasonable progress is being achieved over time.<sup>102</sup> An assessment of progress must be conducted every 5 years, and revisions to the BMAP must be made as appropriate.<sup>103</sup>

### ***Best Management Practices***

A [best management practice](#) (BMP) is a means, practice or combination of practices determined by the coordinating agencies, that is based on research, field testing and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges.<sup>104</sup> BMPs for agricultural discharges must reflect a balance between water quality improvements and agricultural productivity.<sup>105</sup>

Categories of practices include:

- Nutrient management to determine nutrient needs and sources and manage nutrient applications to minimize impacts to water resources.
- Irrigation management to address the method and scheduling of irrigation to reduce water and nutrient losses to the environment.
- Water resource protection using buffers, setbacks and swales to reduce or prevent the transport of sediments and nutrients from production areas to water bodies.<sup>106</sup>

DACS' Office of Agricultural Water Policy (Office) develops and adopts BMPs by rule for different types of agricultural commodities.<sup>107</sup> Through the implementation of applicable BMPs adopted by DACS, agricultural producers in Florida reduce their impacts to water quality.<sup>108</sup> At least every 2 years, DACS must perform onsite inspections of each agricultural producer that enrolls in a BMP to ensure that such practice is being properly implemented.<sup>109</sup> Such verification must include a collection and review of the BMP documentation from the previous 2 years required by rule, including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained.<sup>110</sup>

### **Safe Drinking Water Act**

The federal [Safe Drinking Water Act](#)<sup>111</sup> (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply.<sup>112</sup> The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources, such as rivers, lakes, reservoirs, springs, and ground water wells.<sup>113</sup> However, the SDWA does not regulate private wells which serve fewer than 25 individuals. The SDWA authorizes the U.S. Environmental Protection Agency (EPA) to set national health-based standards for drinking

<sup>101</sup> S. [403.067\(7\)\(a\)4., F.S.](#)

<sup>102</sup> S. [403.067\(7\)\(a\)6., F.S.](#)

<sup>103</sup> *Id.*

<sup>104</sup> S. [403.4595\(2\)\(a\), F.S.](#)

<sup>105</sup> *Id.*

<sup>106</sup> DACS, *Agricultural Best Management Practices*, <https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices> (last visited May 2, 2025).

<sup>107</sup> *Id.*

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

<sup>109</sup> S. [403.607\(7\)\(d\)3., F.S.](#)

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

<sup>111</sup> 42 U.S.C. § 300f et seq.

<sup>112</sup> U.S. Environmental Protection Agency (EPA), *Overview of the Safe Drinking Water Act* (Jan. 2025), <https://www.epa.gov/sdwa/overview-safe-drinking-water-act> (last visited May 2, 2025).

<sup>113</sup> 42 U.S.C. § 300f(4)(C). See also EPA, *Overview of the Safe Drinking Water Act* (Jan. 2025), <https://www.epa.gov/sdwa/overview-safe-drinking-water-act> (last visited May 2, 2025).

water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water.<sup>114</sup>

Originally, the EPA primarily enforced compliance with the SDWA, but now the EPA primarily oversees the state programs approved to take its place.<sup>115</sup> The SWDA requires all states to adopt all new and revised regulations under the SWDA.<sup>116</sup> Florida's codification of the SWDA can be found in ch. 403, F.S. In Florida, DEP is the primary agency for enforcing compliance with the SDWA.<sup>117</sup> However, the Florida Department of Health oversees SDWA programs in six Florida counties, which include Hillsborough, Miami-Dade, Palm Beach, Polk, Sarasota, and Volusia.<sup>118</sup>

## ***Water Treatment***

Water utilities often use a series of water treatment steps to remove harmful germs and chemicals and meet safety standards, which ensures the tap water in a community is safe to drink.<sup>119</sup> Different utilities will use different treatment steps depending on the initial quality of the water being treated.<sup>120</sup> Typically, the water treatment steps are, in this order, coagulation, flocculation, sedimentation, filtration, and disinfection.<sup>121</sup> Water treatment plants commonly adjust water pH after the disinfection step.<sup>122</sup> Adjusting the pH improves taste, reduces corrosion (breakdown) of pipes, and helps chemical disinfectants continue killing germs as the water travels through pipes.<sup>123</sup>

## ***Fluoride in Drinking Water***

In addition to adjusting water pH, water treatment plans also add fluoride to the water after the disinfection step in the water treatment process.<sup>124</sup> Almost all water contains some naturally occurring fluoride, but usually at levels too low to prevent cavities.<sup>125</sup> The recommended fluoride concentration in drinking water, also called the optimal level, is 0.7 milligrams of fluoride per liter of water.<sup>126</sup> Tooth decay is one of the most common health problems affecting children today.<sup>127</sup> Studies show that widespread community water fluoridation can help prevent cavities and save money, both for families and the health care system.<sup>128</sup> In fact, drinking fluoridated water reduces cavities by about 25% in children and adults.<sup>129</sup>

## **Pest Control and Pesticide Licensing and Certification**

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

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<sup>114</sup> EPA, *supra* note 112.

<sup>115</sup> Olexa, Michael T., Borisova, Caracciolo, *2021 Handbook of Florida Water Regulation: Safe Drinking Water Act* (June 21, 2021), p. University of Florida Institute of Food and Agricultural Sciences: Publication #FE587, <https://edis.ifas.ufl.edu/publication/FE587> (last visited May 2, 2025).

<sup>116</sup> *Id.*

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

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

<sup>119</sup> U.S. Centers for Disease Control and Prevention (CDC), *Drinking Water: How Water Treatment Works*, <https://www.cdc.gov/drinking-water/about/how-water-treatment-works.html> (last visited May 2, 2025).

