

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

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

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

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BILL: CS/CS/SB 1084

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; and Senator Collins

SUBJECT: Department of Agriculture and Consumer Services

DATE: February 23, 2024      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	<u>Favorable</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>Burse</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1084 makes a number of changes to various regulatory activities of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Preempts the regulation of electric vehicle charging stations to the state and prohibits local governmental entities from enacting or enforcing such regulations.
- Provides an expiration date of the pest control operator’s certificate and amends requirements for its renewal.
- Prohibits applicants from swearing or affirming a false statement on an application for a pest control license, prohibits cheating on an examination required for licensure, and grants the department rulemaking authority to establish penalties for violations.
- Authorizes a Class “K” instructor to allow a Class “G” licensee to qualify for up to two calibers of firearms in a four hour firearm requalification class.
- Authorizes the department to appoint a tax collector to accept new, renewal, and replacement license applications on behalf of the department for licenses issued under ch. 493, F.S.
- Authorizes a tax collector appointed under s. 790.0625, F.S., to collect certain fees and provide certain services for concealed weapon or firearm licenses on behalf of the department.
- Revises certain information that charitable organizations, sponsors, professional fundraising consultants, and professional solicitors must provide to the department to include street addresses.

- Eliminates the requirement for the name and street address of each institution where banking or similar monetary transactions are done by the charitable organization or sponsor, on registration statements.
- Amends the contribution-based registration fee thresholds to remove an option related to contributions raised by non-compensated volunteers, members, officers, or permanent employees under \$50,000 in the previous year.
- Amends the charitable organizations' exemption from registration thresholds to refer to total contributions.
- Revises the information that must be displayed on certain collection receptacles to include street addresses.
- Provides that a person who solicits funds within a public transportation facility must obtain a written permit that includes street addresses and must be displayed prominently on the person's badge or insignia.
- Prohibits and creates penalties for the manufacture for sale, sale, hold or offer for sale, or distribution of cultivated meat in this state and provides it is a violation to knowingly violate this section.
- Repeals the provision that requires the Weights and Measures Act from expiring on July 1, 2025.
- Revises the information that must be provided to the department on a motor vehicle repair shop registration application and provides that the registration fee must be calculated for each location.
- Increases the threshold value of repair work which requires motor vehicle repair shops to provide a customer with a written repair estimate from \$100 to \$150.
- Increases the department's statutory authority to repair or build structures from \$250,000 to \$500,000.
- Changes the name of the Florida Agriculture Museum to the Florida Agriculture Legacy Learning Center, and makes conforming changes.
- Prohibits the willful destroying, harvesting, or selling of saw palmetto berries on private or public land without the written permission of the landowner, provides penalties for violations, and grants rulemaking authority to the department.
- Revises the definition of "hemp extract" to mean hemp containing more than trace amounts of a cannabinoid which is intended for ingestion or for inhalation but which does not contain controlled substances.
- Provides criminal penalties for trespassing on land classified as commercial agricultural property.
- Provides that a student's participation in a 4-H or Future Farmers of America (FFA) activity is an excused absence from school.

The bill has an indeterminate fiscal impact on state revenues and expenditures. See Section V., Fiscal Impact Statement.

Unless otherwise provided, the effective date of the bill is July 1, 2024.

## II. Present Situation:

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

## III. Effect of Proposed Changes:

### Electric Vehicles

#### *Present Situation*

#### Electric Vehicle Charging Stations

Consumers and fleets considering electric vehicles (EVs), including all-electric vehicles and plug-in hybrid electric vehicles (PHEVs), need access to charging equipment. For most drivers, this starts with charging at home or at fleet facilities. Charging stations at workplaces, public destinations, and along highways offer more flexible charging opportunities at commonly visited locations.<sup>1</sup>

EV charging equipment is classified based on the rate of charge:<sup>2</sup>

- Alternating Current (AC) Level 1 equipment provides charging through a common 120 volt AC outlet. Most, if not all, EVs come with a portable Level 1 cord, so no additional charging equipment is required. Level 1 chargers can take 40-50 hours to charge an all-electric vehicle from empty and five to six hours to charge a PHEV from empty.<sup>3</sup>
- AC Level 2 equipment offers charging through 240 volt (in residential applications) or 208 volt charging. As of 2022, 80 percent of public EV charging ports in the country were Level 2.<sup>4</sup> Level 2 chargers can charge an all-electric vehicle from empty in four to 10 hours and a PHEV from empty in one to two hours.<sup>5</sup>
- Direct-current (DC) fast charging equipment enables rapid charging along heavy traffic corridors at installed stations. As of 2022, more than 20 percent of public EV charging ports in the country were DC fast chargers.<sup>6</sup> DC fast charging equipment can charge an all-electric vehicle to 80 percent in 20 minutes to one hour.<sup>7</sup>

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

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<sup>1</sup> U.S. Dept. of Energy (DOE), Alternative Fuels Data Center, *Developing Infrastructure to Charge Electric Vehicles*, [https://afdc.energy.gov/fuels/electricity\\_infrastructure.html](https://afdc.energy.gov/fuels/electricity_infrastructure.html) (last visited Jan. 17, 2024).

<sup>2</sup> U.S. Environmental Protection Agency (EPA), *Plug-in Electric Vehicle Charging*, <https://www.epa.gov/greenvehicles/plug-electric-vehicle-charging-basics> (last visited Jan. 17, 2024).

<sup>3</sup> U.S. Dept. of Transportation (USDOT), *Electric Vehicle Charging Speeds*, <https://www.transportation.gov/rural/ev/toolkit/ev-basics/charging-speeds> (last visited Jan. 17, 2024).

<sup>4</sup> DOE, *supra* note 1.

<sup>5</sup> DOT *supra* note 3.

<sup>6</sup> DOE, *supra* note 1.

<sup>7</sup> DOT, *supra* note 3.

Currently, 44 of Florida's 67 counties<sup>8</sup> have 3,230 EV public charging stations offering a total of 8,981 charging ports. AC Level 2 charging ports comprise 6,793 of these ports, and DC fast charging ports comprise 2,164 of these ports.<sup>9</sup> Florida law requires the Department of Agriculture and Consumer Services (department) to adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for EV charging stations to provide consistency for consumers and the industry.<sup>10</sup>

## Preemption

The State Constitution grants local county and municipal governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are proved by general or special law.<sup>11</sup> Those counties operating under a county charter have all powers of self-government not inconsistent with general or with special law approved by the vote of the electors.<sup>12</sup> Likewise, municipalities<sup>13</sup> have those governmental, corporate, and proprietary powers enabling them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.<sup>14</sup>

There are two ways that a local government can be inconsistent with state law and therefore unconstitutional. First, a local government cannot legislate in a field if the subject area has been preempted to the state. Second, in a field where both the state and local government can legislate concurrently, a local government cannot enact an ordinance that directly conflicts with the state statute.<sup>15</sup>

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law; it cannot be implied or inferred.<sup>16</sup> In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.<sup>17</sup> Courts determining

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<sup>8</sup> Florida Department of Agriculture and Consumer Services (FDACS), Transportation, *Alternative Fueling Stations and Electric Vehicle Charging Stations*, <https://www.fdacs.gov/Business-Services/Energy/Florida-Energy-Clearinghouse/Transportation> (last visited Jan. 17, 2024).

<sup>9</sup> U.S. Dept. of Energy, Alternative Fuels Data Center (AFDC), *Alternative Fueling Station Counts by State*, <https://afdc.energy.gov/stations/states> (last visited Jan. 17, 2024).

<sup>10</sup> Section 366.94, F.S.

<sup>11</sup> Art. VIII, s. 1(f), Fla. Const.

<sup>12</sup> Art. VIII, s. 1(g), Fla. Const.

<sup>13</sup> A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term "municipality" may be used interchangeably with the terms "town," "city," and "village."

<sup>14</sup> Art. VIII, s. 2(b), Fla. Const.; *see also* section 166.021(1), F.S.

<sup>15</sup> *Orange County v. Singh*, 268 So. 3d 668, 673 (Fla. 2019) (citing *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309, 314 (Fla. 2008)); *see also* James Wolf & Sarah Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. Bar J. 92 (2009), <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Jan. 17, 2024).

<sup>16</sup> *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.*, 3 So. 3d at 1018.

<sup>17</sup> *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.<sup>18</sup>

### *Effect of Proposed Changes*

**Section 1** amends s. 366.94, F.S., to preempt the regulation of EV charging stations to the state and prohibits local governmental entities from enacting or enforcing such regulations.

## **Pest Control**

### *Present Situation*

#### **Pest Control License**

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

- Be licensed by the Florida Department of Agriculture and Consumer Services (department);
- Carry the required insurance coverage (\$250,000 per person and \$500,000 per occurrence for bodily injury, and \$250,000 per occurrence and \$500,000 in the aggregate for property damage, or a combined single limit coverage of \$500,000 in the aggregate); and
- Employ full-time a Florida-certified operator in charge of the pest control operations of the business location. This operator must be certified in the categories in which the business operates:
  - General Household Pest and Rodent Control,
  - Termite and Other Wood-Destroying Organisms Control,
  - Lawn and Ornamental Pest Control, and/or
  - Fumigation.<sup>19</sup>

The business license fee is \$300, and the fee for each employee identification card is \$10.<sup>20</sup>

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

- General Household and Rodent Control;
- Lawn and Ornamental Pest Control;
- Termite and Other Wood-Destroying Organisms Control; and
- Fumigation.<sup>21</sup>

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

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<sup>18</sup> See, e.g., *National Rifle Association of America, Inc. v. City of South Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002) (concluding that a City of South Miami local government ordinance, which purported to provide safety standards for firearms, was null and void because the Legislature expressly preempted the entire field of firearm and ammunition regulation when it enacted section 790.33, F.S.)

<sup>19</sup> FDACS, Pest Control Licensing and Certification, available at, <https://www.fdacs.gov/Business-Services/Pest-Control/Licensing-and-Certification> (last visited January 17, 2024).

<sup>20</sup> *Id.*

<sup>21</sup> FDACS, Pest Control FAQ, available at, <https://www.fdacs.gov/Business-Services/Pest-Control/Pest-Control-FAQ> (last visited January 17, 2024).

A company's pest control operations are the responsibility of the certified operator in charge and the business operations are limited to the category (or categories) possessed by the certified operator (or operators) in charge at the business location.<sup>22</sup>

### **Limited Certification Programs**

The department also administers four Limited Certification Categories:

- Commercial landscape maintenance applicators;
- Governmental or private applicators;
- Commercial urban fertilizer applicators; and
- Commercial wildlife management.<sup>23</sup>

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

#### *Effect of Proposed Changes*

**Section 2** amends s. 482.111, F.S., to provide an expiration date of the pest control operator's certificate and amends requirements for its renewal.

**Section 3** amends s. 482.151, F.S., to provide an expiration date of the special identification card for fumigation and amends requirements for its renewal.

**Section 4** amends s. 482.155, F.S., to provide an expiration date of the limited certification for governmental pesticide applicators or private applicators and amends requirements for its renewal.

**Section 5** amends s. 482.156, F.S., to authorize individual commercial landscape maintenance personnel to apply herbicides in certain areas and to use certain pesticides. This section also sets the expiration date of the limited certification for commercial landscape maintenance personnel and amends requirements for its renewal.

**Section 6** amends s. 482.157, F.S., to provide an expiration date of the limited certification for commercial wildlife management personnel and amends requirements for its renewal.

**Section 7** amends s. 482.161, F.S., to provide additional disciplinary grounds related to licensure or licensure renewal applications.

**Section 8** amends s. 482.191, F.S., to prohibit applicants from swearing or affirming a false statement on an application. This section also prohibits cheating on an examination required for licensure and grants the department rulemaking authority to establish penalties for violations.