<sup>120</sup> *Id.*

<sup>121</sup> For more information on the different steps in the water treatment process, see CDC, *supra* note 119.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> CDC, *About Community Water Fluoridation*, [https://www.cdc.gov/fluoridation/about/index.html#cdc\\_health\\_safety\\_special\\_topic\\_how-how-it-works](https://www.cdc.gov/fluoridation/about/index.html#cdc_health_safety_special_topic_how-how-it-works) (last visited May 2, 2025).

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

<sup>126</sup> *Id.*

<sup>127</sup> Medical News Today, *Why do we have fluoride in our water?* (Feb. 21 2018), <https://www.medicalnewstoday.com/articles/154164#uses> (last visited May 2, 2025).

<sup>128</sup> CDC, *supra* note 124.

<sup>129</sup> CDC, *Community Water Fluoridation Fast Facts*, [https://www.cdc.gov/fluoridation/about/index.html#cdc\\_health\\_safety\\_special\\_topic\\_how-how-it-works](https://www.cdc.gov/fluoridation/about/index.html#cdc_health_safety_special_topic_how-how-it-works) (last visited May 2, 2025).

pest control business location must:

- Be licensed by DACS;
- Carry the required insurance coverage (\$250,000 per person and \$500,000 per occurrence for bodily injury and \$250,000 per occurrence and \$500,000 in the aggregate for property damage, or a combined single limit coverage of \$500,000 in the aggregate); and
- Employ full-time a Florida-certified operator in charge of the pest control operations of the business location. This operator must be certified in the categories in which the business operates, which may include one or more of the following:
  - General Household Pest and Rodent Control.
  - Termite and Other Wood-Destroying Organisms Control.
  - Lawn and Ornamental Pest Control.
  - Fumigation.<sup>130</sup>

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

A company's pest control operations are the responsibility of the certified operator in charge and the business operations are limited to the category (or categories) of certification possessed by the operator (or operators) in charge at the business location.<sup>131</sup>

DACS also administers four Limited Certification Categories:

- Commercial Landscape Maintenance applicators.
- Governmental or Private applicators.
- Commercial Urban Fertilizer applicators.
- Commercial Wildlife Management.<sup>132</sup>

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

DACS also administers the Florida Pesticide Law<sup>133</sup> (FPL) for purposes of regulating the distribution, sale, and use of pesticides in the state. Among other things, the FPL requires that each brand of pesticide distributed or sold in the state must be registered with DACS.<sup>134</sup> The FPL also requires DACS to issue certified applicator licenses for public, private, commercial, and specially designated classes of restricted-use pesticide<sup>135</sup> applicators, subject to examination by DACS.<sup>136</sup> DACS is authorized to impose specified penalties for violations of the FPL.<sup>137</sup>

### **Solicitation of Contributions Act**

Organizations intending to solicit donations in Florida are required to register with DACS pursuant to the Solicitation of Contributions Act (SCA).<sup>138</sup> The SCA contains basic registration, financial disclosure, and notification

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<sup>130</sup> DACS, Pest Control Licensing and Certification, <https://www.fdacs.gov/Business-Services/Pest-Control/Licensing-and-Certification> (last visited May 2, 2025).

<sup>131</sup> DACS, Pest Control FAQ, <https://www.fdacs.gov/Business-Services/Pest-Control/Pest-Control-FAQ> (last visited May 2, 2025).

<sup>132</sup> DACS, *supra* note 130.

<sup>133</sup> Part I, ch. 487, F.S.

<sup>134</sup> S. 487.031, F.S.

<sup>135</sup> As defined for purposes of the Florida Pesticide Law, "[r]estricted-use pesticide" means a pesticide which, when applied in accordance with its directions for use, warnings, and cautions and for uses for which it is registered or for one or more such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, or injury to the applicator or other persons, and which has been classified as a restricted-use pesticide by the department or the administrator of the ... [EPA]."

<sup>136</sup> S. 487.0435, F.S., and s. 487.044, F.S.

<sup>137</sup> S. 487.175, F.S.

<sup>138</sup> S. 496.401, F.S.

requirements for charitable organizations<sup>139</sup> and sponsors,<sup>140</sup> fundraising consultants, and solicitors.

Charitable organizations must submit an [initial registration statement](#) to DACS and include a financial report, a statement of the purpose of the charity, how donations will be used, names of individuals in charge of solicitation activities, and proof of federal tax-exempt status. The charity must also identify any professional solicitors and fundraising consultants the charity will use, along with the terms of the arrangements for compensation to be paid to the consultant and solicitor.<sup>141</sup>

The registration must include a statement related to the charity's activities in other states, including whether the charity is authorized to operate in another state; whether the charity's registration has been denied, suspended, or revoked in another state; and whether the charity or any person associated with the charity has been subject to any adverse administrative actions or criminal convictions in any state.<sup>142</sup>

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

- A balance sheet;
- A statement of support, revenue and expenses;
- Names and addresses of any charities, professional fundraising consultants, professional solicitors, and commercial co-ventures used and the amounts received from each of them; and
- A statement of functional expenses that must include program service costs, management and general costs, and fundraising costs.<sup>143</sup>

Anyone who willfully violates the SCA commits a third-degree felony<sup>144</sup> and, for any subsequent violation, a second-degree felony.<sup>145</sup> Additionally, DACS may enter an order imposing a range of administrative penalties, including imposing an administrative fine up to \$5,000 for each act or omission as well as a fine up to \$10,000 for any violation that involves fraud or deception.<sup>146</sup>