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<sup>22</sup> *Id.*

<sup>23</sup> FDACS, Pest Control Licensing and Certification, available at, <https://www.fdacs.gov/Business-Services/Pest-Control/Licensing-and-Certification> (last visited January 17, 2024).

## Wood-Destroying Organisms Inspections

Inspection for wood destroying organisms is regulated as a pest control activity under the Florida Structural Pest Control Act, ch. 482, F.S. Section 482.226, F.S., requires that when an inspection for wood destroying organisms is conducted for the purposes of a real estate transaction, and either a fee is charged, or a written report is requested, that a person qualified under Chapter 482 issue the report.<sup>24</sup>

Section 482.226, F.S., also includes requirements as to what the report must include and a requirement that a notice of the inspection be posted in the access area to the attic or crawl or other accessible area of the structure inspected.<sup>25</sup> Licensees who perform wood destroying organism inspections for real estate transactions are required to have a minimum of \$50,000 in insurance coverage (or a bond) for professional liability for errors and omissions, or demonstrate an equity or net worth of no less than \$100,000.<sup>26</sup>

In addition, if treatment is made to the structure at the time of the inspection, the report must include information on the name of each wood destroying organism for which treatment was provided at the time of the inspection, the name of the pesticide used, and the conditions and terms associated with that treatment.<sup>27</sup>

### *Effect of Proposed Changes*

**Section 9** amends s. 482.226, F.S., to require that a signed report be supplied to the property owner after each inspection or treatment for the presence or absence of wood destroying organisms. The bill also prohibits inspections and treatments unless the licensee has an identification card.

**Section 10** amends s. 487.031, F.S., relating to prohibited acts, to prohibit pesticide applicator license applicants from swearing or affirming a false statement on an application. This section also prohibits cheating on an examination required for licensure.

**Section 11** amends s. 487.175, F.S., relating to penalties and administrative fines, to prohibit applicants from swearing or affirming a false statement on an application for pesticide applicator licensure. This section also prohibits cheating on an examination required for licensure and grants the department rulemaking authority to establish penalties for violations.

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<sup>24</sup> FDACS, Baseline practices for performing 13645 WDO inspections, *available at*, [https://ccmedia.fdacs.gov/content/download/3137/file/industry\\_baseline\\_final\\_10-07.pdf](https://ccmedia.fdacs.gov/content/download/3137/file/industry_baseline_final_10-07.pdf) (last visited January 17, 2024).

<sup>25</sup> Section 482.226(2)(4), F.S.

<sup>26</sup> Section 482.226(6), F.S.

<sup>27</sup> Section 482.226(2)(b), F.S.

## Firearm Licensing

### *Present Situation*

#### Chapter 493 Licensees, Generally

The Division of Licensing within the department is responsible for investigating and issuing licenses to conduct private security and private investigative services pursuant to ch. 493, F.S. As of November 30, 2023, there are 140,248 Class “D” security officer licensees, 6,921 Class “C” private investigator licensees, 25,283 Class “G” statewide firearm licensees, 691 Class “K” firearms instructor licensees, 1,320 Class “CC” private investigator intern licensees, 455 Class “M” private investigative or security manager licensees, 73 Class “MA” private investigative agency manager licensees, and 1,497 Class “MB” security manager licensees.<sup>28</sup> A ch. 493, F.S., licensee must renew his or her individual license every two years.<sup>29</sup>

A security officer is an individual who advertises for, or performs: bodyguard services, personal or property protection; theft and loss prevention; armored car staffing; or transportation of prisoners.<sup>30</sup> Law enforcement officers engaged in their official duties or off-duty security activities that have been approved by appropriate superiors are not considered security officers.<sup>31</sup> Additionally, unarmed security officers who are employed by, and perform their work entirely on the premises of either their employer’s business, a church or denominational organization, or a church cemetery are not required to be licensed as a security officer under ch. 493, F.S.<sup>32</sup>

A private investigator is an individual who investigates a person for the purpose of obtaining information with reference to the following specific matters:<sup>33</sup>

- Crimes or wrongdoings against the United States or any state or territory, when operating under express authority of a governmental official;
- The identity, habits, conduct, movement, and other characteristics of any society, person, or group of persons;
- The credibility of a witness or other person;
- The whereabouts of a missing person, owner of unclaimed or escheated property, or heirs to an estate;
- The location or recovery of lost or stolen property;
- The causes and origin of fires, libel, slander, losses, accidents, damage, or injuries to real or personal property; or
- Securing evidence to be used before an investigating committee or board, or in a civil or criminal trial.

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<sup>28</sup> FDACS, Division of Licensing, *Number of Licensees by Type* (Nov. 30, 2023), [https://www.fdacs.gov/content/download/82618/file/Number\\_of\\_Licensees\\_By\\_Type.pdf](https://www.fdacs.gov/content/download/82618/file/Number_of_Licensees_By_Type.pdf) (last visited Jan. 17, 2024).

<sup>29</sup> Licenses shall be valid for a period of two years, except for Class “A,” Class “B,” Class “AB,” Class “K,” Class “R,” and branch agency licenses, which shall be valid for a period of three years. *See* s. 493.6111(2), F.S.

<sup>30</sup> Section 493.6101(19), F.S.; *see also*, FDACS, *Private Security Licenses*, <https://www.fdacs.gov/Business-Services/Private-Security-Licenses> (last visited Jan. 17, 2024).

<sup>31</sup> Section 493.6102(1), F.S.

<sup>32</sup> Section 493.6102(4), (13), F.S.

<sup>33</sup> Section 493.6101(16), F.S. *See also*, FDACS, *Private Investigation* (Dec. 2017), <https://licensing.freshfromflorida.com/forms/P-01721.pdf> (last visited Jan. 17, 2024).

## **Class “G” Statewide Firearm License**

A Class “G” license is a supplemental license that permits specific licensees to carry a firearm during the course of their licensed, employment-related activity. A Class “G” license is available only to individuals who currently hold one of the following licenses: private investigator (Class “C”), private investigator intern (Class “CC”), security officer (Class “D”), private investigative or security agency manager (Class “M”), private investigative agency manager (Class “MA”), or security agency manager (Class “MB”).<sup>34</sup> The “Class G” license must be renewed every two years.