## **Florida Food Safety Act**

The Florida Food Safety Act<sup>147</sup> (FFS Act) is intended to “safeguard the public health and promote the public welfare by protecting the consuming public from injury by product use and the purchasing public from injury by merchandising deceit, flowing from intrastate commerce in food.”<sup>148</sup> DACS administers and enforces compliance with the FFS Act “in order to prevent fraud, harm, adulteration, misbranding, or false advertising in the preparation, manufacture, storage, or sale of articles of food.”<sup>149</sup> DACS is also charged with enforcing compliance with the FFS Act as it relates to “the production, manufacture, transportation, storage, and sale of food, as well as

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<sup>139</sup> Charitable organization means a person who is or holds herself or himself out to be established for any benevolent, educational, philanthropic, humane, scientific, artistic, patriotic, social welfare or advocacy, public health, environmental conservation, civic, or other eleemosynary purpose, or a person who in any manner employs a charitable appeal as the basis for any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. The term includes a chapter, branch, area office, or similar affiliate soliciting contributions within the state for a charitable organization that has its principal place of business outside the state. S. [496.404\(1\), F.S.](#)

<sup>140</sup> A sponsor is a group or person who is, or holds itself out to be, soliciting contributions by the use of a name that implies that the group or person is in any way affiliated with, or organized for the benefit of, emergency service employees or law enforcement officers and the group or person is not a charitable organization. The term includes a chapter, branch, or affiliate that has its principal place of business outside the state if the chapter, branch, or affiliate solicits or holds itself out to be soliciting contributions in the state. S. [496.404\(25\), F.S.](#)

<sup>141</sup> S. [496.405\(2\), F.S.](#)

<sup>142</sup> *Id.*

<sup>143</sup> S. [496.407\(1\), F.S.](#)

<sup>144</sup> A third-degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Ss. [775.082, F.S.](#) and [775.083, F.S.](#)

<sup>145</sup> A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Ss. [775.082](#) and [775.083, F.S.](#)

<sup>146</sup> S. [496.419, F.S.](#)

<sup>147</sup> Ch. 500, F.S.

<sup>148</sup> S. [500.02\(1\), F.S.](#)

<sup>149</sup> S. [500.032\(1\), F.S.](#)

articles entering into, and intended for use as ingredients in the preparation of, food.”<sup>150</sup>

The FFS Act regulates the state’s [cottage food](#)<sup>151</sup> industry, and provides that the regulation of cottage food operations<sup>152</sup> is preempted to the state.<sup>153</sup> Under the FFS Act, a cottage food operation is exempt from the FFS Act’s permitting requirements if the cottage food operation complies with the FFS Act and has annual gross sales of cottage food products that do not exceed \$250,000.<sup>154</sup> In Florida, a cottage food operation may only sell cottage food products which are packaged with a label affixed that contains the following information:

- The name and address of the cottage food operation.
- The name of the cottage food product.
- The ingredients of the cottage food product, in descending order of predominance by weight.
- The net weight or net volume of the cottage food product.
- Allergen information as specified by federal labeling requirements.
- If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.
- The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: “Made in a cottage food operation that is not subject to Florida’s food safety regulations.”<sup>155</sup>

Under the FFS Act, a [food permit](#) issued by DACS is required of any person who operates a food establishment in the state, unless an exemption applies.<sup>156</sup> In fact, a food permit must be applied for and received before any operation may begin at a food establishment.<sup>157</sup> An application for a permit from DACS must be accompanied by a fee in an amount determined by DACS rule.<sup>158</sup> 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.<sup>159</sup> 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.<sup>160</sup>

For purposes of enforcing the FFS Act, current law requires carriers engaged in interstate commerce and persons receiving food in interstate commerce, upon request by a DACS officer or employee, to permit the officer or employee to have access to and to copy [all records](#) showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.<sup>161</sup>

Under the FFS Act, when DACS or its duly authorized agent [finds or has probable cause to believe](#) that any food, food processing equipment, food processing area, or food storage area is in violation of the FFS Act or any rule adopted thereunder so as to be dangerous, unwholesome, mislabeled, fraudulent, or unsanitary, a DACS agent may issue and enforce a stop-sale, stop-use, removal, or hold order.<sup>162</sup> The order must give notice that the article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed, and must warn all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is

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

<sup>151</sup> Cottage food is food that is not a potentially hazardous food, as defined by DACS rule, which is sold by a cottage food operation. S. [500.03\(1\)\(j\), F.S.](#)

<sup>152</sup> A cottage food operation means a natural person or entity that produces or packages cottage food products at the residence of the natural person or at the residence of a natural person who has an ownership interest in the entity and sells such products in accordance with [s. 500.80, F.S.](#) S. [500.03\(1\)\(i\), F.S.](#)

<sup>153</sup> S. [500.80\(6\), F.S.](#)

<sup>154</sup> S. [500.80\(1\)\(a\), F.S.](#)

<sup>155</sup> S. [500.80\(3\), F.S.](#)

<sup>156</sup> S. [500.12\(1\)\(a\), F.S.](#)

<sup>157</sup> S. [500.12\(1\)\(b\), F.S.](#)

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

<sup>159</sup> S. [500.12\(1\)\(b\)1., F.S.](#)

<sup>160</sup> S. [500.12\(1\)\(b\)2., F.S.](#)

<sup>161</sup> S. [500.166, F.S.](#)

<sup>162</sup> S. [500.172\(1\), F.S.](#)

given by DACS or the court.<sup>163</sup> 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.<sup>164</sup>