### ***Application and Training Requirements for Class “G” Licensees***

An initial applicant for a Class “G” license must complete firearm training, which must include at least 28 hours of range and classroom training (range training must be eight hours) that is administered by a Class “K” licensee.<sup>35</sup>

Class “G” licensees must annually complete four hours of firearms requalification training for each caliber of firearm that he or she carries in the course of his or her duties.<sup>36</sup>

A Class “G” licensee is subject to a biennial statewide firearm license fee of \$112, but there is no application fee.<sup>37</sup> The applicant for a Class “G” license must submit a fingerprint processing (\$42) and retention (\$10.75) fee, however—this fee is waived if the applicant has otherwise paid these fees for any other license under ch. 493, F.S., within the last six months.<sup>38</sup>

### ***Regulation of Class “G” Licensees***

A Class “G” licensee may only carry two firearms when performing his or her licensed duties. Unless the department grants specific approval otherwise, the types of weapons a Class “G” licensee may use are limited to the following: a .38 caliber revolver; a .380 caliber or .9 mm semiautomatic pistol; a .357 caliber revolver used with .38 caliber ammunition; a .40 caliber handgun; or a .45 ACP handgun.<sup>39</sup>

If a Class “G” licensee discharges his or her firearm during the course of her or his duties, the licensee must file an incident report with the department.<sup>40</sup>

Class “G” licensees are subject to penalty, ranging from a fine to the suspension or revocation of their license, for the following violations of administrative rule:<sup>41</sup>

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<sup>34</sup> Section 493.6115(2), F.S.

<sup>35</sup> Section 493.6105(5), F.S. *See also* Fla. Admin. Code R. 5N-1.132(1)(a).

<sup>36</sup> Section 493.6113(3)(b), F.S.

<sup>37</sup> Fla. Admin. Code R. 5N-1.116(2)(a)6. and (2)(c). *See also*, FDACS, *Chapter 493, F.S., Renewal License Fee Schedule*, [https://www.fdacs.gov/content/download/73502/file/FS493\\_Renewal\\_License\\_Fees.pdf](https://www.fdacs.gov/content/download/73502/file/FS493_Renewal_License_Fees.pdf) (last visited Jan. 17, 2024).

<sup>38</sup> Fla. Admin. Code R. 5N-1.116(3)(a).

<sup>39</sup> Section 493.6115(6), F.S. *See also*, FDACS, *Approved Firearms for Class “G” License Holders*, <https://www.fdacs.gov/Business-Services/Private-Investigation-Licenses/Approved-Firearms-for-Class-G-License-Holders> (last visited Jan. 17, 2024).

<sup>40</sup> Section 493.6115(9), F.S.

<sup>41</sup> Fla. Admin. Code R. 5N-1.113. *See also*, s. 493.6118(1), F.S.

- Conviction of, or adjudication of guilt withheld, on a crime directly related to the business for which the license is held;
- Improper exhibition of a firearm;
- Careless or improper handling of a firearm resulting in a discharge;
- Firing an unjustifiable warning shot while on duty;
- Impersonating a law enforcement officer or government employee; and
- Commission of an act of violence not in the lawful protection of one's self or another.

### **Concealed Weapon and Firearm License**

Florida is a “shall issue”<sup>42</sup> state for applications for concealed weapon and firearm licenses.<sup>43</sup> The department must review and either issue or deny a license within 90 days of receiving an application.<sup>44</sup> As of November 30, 2023, there were 2,511,443 concealed weapon or firearm licensees in Florida.<sup>45</sup>

The department must issue a license, which expires after seven years,<sup>46</sup> if an applicant:

- Is a citizen of the United States, permanent resident alien, or consular security official of a foreign government;
- Is 21 years of age or older;
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Has not been convicted of a felony;
- Has not been found guilty of a controlled substances crime within the previous three years;
- Has not been committed for the abuse of a controlled substance;<sup>47</sup>
- Does not suffer from chronic and habitual use of alcohol or other substances to the extent that their normal faculties are impaired;<sup>48</sup>
- Desires to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competency with a firearm;<sup>49</sup>

<sup>42</sup> Generally, states issue a permit, or license, to carry a concealed weapon such as a firearm on either a “shall issue,” or “may issue” basis. The key difference is that shall issue states must issue the permit or license if the applicant meets the requirements; whereas, may issue states have much more discretion to deny an application even if the applicant meets the requirements under the law.

<sup>43</sup> Section 790.06(2), F.S.

<sup>44</sup> Section 790.06(6)(c), F.S.

<sup>45</sup> FDACS, Division of Licensing, *Number of Licensees by Type* (Nov. 30, 2023), [https://www.fdacs.gov/content/download/82618/file/Number\\_of\\_Licensees\\_By\\_Type.pdf](https://www.fdacs.gov/content/download/82618/file/Number_of_Licensees_By_Type.pdf) (last visited Jan. 17, 2024).

<sup>46</sup> Section 790.06(1), F.S.

<sup>47</sup> An applicant granted relief of firearms disabilities pursuant to s. 790.065(2)(a)4.d., F.S., after having been adjudicated mentally defective or committed to a mental institution is deemed not to be committed for the abuse of a controlled substance.

<sup>48</sup> The law presumes that a person chronically and habitually uses alcoholic beverages or other substances to the point of impairment if the applicant has been convicted of using a firearm while under the influence of alcoholic beverages, chemical substances, or controlled substances or has been deemed a habitual offender of disorderly intoxication under s. 856.011(3), F.S., or has had two or more convictions of driving under the influence within a three-year period preceding the date which the application is submitted. *See*, s. 790.06(2)(f), F.S.

<sup>49</sup> There are several methods of demonstrating competency with a firearm, including completion of a hunter education or safety course approved by the Fish and Wildlife Conservation Commission, completion of any law enforcement firearms safety or training course, or completion of firearms training safety courses using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the department.