## ***Legal Status of Psilocybin in Florida***

[Psilocybin](#), also known as “magic mushrooms,” are naturally occurring and consumed for their hallucinogenic effects.<sup>165</sup> Under Florida law, psilocybin and psilocyn<sup>166</sup> is currently classified as a Schedule I substance.<sup>167</sup> Possession of psilocybin in Florida is a third-degree felony. Certain mushroom spores and mycelium, which is a type of fungi, can be propagated and grown into mushrooms that have psilocybin properties. But the spores do not contain any psilocybin properties themselves and therefore could be considered legal under current law.<sup>168</sup>

## ***Plant-Based Products Labeled as “Milk,” “Meat,” or “Poultry”***

There has been an increase in availability in the marketplace and consumption of [plant-based milk alternatives](#):

- In 2010, one-fifth of U.S. households purchased or consumed plant-based milk alternatives.
- By 2016, one-third of U.S. households purchased plant-based milk alternatives, totaling \$1.5 billion in sales that year.
- From 2017 to 2019, sales of plant-based milk alternatives increased nearly 15 percent reaching \$2 billion.
- In 2020, retail sales continued to increase, rising to approximately \$2.4 billion.<sup>169</sup>

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

- “[Milk](#)” is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultra pasteurized, and shall contain not less than 81/4 percent milk solids not fat and not less than 31/4 percent milkfat. Milk may have been adjusted by separating part of the milkfat therefrom, or by adding thereto cream, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk. Milk may be homogenized.<sup>170</sup>
- “[Meat](#)” means the part of the muscle of any cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, diaphragm, heart, or esophagus, with or without the accompanying and overlying fat, and the portions of bone (in bone-in product such as T-bone or porterhouse steak), skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and that are not separated from it in the process of dressing.<sup>171</sup>
- “[Poultry](#)” means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs, also termed young pigeons from one to about thirty days of age), whether live or dead.<sup>172</sup>
- “[Poultry product](#)” means:
  - Any poultry carcass or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, except those exempted from the definition of a poultry product in 9 U.S.C. § 381.15. (Additionally, unless an exception under 9 U.S.C. § 381.1(b)(42) applies, this term is limited to articles capable of use as human food.)
  - If referring to a “[poultry food product](#),” any product capable of use as human food which is made in part from any poultry carcass or part thereof, except those exempted from the definition of a

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<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> Alcohol and Drug Foundation, *Psilocybin* (Mar. 7, 2025), <https://adf.org.au/drug-facts/psilocybin/> (last visited May 2, 2025).

<sup>166</sup> *Id.* When psilocybin is taken, it is converted in the body to psilocin, which is a chemical with psychoactive properties.

<sup>167</sup> [S. 893.03\(1\)33., 34, F.S.](#)

<sup>168</sup> Freeman, S., and Chandler, N. *How Magic Mushrooms Work*, <https://science.howstuffworks.com/magic-mushroom.htm> (last visited May 2, 2025).

<sup>169</sup> U.S. Food and Drug Administration, *Labeling of Plant-Based Milk Alternatives and Voluntary Nutrient Statements: Guidance for Industry* (Feb. 2023), p. 4, <https://www.fda.gov/media/165420/download> (last visited May 2, 2025).

<sup>170</sup> 21 C.F.R. § 31.110

<sup>171</sup> 9 C.F.R. § 301.2

<sup>172</sup> 9 C.F.R. § 381.1(b).

poultry product in 9 U.S.C. § 381.15.<sup>173</sup>

- “[Egg](#)” means the shell egg of a domesticated chicken, turkey, duck, goose, or guinea.<sup>174</sup>
- “[Egg product](#)” means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the U.S. Secretary of Agriculture (Secretary), considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he or she may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.<sup>175</sup>

## **Consumer Unit Pricing Act**

The purposes of Florida’s [Consumer Unit Pricing Act](#) (CUP Act) include:

- Protecting the interests of consumers and encourage constructive and useful competition in the sale of consumer commodities.
- Encouraging, to the extent that it will facilitate the consumer’s choice of consumer commodities, the development and use of a method of unit pricing for consumer commodities.
- Prohibiting the use of unit pricing of consumer commodities when it would tend to mislead or deceive consumers.<sup>176</sup>

DACS has the authority, duty and responsibility of administering and enforcing the CUP Act.<sup>177</sup> Under the CUP Act, the price of all consumer commodities offered for sale or sold by a seller shall be expressed as the price per approved unit of quantity.<sup>178</sup> The CUP Act requires a seller to conspicuously and clearly display the price per package or unit and the unit price in close proximity to the display of the commodity in such manner as may be established by DACS rule.<sup>179</sup> Any person who offers for sale, or sells, any consumer commodity in violation of the CUP Act is guilty of a second-degree misdemeanor.<sup>180</sup>

## **Veterinary Pathology**

[Veterinary pathologists](#) work in animal disease surveillance, prevention, diagnosis and treatment.<sup>181</sup> They investigate disease (in both humans and animals), conduct research, and develop medicines. They play a key role in the development of safe and effective medicines, agrochemicals and chemicals, and contribute to animal conservation and protection.<sup>182</sup>

Veterinary pathologists work in academic and government research institutions, public and private diagnostic labs (including those at zoos), government regulatory agencies (such as the U.S. Food and Drug Administration, U.S. Department of Agriculture, U.S. Centers for Disease Control and Prevention, and U.S. Environmental Protection Agency), industry (pharmaceutical and biotech companies, chemical companies, contract research organizations), and in the military (U.S. Army Veterinary Corps and Joint Pathology Center).<sup>183</sup>

## **Procurement of Contracts by State Agencies**

The Department of Management Services (DMS) has the power and duty to canvass all sources of supply and

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<sup>173</sup> *Id.*

<sup>174</sup> 21 U.S.C. § 1033(g).