- Has not been adjudicated as an incapacitated person;
- Has not been committed to a mental institution;<sup>50</sup>
- Has not had an adjudication of guilt withheld or a suspended sentence on a felony unless three years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;
- Has not had an adjudication of guilt withheld or an imposition of sentence suspended on a misdemeanor crime of domestic violence, unless three years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;
- Has not been issued an injunction that is currently in force and effect that restrains that 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>51</sup>

The department must 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 until final disposition of the case.<sup>52</sup> The department is also required to 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>53</sup>

Once obtained, the licensee must carry the license with valid identification at all times when the licensee is in actual possession of a concealed weapon or firearm.<sup>54</sup> According to s. 790.06(12)(a), F.S., the license, however, “does not authorize any person to carry a concealed weapon or firearm into:”

- Any place of nuisance;<sup>55</sup>
- Any police, sheriff, or highway patrol station;
- Any detention facility, prison, or jail;
- Any courthouse;
- Any courtroom;<sup>56</sup>
- Any polling place;
- Any meeting of the governing body of a county, public school district, municipality, or special district;
- Any meeting of the Legislature or a committee thereof;
- Any school, college, or professional athletic event not related to firearms;
- Any elementary or secondary school facility or administration building;
- Any career center;

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<sup>50</sup>An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d., F.S., after having been adjudicated mentally defective or committed to a mental institution is deemed not to have been committed in a mental institution.

<sup>51</sup> Section 790.06(2)(n), F.S.

<sup>52</sup> Section 790.06(3), F.S.

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

<sup>54</sup> Section 790.06(1), F.S.

<sup>55</sup> See s. 823.05, F.S., for an extensive description of places of nuisance.

<sup>56</sup> However, judges may carry a concealed weapon and allow others to do so within their courtroom. Section 790.06(12)(a)5., F.S.

- Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
- Any college or university facility;<sup>57</sup>
- The inside of the passenger terminal and sterile area of any airport; or
- Any place where the carrying of firearms is prohibited by federal law.<sup>58</sup>

***Appointment of tax collectors to accept applications for a concealed weapon or firearm license***

The department may appoint tax collectors,<sup>59</sup> to accept applications on behalf of the department's Division of Licensing (division) for concealed weapon or firearm licenses. A tax collector appointed under s. 790.0625, F.S., may collect and retain a convenience fee of \$22 for each new application and \$12 for each renewal application.<sup>60</sup>

A tax collector seeking to be appointed must submit a written request to the division stating his or her name, address, telephone number, each location within the county at which the tax collector wishes to accept applications, and other information as required by the division.<sup>61</sup> If the written request is approved by the division, the tax collector will be permitted to accept applications for new or renewal concealed weapon or firearm licenses on behalf of the department.<sup>62</sup>

A tax collector is prohibited from maintaining a list or record of persons who apply for or are granted a new or renewal license to carry a concealed weapon or firearm.<sup>63</sup> Upon receipt of a completed renewal or replacement application, a new color photograph, and appropriate payment of required fees, an authorized tax collector may, upon approval and confirmation of license issuance by the department, print and deliver a concealed weapon or firearm license to a licensee renewing his or her license at the tax collector's office.<sup>64</sup>

***Effect of Proposed Changes***

**Section 12** amends s. 493.6113(3)(b), F.S., to provide that a Class "K" instructor has discretion to allow a Class "G" licensee to qualify for up to two calibers of firearms in a four hour firearm requalification class if the licensee successfully completes training for each firearm, including a separate course of fire for each caliber of firearm.

**Section 13** creates s. 493.6127, F.S., which gives the department authority to appoint tax collectors to accept new, renewal, and replacement license applications on behalf of the department for licenses issued under ch. 493, F.S. Such appointments must be for specified locations that will best serve the public interest.

<sup>57</sup> However, a "student, employee, or faculty member" may carry a stun gun or nonlethal electric weapon designed for defensive purposes as long as the weapon does not fire a dart or projectile.

<sup>58</sup> Section 790.06(12)(a)1.-15., F.S.

<sup>59</sup> See s. Art. VIII, § 1(d), Fla. Const.

<sup>60</sup> Section 790.0625(5), F.S.

<sup>61</sup> Section 790.0625(3), F.S.

<sup>62</sup> Section 790.0625(3)(a), F.S.

<sup>63</sup> Section 790.0625(6)(a), F.S.

<sup>64</sup> Section 790.0625(8), F.S.

The bill provides that a tax collector seeking to be appointed must submit a written request to the department stating his or her name, address, telephone number, each location within the county at which the tax collector wishes to accept applications, and other information as required by the department.

The bill requires the department to review each written request upon receipt. The department may decline to enter into a memorandum of understanding, or may approve the written request and enter into a memorandum of understanding with the tax collector to accept applications for new or renewal licenses on behalf of the department. However, the department may rescind a memorandum of understanding for any reason at any time.

The bill provides that information and records provided pursuant to ss. 493.6105 and 493.6113, F.S., remain confidential pursuant to s. 493.6122, F.S., or any other state or federal law.

The bill prohibits any person from handling an application for a license issued under ch. 493, F.S., for a fee or compensation of any kind unless he or she has been appointed by the department to do so.

The bill establishes that an appointed tax collector may collect and retain a convenience fee of \$22 for each new application, \$12 for each renewal application, \$12 for each replacement license, \$9 for fingerprinting services associated with the completion of an application submitted online or by mail, and \$9 for photographing services associated with the completion of an application submitted online or by mail. Each week, the tax collector is required to remit the license fees to the department to be deposited in the Division of Licensing Trust Fund. The bill provides that a person who willfully violates s. 493.6127, F.S., commits a second degree misdemeanor.<sup>65</sup>

The bill provides that upon receipt of a completed renewal or replacement application, a new color photograph, and appropriate payment of required fees, an authorized tax collector may, upon approval and confirmation of license issuance by the department, print and deliver a license to a licensee renewing or replacing his or her license at the tax collector's office.