<sup>175</sup> 21 U.S.C. § 1033(f).

<sup>176</sup> S. [501.135\(2\)\(a\)-\(c\), F.S.](#)

<sup>177</sup> S. [501.135\(4\), F.S.](#)

<sup>178</sup> S. [501.135\(5\)\(a\), F.S.](#)

<sup>179</sup> S. [501.135\(6\), F.S.](#)

<sup>180</sup> S. [501.135\(7\), F.S.](#)

<sup>181</sup> The Royal College of Pathologists, *Become a Veterinary Pathologist*, <https://www.rcpath.org/discover-pathology/careers-in-pathology/become-a-veterinary-pathologist.html> (last visited May 2, 2025).

<sup>182</sup> *Id.*

<sup>183</sup> American College of Veterinary Pathologists, *What is Veterinary Pathology?* <https://www.acvp.org/page/What-is-Vet-Path> (last visited May 2, 2025).

contract for the purchase, lease, or acquisition of all commodities and contractual services required by state agencies<sup>184</sup> under ch. 287, F.S.<sup>185</sup> DMS may remove from its vendor list any source of supply which fails to fulfill any of its duties specified in a contract with the state, and may reinstate any such source of supply when DMS is satisfied that further instances of default will not occur.<sup>186</sup> DMS also has the power and duty to:

- Establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by state agencies in acquiring commodities and contractual services.<sup>187</sup>
- Govern the purchase by any agency of any commodity or contractual service and to establish standards and specifications for any commodity.<sup>188</sup>
- Require that every agency furnish information relative to its commodity and contractual services purchases and methods of purchasing commodities and contractual services to DMS when so requested.<sup>189</sup>
- Prepare statistical data concerning the method of procurement, terms, usage, and disposition of commodities and contractual services by agencies.<sup>190</sup>

## **Boll Weevil Eradication**

In the late 1800s, a small beetle native to Central or South America entered the United States near Brownsville, Texas and spread rapidly across the country's cotton growing regions. By the 1920s, *Anthonomus grandis*, the boll weevil, was causing more economic damage than any agricultural pest in U.S. history.<sup>191</sup> For much of the 20th century, the boll weevil caused tens of millions of dollars in damage to cotton producers, reduced land values, and greatly disrupted local economies.<sup>192</sup> The ubiquitous boll weevil adapted to several efforts by man to control it, including the use of arsenic and DDT as pesticides, and worked its way into American culture through folk music<sup>193</sup> and an Alabama monument.<sup>194</sup>

In the late 1970s, the National Boll Weevil Eradication Program was launched by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service along the Virginia-North Carolina border. The program later expanded into other Southeastern states then westward.<sup>195</sup> In 1987, the Florida Legislature passed the Florida Boll Weevil Eradication Law, empowering DACS to lead the state's efforts to contain the pests and protect cotton crops.<sup>196</sup>

It worked. Through a combination of strategies, including pheromone traps in the spring, hand picking infected cotton buds during the growing season, plowing under the cotton stalks after harvest, and low levels of pesticides

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<sup>184</sup> Agency means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government; the term, however, does not include the university and college boards of trustees or the state universities and colleges. S. [287.102\(1\), F.S.](#)

<sup>185</sup> Chapter 287, F.S., relates to the procurement of commodities and contractual services for state agencies. S. [287.001, F.S.](#) See also S. [287.042\(1\)\(a\), F.S.](#)

<sup>186</sup> S. [287.042\(1\)\(b\), F.S.](#)

<sup>187</sup> S. [287.042\(3\), F.S.](#)

<sup>188</sup> Except for the purchase of insurance, DMS may delegate to agencies the authority for the procurement of and contracting for commodities or contractual services. S. [287.042\(6\)\(a\)-\(b\), F.S.](#)

<sup>189</sup> S. [287.042\(9\), F.S.](#)

<sup>190</sup> All agencies must furnish such information to DMS' Office of Supplier Diversity (Office) and to DMS, as DMS or the Office may call for, but no less frequently than annually, on such forms or in such manner as DMS may prescribe. S. [287.042\(10\), F.S.](#)

<sup>191</sup> Stephanie Hall, *The Life and Times of Boll Weevil*, Library of Congress Blogs, Folklife Today (Dec. 11, 2013), <https://blogs.loc.gov/folklife/2013/12/the-life-and-times-of-boll-weevil/> (last visited May 2, 2025).

<sup>192</sup> USDA Animal and Plant Health Inspection Service, *Cotton Pests*, <https://www.aphis.usda.gov/plant-pests-diseases/cotton-pests> (last visited May 2, 2025).

<sup>193</sup> Buster "Bus" Ezell's 1941 classic, *The Boll Weevil*, starts: "The first time I saw Boll Weevil, He was sitting on a cotton square. The next time I saw Boll Weevil, He had his whole family there." The full recording can be found on the Library of Congress website at <https://www.loc.gov/item/ftvbib000046/?locrl=blogflt> (last visited May 2, 2025). See also note 43.

<sup>194</sup> In December 1919, the City of Enterprise, Alabama, in response to the successful conversion of agricultural production in the area from cotton to peanuts and other crops, raised a monument to the boll weevil and holds an annual Boll Weevil Fall Festival. Hall, *supra* note 191.

<sup>195</sup> National Cotton Council of America, *History of the Eradication Program*, <https://www.cotton.org/tech/pest/bollweevil/eradication2.cfm> (last visited May 2, 2025)..

<sup>196</sup> Ch. 87-55, Laws of Fla., codified at Part I of Chapter 593, F.S.

in the fall, boll weevils have been eradicated in all states except Texas. Cotton can now be grown in many areas with little or no need for pesticides, and the National Boll Weevil Eradication Program is considered one of the greatest success stories of American agriculture.<sup>197</sup>

### **Backup Power Requirements for Motor Fuel Retail Outlets**

Certain motor fuel retail outlets<sup>198</sup> in Florida that are located within one-half mile of an interstate highway or a state or federally designated evacuation route must be prewired with an appropriate transfer switch and be capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternate generated power source.<sup>199</sup> This requirement applies to each motor fuel retail outlet:

- Located in a county having a population of 300,000 or more and which has 16 or more fueling positions.
- Located in a county having a population of 100,000 or more, but fewer than 300,000, and which has 12 or more fueling positions.
- Located in a county having a population of fewer than 100,000 and which has eight or more fueling positions.<sup>200</sup>

Each retail outlet subject to these requirements must keep documentation of these installations on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.<sup>201</sup>

Further, each newly constructed or substantially renovated<sup>202</sup> motor fuel retail outlet for which a certificate of occupancy is issued on or after July 1, 2006, must be prewired with an appropriate transfer switch and capable of operating all fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternate generated power source. As used in this subsection, the term “substantially renovated” means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet.

### **Packaging Information**

DACS’ Bureau of Standards is responsible for establishing standards of weight, measure, or count and reasonable standards of fill<sup>203</sup> for any commodity in package form, as necessary.<sup>204</sup> Any package that is one of a lot containing random weights of the same commodity and bearing the total selling price of the package must bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.<sup>205</sup> Further, when a packaged commodity is advertised in any manner with the retail price stated, there must be closely and conspicuously associated with the retail price a declaration of quantity as required by law or rule to appear on the package.<sup>206</sup>

### **Regulation of Antifreeze**

Under current law, DACS administers the Antifreeze Act of 1978. This Act requires that each brand of antifreeze

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<sup>197</sup> National Cotton Council of America, *supra* note 195; Hall, *supra* note 191.

<sup>198</sup> A “motor fuel retail outlet” is a facility where motor fuel is offered for sale at retail to the motoring public. S. [526.303\(14\), F.S.](#) “Motor fuel” means any petroleum product, including any special fuel, which is used for the propulsion of motor vehicles. S. [526.303\(5\), F.S.](#)

<sup>199</sup> S. [526.143\(3\), F.S.](#)

<sup>200</sup> *Id.*

<sup>201</sup> *Id.*

<sup>202</sup> The term “substantially renovated” means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. S. [526.143\(2\), F.S.](#)

<sup>203</sup> A “standard of fill” refers to the amount of liquid in a container rather than the size or capacity of the container itself.

<sup>204</sup> S. [531.41\(4\), F.S.](#)

<sup>205</sup> S. [531.48, F.S.](#)

<sup>206</sup> S. [531.49, F.S.](#)

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

As defined for purpose of DACS' regulation, "[antifreeze](#)" means any substance or preparation, that is sold, distributed, or intended for use as the cooling liquid in the cooling system of internal combustion engines of motor vehicles to preventing freezing or to raise the boiling point of water for the prevention of engine overheating.<sup>207</sup>

### **Regulation of Electric Vehicle Charging Stations**

Regulation of electric vehicle charging stations is preempted to the state. Local governments are prohibited from enacting or enforcing an ordinance or regulation related to these charging stations. The law requires DACS to adopt rules to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.<sup>208</sup>

### **Minstrel Shows**

Florida has an antiquated law that requires each person who operates any traveling show, exhibition, amusement enterprise, carnival, **minstrel**, rodeo, or other show or amusement, within the grounds of any annual public fair to pay license taxes provided by law.<sup>209</sup>

### **Dual Oversight over Financial Institutions**

To accept deposits, an institution must have a federal or state charter. Banks are chartered and regulated as national banks under the authority of the Office of the Comptroller of the Currency within the U.S. Department of the Treasury or as state banks under the authority of a state regulator.<sup>210</sup>

Due to federal preemption, a state's regulatory authority over federally chartered institutions is limited. Once a financial institution obtains a charter, the regulator's primary task is to ensure solvency. The regulator accomplishes this by conducting financial exams of its licensed entities. Financial institutions also need approval from their regulator to make changes in their upper management, merge with another company, pay dividends to shareholders, engage in material transactions with subsidiaries and affiliates, or make significant changes to their business operations.<sup>211</sup>

Banks chartered in Florida must become a member of the Federal Reserve or obtain insurance from the Federal Deposit Insurance Corporation.<sup>212</sup> Credit Unions chartered in Florida must insure their accounts by becoming a member of the National Credit Union Administration.<sup>213</sup> Thus, state-chartered banks and credit unions are subject to a dual-regulatory system.

### **Financial Institutions Codes**

Florida's Financial Institutions Codes (Codes) are codified under Title XXXVIII of the Florida Statutes. A primary purpose of the Codes is to provide for and promote the safe and sound conduct of the financial services industry in

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<sup>207</sup> S. [501.912, F.S.](#)

<sup>208</sup> S. [366.94, F.S.](#)

<sup>209</sup> S. [616.12\(1\), F.S.](#)

<sup>210</sup> Congressional Research Service, *Introduction to Financial Services: Banking*, January 5, 2023, <https://crsreports.congress.gov/product/pdf/IF/IF10035> (last visited May 2, 2025).