**Section 37** amends s. 790.0625, F.S., to provide that a tax collector appointed under s. 790.0625, F.S., may collect and retain \$12 for each replacement license, \$9 for fingerprinting services associated with the completion of an application submitted online or by mail, and \$9 for photographing services associated with the completion of an application submitted online or by mail.

The bill clarifies that a tax collector is authorized to accept renewal applications from an applicant for the renewal of a concealed weapon or firearm license. If an applicant is approved by the department and completes a renewal application, provides a color photograph, and pays the required fees, then the tax collector may print and deliver a concealed weapon or firearm license to a licensee renewing his or her license at the tax collector's office.

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<sup>65</sup> A second degree misdemeanor is generally punishable by not more than 60 days in county jail, and a fine not exceeding \$500. Sections 775.082 and 775.083.

The bill authorizes a tax collector to print and deliver a concealed weapon or firearm license to a licensee whose license has been lost or destroyed if a statement is received to the department made under oath and payment of the required fees is received. The department must confirm and approve that the aforementioned license is in good standing. Additionally, a tax collector who is authorized to accept an application for a concealed weapon or firearm license may provide fingerprinting and photographing services to aid concealed weapon and firearm applicants and licensees with initial and renewal applications submitted online or by mail.

**Section 44** reenacts s. 493.6115, F.S., related to Class “G” license.

## **Charitable Organizations**

### *Present Situation*

#### **Charitable Organizations and Sponsors**

Organizations that intend to solicit donations in Florida are required to register with the department pursuant to the Solicitation of Contributions Act.<sup>66</sup> The Act contains basic registration, financial disclosures, and notification requirements for charitable organizations and sponsors,<sup>67</sup> fundraising consultants, and solicitors.

#### ***Registration Statements***

An initial registration statement must be submitted to the department and include a financial report, a statement of the purpose of the charity, how donations will be used, names of individuals in charge of solicitation activities, and proof of federal tax exempt status. The charity must also identify any professional solicitors and fundraising consultants the charity will use, along with the terms of the arrangements for compensation to be paid to the consultant and solicitor. The registration must include a statement related to the charity’s activity in other states, including whether the charity is authorized to operate in another state; whether the charity’s registration has been denied, suspended, or revoked in another state; and whether the charity or any person associated with the charity has been subject to any adverse administrative actions or criminal convictions in any state.<sup>68</sup>

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

- A person who is soliciting for a named individual;
- A charitable organization or sponsor that limits solicitations of contributions to the membership of the charitable organization or sponsor;

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<sup>66</sup> Section 496.401, F.S.

<sup>67</sup> A sponsor is a group or person who is or holds itself out to be soliciting contributions by the use of a name that implies that the group or person is in any way affiliated with or organized for the benefit of emergency service employees or law enforcement officers and the group or person is not a charitable organization. The term includes a chapter, branch, or affiliate that has its principal place of business outside the state if the chapter, branch, or affiliate solicits or holds itself out to be soliciting contributions in the state. Section 496.404(25), F.S.

<sup>68</sup> Section 496.405(2), F.S.

- Any division, department, post, or chapter of certain veterans' service organizations are exempt from the registration requirements; or
- A charitable organization that has less than \$50,000 in total revenue as long as they did not employ professional solicitors or have paid employees.<sup>69</sup>

Before soliciting contributions, the charitable organization or sponsor claiming the exemption must provide the department with certain financial and identifying information including the name, address, and telephone number of the charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is organized, and the purpose for which the contributions to be solicited will be used.<sup>70</sup>

### ***Financial Statements***

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

- 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>71</sup>

Upon the showing of good cause by a charitable organization or sponsor, the department may extend the time for the filing of a financial statement by up to 180 days.<sup>72</sup>

### ***Disclosure Requirements of Charitable Organizations and Sponsors***

Charitable organizations or sponsors can solicit contributions only for the purpose expressed in the solicitation for contributions or the registration statement. The following disclosures must be included at the point of solicitation: the name of the organization or sponsor and principal place of business of the organization or sponsor; a description of the purpose for which the solicitation is being made; the name and address or telephone number of a person to whom inquiries may be addressed; the amount of the contribution which may be deducted from federal income tax; and the source from which a written financial statement may be obtained.<sup>73</sup>

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<sup>69</sup> Section 496.406(1), F.S.

<sup>70</sup> Section 496.406(2), F.S.

<sup>71</sup> Section 496.407(1), F.S.

<sup>72</sup> Section 496.407(3), F.S.

<sup>73</sup> Section 496.411, F.S.

### ***Professional Fundraising Consultants***

Professional fundraising consultants<sup>74</sup> are required to annually register and pay a \$300 fee to the department before operating in Florida.<sup>75</sup> Additionally, professional fundraising consultants who enter into agreements with charities may do so only if the charity has complied with ch. 496, F.S., and has obtained approval from the department of a registration statement.<sup>76</sup>

Applications for registration or renewal must be signed by an authorized official of the professional fundraising consultant and must include certain identifying information such as the names and residence addresses of all principals of the applicant, including all officers, directors, and owners; the form of the applicant's business; and the street address and telephone number of the principal place of business of the applicant and any Florida street addresses if the principal place of business is located outside of Florida.<sup>77</sup>

After receiving the registration statement, the department has 15 business days to either approve the registration or notify the consultant that the registration requirements are not satisfied. If, after 15 days the department has not notified the consultant, the registration is deemed approved.<sup>78</sup>

### ***Professional Solicitors***

Professional solicitors<sup>79</sup> must annually register and pay a \$300 fee to the department before operating in Florida.<sup>80</sup> Information that must be provided for registration or renewal includes the street address and telephone number of the business, the form of the applicant's business, the place and date when the applicant was legally established, and the names and residence addresses of all principals, including officers, directors, and owners. The application must also provide a list of all telephone numbers to be used by the applicant to solicit contributions as well as the physical address associated with each telephone number.<sup>81</sup>

After receiving the registration statement, the department has 15 business days to either approve the registration or notify the solicitor that the registration requirements are not satisfied. If, after 15 days the department has not notified the solicitor, the registration is deemed approved.<sup>82</sup>

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<sup>74</sup> A professional fundraising consultant is a person retained by a charitable organization or sponsor for a fixed fee or rate under a written agreement to plan, manage, conduct, carry on, advise, consult, or prepare material for a solicitation of contributions in Florida but who does not solicit contributions or employ, procure, or engage any compensated person to solicit contributions and who does not at any time have custody or control of contributions. Section 496.404(20), F.S.