<sup>211</sup> For a detailed discussion of the regulatory framework, see, Congressional Research Service, *Who Regulates Whom? An Overview of the U.S. Financial Regulatory Framework*, March 10, 2020, <https://crsreports.congress.gov/product/pdf/R/R44918/7> (last visited May 2, 2025). Also see ss. [655.037](#), [655.0385](#), [655.0386](#), [655.03855](#), and [655.412, F.S.](#)

<sup>212</sup> Ss. [s. 658.22, F.S.](#) and [658.38, F.S.](#)

<sup>213</sup> Ss. [s. 657.005, F.S.](#) and [657.008, F.S.](#)

Florida.<sup>214</sup> The Codes apply to all state-authorized and state-chartered financial institutions and to the enforcement of all laws relating to state-authorized and state-chartered financial institutions.<sup>215</sup> The Codes define the term “[financial institution](#)” as a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, and certain other corporations.<sup>216</sup>

## **Office of Financial Regulation**

The [Office of Financial Regulation](#) (OFR) is the regulatory authority for Florida’s financial services industry.<sup>217</sup> OFR reports to the Financial Services Commission (Commission) which is made up of the Governor and the members of the Florida Cabinet: the Chief Financial Officer, Attorney General, and Agriculture Commissioner.<sup>218</sup> OFR enforces and administers the Codes; is responsible for supervising banks, credit unions, savings associations, and international bank agencies; and licenses and regulates non-depository finance companies and the securities industry.<sup>219</sup>

OFR must examine the condition of each state-chartered financial institution at least every 18 months, and may conduct more frequent examinations as needed, based on risks associated with a licensee, like prior examination results or significant operational changes.<sup>220</sup> When a state-chartered financial institution also has a federal regulator, OFR may accept an examination performed by the federal regulator or the regulators may conduct a joint examination.<sup>221</sup>

## **Unsafe and Unsound Practices**

The Codes require financial institutions to make determinations about the provision or denial of services based on an analysis of risk factors unique to each current or prospective customer or member.<sup>222</sup> Financial institutions are prohibited from engaging in an unsafe and unsound practice, which means a financial institution may not deny, cancel, suspend, or terminate its services to a person, or to otherwise discriminate against a person in making available such services, on the basis of:<sup>223</sup>

- The person’s political opinions, speech, or affiliations;
- Except as otherwise provided, the person’s religious beliefs, religious exercise, or religious affiliations;
- Any factor if it is not a quantitative, impartial, and risk-based standard, including any such factor related to the person’s business sector; or
- The use of any rating, scoring, analysis, tabulation, or action that considers a social credit score based on factors including, but not limited to, certain environmental, social, and governance factors.<sup>224</sup>

Engaging in an unsafe or unsound practice is a violation of the Codes and subjects the violator to sanctions and penalties provided in the Codes.<sup>225</sup> Such acts also constitute a violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), which codifies laws relating to the protection of consumers from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair practices in commerce.<sup>226</sup> A financial

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<sup>214</sup> S. [655.001\(2\), F.S.](#)

<sup>215</sup> S. [655.001\(1\), F.S.](#)

<sup>216</sup> S. [655.005\(1\)\(i\), F.S.](#)

<sup>217</sup> Florida Office of Financial Regulation, *About Our Agency*, <https://flofr.gov/sitePages/AboutOFR.htm> (last visited May 2, 2025).

<sup>218</sup> *Id.*

<sup>219</sup> Florida Dep’t of Financial Services, *Financial Services Commission*, <https://www.myfloridacfo.com/about/about-dfs/commission> (last visited May 2, 2025). See also, S. [655.012, F.S.](#)

<sup>220</sup> S. [655.045\(1\), F.S.](#)

<sup>221</sup> S. [655.045\(1\)\(a\), F.S.](#)

<sup>222</sup> S. [655.0323\(1\), F.S.](#)

<sup>223</sup> S. [655.0323\(2\), F.S.](#)

<sup>224</sup> See S. [655.0323\(2\)\(d\)1-8., F.S.](#), for a list of such factors.

<sup>225</sup> S. [655.0323\(4\), F.S.](#)

<sup>226</sup> S. [501.202\(2\), F.S.](#)

institution that engages in an unsafe or unsound practice is also subject to sanctions and penalties provided in FDUTPA.<sup>227</sup>

If a customer or member of a financial institution suspects that the institution has engaged in an unsafe or unsound practice, the aggrieved customer or member may submit a complaint to OFR within 30 days of the act that gave rise to the suspicion.<sup>228</sup> OFR must then investigate the financial institution to determine whether a violation occurred.<sup>229</sup> If OFR determines that a violation occurred, and unless otherwise prohibited by law, OFR must notify the customer or member, the financial institution, and the Department of Financial Services of the violation.<sup>230</sup>

## Firearm Licensing

DACS is statutorily authorized to issue concealed weapon and concealed firearm licenses to qualifying applicants.<sup>231</sup> For purposes of the concealed carry licensure law, “concealed weapons or concealed firearms” means a handgun, electronic weapon or device, tear gas gun, knife, or billie, but not a machine gun.<sup>232</sup>

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

- The name, address, place and date of birth, race, and occupation of the applicant;
- A color photograph of the applicant which must be taken within the preceding 30 days;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapons and firearms and is knowledgeable about the provisions in ch. 790, F.S.;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents;
- A statement that the applicant desires a concealed weapon or firearm license as a means of lawful self-defense;
- A full set of fingerprints;
- Documented proof of completion of a firearm safety and training course; and
- A nonrefundable license fee.<sup>233</sup>

The following requirements must also be met for DACS to issue a firearm license to an applicant:

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government;<sup>234</sup>
- Is 21 years of age or older;<sup>235</sup>
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her

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<sup>227</sup> S. [655.0323\(7\), F.S.](#)

<sup>228</sup> S. [655.0323\(4\), F.S.](#)

<sup>229</sup> S. [655.0323\(5\), F.S.](#)

<sup>230</sup> S. [655.0323\(5\)\(e\), F.S.](#)

<sup>231</sup> S. [790.06\(1\), F.S.](#)

<sup>232</sup> *Id.*

<sup>233</sup> S. [790.06\(4\)-\(5\) F.S.](#)

<sup>234</sup> Such consular security official must maintain diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country.