<sup>75</sup> Section 496.409(1),(3), F.S.

<sup>76</sup> See s. 496.409(6), F.S.

<sup>77</sup> Section 496.409(2), F.S.

<sup>78</sup> Section 496.409(6), F.S.

<sup>79</sup> A professional solicitor is a person who, for compensation, performs for a charitable organization or sponsor a service in connection with which contributions are or will be solicited in, or from a location in, Florida by the compensated person or by a person it employs, procures, or otherwise engages, directly or indirectly, to solicit contributions, or a person who plans, conducts, manages, carries on, advises, consults, directly or indirectly, in connection with the solicitation of contributions for or on behalf of a charitable organization or sponsor but who does not qualify as a professional fundraising consultant. Section 496.404(21), F.S.

<sup>80</sup> Section 496.410, F.S.

<sup>81</sup> Section 496.410(2), F.S.

<sup>82</sup> Section 496.410(5), F.S.

Solicitors must also file a solicitation notice with the department at least 15 days before beginning a solicitation campaign or event. The notice must include identifying information including residence addresses.<sup>83</sup> During each solicitation campaign, and for not less than three years after its completion, the solicitor must maintain certain records including addresses of contributors and employees involved in the solicitation.<sup>84</sup> Additionally, if solicitors sell tickets to events, the solicitor must maintain records including addresses of contributors and of organizations that receive the donated tickets.<sup>85</sup>

A solicitor license must be obtained from the department by each officer, director, trustee, or owner of a professional solicitor and any employee of a professional solicitor conducting telephonic solicitations during which a donor's or potential donor's personal financial information is requested or provided, is required. Among other information, the license application must include the name, home address, date of birth, and identification number of a government-issued ID of the applicant.<sup>86</sup>

### ***Collection Receptacles for Donations***

All collection receptacles for donations must display a permanent sign on each side of the receptacle. For receptacles used by a charity required to register under ch. 496, F.S., the sign must provide the name, address, telephone number, and registration number of the charity.<sup>87</sup>

### ***Solicitation of Funds within Public Transportation Facilities***

Any person wanting to solicit funds within a public transportation facility must obtain a written permit from the authority responsible for the administration of the facility. The application for the permit submitted to the authority must include the name, mailing address, and telephone number of the person or organization; the name, mailing address, and telephone number of each person participating in the activity as well as the person in charge of the activity; a description of the proposed activities; the dates and hours of the activities; and the number of persons engaged in such activities. While conducting the activities, each solicitor must display prominently a badge or insignia provided by the authority that describes the solicitor by name, age, height, weight, eye color, hair color, address, and principal occupation, and indicating the name of the organization for which the funds are solicited.<sup>88</sup>

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

**Section 14** amends s. 496.404, F.S., to define the term "street address" as the physical location where activities subject to regulation under ch. 496, F.S., are conducted or where an applicant, licensee, or other referenced individual actually resides. The term does not include a virtual office, a post office box, or a mail drop.

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<sup>83</sup> Section 496.410(6), F.S.

<sup>84</sup> Section 496.410(10), F.S.

<sup>85</sup> Section 496.410(11), F.S.

<sup>86</sup> Section 496.4101, F.S.

<sup>87</sup> Section 496.4121, F.S.

<sup>88</sup> S. 496.425, F.S.

**Section 15** amends s. 496.405, F.S., to amend the contribution-based registration fee thresholds to remove an option related to contributions raised by non-compensated volunteers, members, officers or permanent employees under \$50,000 in the previous fiscal year.

**Section 16** amends s. 496.406, F.S., to amend the exemption threshold to refer to total contributions and not total revenue. The bill also revises the information charitable organizations and sponsors must provide to the department when claiming certain exemptions to include street addresses.

**Section 17** amends s. 496.407, F.S., to revise the financial information charitable organizations and sponsors must provide to the department to include street addresses, and removes the requirement that a charitable organization or sponsor must show good cause in order to receive a filing extension from the department.

**Section 18** amends s. 496.409, F.S., to revise the information professional fundraising consultants must include in applications for registration or renewals of registration to include street addresses rather than residence addresses.

**Section 19** amends s. 496.410, F.S., to revise the information that professional solicitors must include in applications for registration, renewals of registration, and solicitation notices provided to the department, and that solicitors are required to maintain in their records to include street addresses rather than physical or residence addresses.

**Section 20** amends s. 496.4101, F.S., to revise the information that must be included in certain solicitor license applications to include street addresses rather than home addresses.

**Section 21** amends s. 496.411, F.S., to revise the information that disclosures of charitable organizations or sponsors soliciting in Florida must include street addresses.

**Section 22** amends s. 496.4121, F.S., to revise the information that must be displayed on certain collection receptacles to include street addresses.

**Section 23** amends s. 496.425, F.S., to provide that a person who solicits funds within a public transportation facility must provide in an application to the authority and must display prominently on the person's badge or insignia, to include street addresses.