<sup>235</sup> Pursuant to [s. 790.062, F.S.](#), DACS must issue a license to carry a concealed weapon or concealed firearm to a servicemember or veteran who does not meet the 21 years of age threshold if he or she is otherwise qualified.

normal faculties are impaired;<sup>236</sup>

- Desires a legal means to carry a concealed weapon or concealed firearm for lawful self- defense;
- Demonstrates competence with a firearm;
- Has not been adjudicated an incapacitated person, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of a sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.<sup>237</sup>

DACS must, [within 90 days after receipt of the required information](#) for a firearm license application, issue the license; deny the application; or, in the event DACS receives criminal history information about the applicant with no final disposition on a crime which may disqualify the applicant, the 90-day timeframe may be suspended until receipt of the final disposition or proof of restoration of civil and firearm rights.<sup>238</sup> As the law is currently written, DACS could suspend the processing of a firearm application for an indefinite period of time under these circumstances.

DACS must:

- Revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.<sup>239</sup>
- Upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement (FDLE) and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.<sup>240</sup>
- Suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.<sup>241</sup>

## **[Fuel Theft](#)**

DACS regularly inspects petroleum distribution systems and retail gas stations to ensure fuel dispensers are working properly.<sup>242</sup> A fuel pulser is a plastic device connected to the fuel pump dispenser meter, which is within the fuel pump.<sup>243</sup> The pulser converts the mechanical movement of the fuel meter and then sends electrical pulses to control the dispenser's electronic display.<sup>244</sup> The pulsers can be replaced by an altered pulser that interrupts the

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<sup>236</sup> It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under [s. 790.151, F.S.](#), or has been deemed a habitual offender under [s. 856.011\(3\), F.S.](#), or has had two or more convictions under [s. 316.193, F.S.](#), or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted. Section [790.06\(2\), F.S.](#)

<sup>237</sup> S. [790.06\(2\), F.S.](#)

<sup>238</sup> S. [790.06\(6\)\(c\), F.S.](#)

<sup>239</sup> S. [790.06\(2\), F.S.](#)

<sup>240</sup> *Id.*

<sup>241</sup> *Id.*

<sup>242</sup> DACS, *Petroleum Inspection*, <https://www.fdacs.gov/Business-Services/Petroleum-Inspection> (last visited May 2, 2025).

<sup>243</sup> DACS, Agency Analysis of 2023 Senate Bill 1150, p. 3 (Mar. 8, 2023).

<sup>244</sup> *Id.*

electrical signal, which enables the ability to obtain large amounts of gas for a small percentage of the cost.<sup>245</sup> Florida law does not specifically address crimes committed with fuel pulsers.<sup>246</sup>

## Mail Theft

Mail theft is a federal crime that involves the unauthorized taking or destruction of mail belonging to another, which can include any mail, packages, or letters left in or near mailboxes for pickup or delivery.<sup>247</sup> The offense of stealing mail carries severe penalties under federal law, including fines and imprisonment for up to five years, or both, for each offense.<sup>248</sup> The penalties can also increase if the theft occurs under certain circumstances, such as stealing mail containing financial instruments or theft of mail committed during a natural disaster.<sup>249</sup>

In Florida, mail and package theft are typically classified as petit theft or grand theft, depending on the value of the stolen items. [Section 812.014, F.S.](#), defines theft offenses and generally categorizes the offense level based on the value of the property stolen. Whether a theft is a misdemeanor or a felony may also depend on the offender's prior history of theft convictions or the type of property stolen. The offense levels for theft crimes based on property value thresholds and general property types are classified as follows:

	Property Value	Offense Level
Grand Theft	≥ \$100,000	First Degree Felony
	≥ \$20,000, but < \$100,000	Second Degree Felony
	≥ \$10,000, but < \$20,000	Third Degree Felony
	≥ \$5,000, but < \$10,000	Third Degree Felony
	≥ \$750, but < \$5,000	Third Degree Felony
	≥ \$40, but < \$750 if taken from a dwelling or unenclosed curtilage of a dwelling	Third Degree Felony
Petit Theft	≥ \$100, but < \$750	First Degree Misdemeanor
	< \$100	Second Degree Misdemeanor

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<sup>245</sup> *Id.*

<sup>246</sup> *Id.* at 3 - 4.

<sup>247</sup> 18 U.S.C. § 1701-1710. *See also*, Hager & Schwartz, P.A., *What Happens When You Steal Mail in Florida?* (July 28, 2023), <https://www.defendyourcase.com/criminal-defense-blog/2023/july/what-happens-when-you-steal-mail-in-florida/> (last visited May 2, 2025).

<sup>248</sup> 18 U.S.C. § 1708. *See also*, Hager & Schwartz, *supra* note 247.

<sup>249</sup> Hager & Schwartz, *supra* note 247.