**Section 45** reenacts s. 496.4055, F.S., related to the board of directors of a charitable organization.

### **Alternative Meat**

#### *Present Situation*

### **Cultivated Meat**

The United States Department of Agriculture (USDA) describes human food made with cultured animal cells as the ability to take a small number of cells from living animals and grow them in a

controlled environment to create food.<sup>89</sup> The USDA summarizes the process of making cultured meat below:

- Step 1: Scientists typically start with a sample of cells from the tissue of an animal or fish, a process that typically does not permanently harm or kill the animal. Some cells from the sample are selected, screened, and grown to make a “bank” of cells to store for later use.
- Step 2: To make food, a small number of cells are taken from the cell bank and placed in a tightly controlled and monitored environment (e.g., a very large, sealed vessel) that supports growth and cellular multiplication by supplying appropriate nutrients and other factors.
- Step 3: After the cells have multiplied many times over into billions or trillions of cells, additional factors (e.g., protein growth factors, new surfaces for cell attachment, additional nutrients) are added to the controlled environment to enable the cells to differentiate into various cell types and assume characteristics of muscle, fat, or connective tissue cells.
- Step 4: Once the cells have differentiated into the desired type, the cellular material can be harvested from the controlled environment and prepared using conventional food processing and packaging methods.<sup>90</sup>

In 2019 the United States Food and Drug Administration (FDA) and the USDA’s Food Safety and Inspection Service agreed to establish a joint regulatory framework for human foods made from cultured cells of livestock and poultry to help ensure that any such products brought to market are safe, unadulterated, and truthfully labeled.<sup>91</sup>

As of 2024, there are currently several states that have laws related to the proper labeling of meat and lab grown meat products.<sup>92</sup>

### *Effect of Proposed Changes*

**Section 24** amends s. 500.03, F.S., to provide a definition for cultivated meat to mean any meat or food product produced from cultured animal cells. This section is effective upon the bill becoming a law.

**Section 25** creates s. 500.452, F.S., to prohibit the manufacture for sale, sale, hold or offer for sale, or distribution of cultivated meat in this state. The bill also provides the penalties for knowingly violating this section and gives the department rulemaking authority. This section is effective upon the bill becoming a law.

**Section 26** amends s. 507.07, F.S., to prohibit a mover from placing a shipper’s goods in a storage unit not owned by the mover unless the goods are stored in the shipper’s name and the shipper contracts directly with the owner storage unit.

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<sup>89</sup> USDA, Human Food Made with Cultured Animal Cells, *available at*, <https://www.fsis.usda.gov/inspection/compliance-guidance/labeling/labeling-policies/human-food-made-cultured-animal-cells> (last visited January 17, 2024).

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> Penn State Law, Scope of the Meat Labeling Law Issue Tracker, *available at*, <https://aglaw.psu.edu/research-by-topic/issue-tracker/meat-labeling-law-2018-present/> (last visited January 17, 2024).

## **Bureau of Standards**

### *Present Situation*

#### **Weights, Measures, and Standards**

The department's Bureau of Standards is responsible for the inspection of weights and measures devices or instruments in Florida.<sup>93</sup> "Weights and measures" are defined as all weights and measures of every kind, instruments, and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices, excluding taximeters, transportation measurement systems, and those weights and measures used for the purpose of inspecting the accuracy of devices used in conjunction with aviation fuel.<sup>94</sup> The weights and measures program is funded through permit fees.<sup>95</sup> This framework including provisions related to general permitting, initial and renewal applications, maximum permit fees, suspensions, penalties, revocations, and exemptions, are set to expire on July 1, 2025.<sup>96</sup>

### *Effect of Proposed Changes*

**Section 27** repeals s. 531.67, F.S.; thus, saving the Weights and Measures Act from expiring on July 1, 2025.

## **Motor Vehicle Repair**

### *Present Situation*

#### **Motor Vehicle Repair Shop Registration and Written Repair Estimates**

The Florida Motor Vehicle Repair Act<sup>97</sup> requires anyone who is paid to repair motor vehicles owned by other individuals to register with the department. Registration applications must include: the name of the applicant; the name under which the applicant is doing business; the business address; copies of all licenses, permits, and certifications; and the number of employees which the applicant intends to employ or currently employs.<sup>98</sup> Each application must be accompanied by a registration fee calculated on a per-year basis.<sup>99</sup>

For repairs costing more than \$100, repair shops are required to prepare a written repair estimate that includes the estimated cost of repair work, including diagnostic work, before beginning any diagnostic work or repair. The repair shop must then give the customer the option of:

- Requesting a written estimate;
- Being notified by the shop if the repair exceeds an amount the customer specifies; or
- Not requiring a written estimate at all.<sup>100</sup>

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<sup>93</sup> Ch. 531, F.S. "Weights and Measures Act of 1971"

<sup>94</sup> Section 531.37(1), F.S.

<sup>95</sup> Section 531.63, F.S.

<sup>96</sup> Section 531.67, F.S.

<sup>97</sup> Section 559.901, F.S.

<sup>98</sup> Section 559.904(1), F.S.

<sup>99</sup> Section 559.904(3), F.S.

<sup>100</sup> Section 559.905, F.S.

*Effect of Proposed Changes*

**Section 28** amends s. 559.904, F.S., to remove the requirement for a motor vehicle repair shop to provide copies of licenses, permits, and certifications obtained by the applicant or employees of the applicant on the registration application; and to specify that the registration fee must be calculated for each location.

**Section 29** amends s. 559.905, F.S., to increase the threshold value of repair work which requires a motor vehicle repair shop to provide a customer with a written repair estimate from \$100 to \$150.

**Section 30** amends s. 570.07, F.S., to increase the department's statutorily authorized threshold to repair or build structures from \$250,000 to \$500,000.

**Section 46** reenacts s. 559.907, F.S., related to charges for motor vehicle repair estimate.

**The Florida Agricultural Museum***Present Situation***Florida Agricultural Museum**

The Florida Agricultural Museum was established in 1983 by a group of concerned agriculturalists and historians at the request of Agricultural Commissioner Doyle Conner to help preserve this important part of Florida's heritage.<sup>101</sup> Originally located in Tallahassee, the museum was part of the Department of Agriculture and Consumer Services.<sup>102</sup> The Museum, now located in Flagler County, is a private non-profit 501(c)(3) corporation led by a board of trustees.<sup>103</sup>

*Effect of Proposed Changes*

**Section 31** amends s. 570.69, F.S., to provide the definition of "center" to mean the Florida Agricultural Legacy Learning Center. The bill also removes the definition of "museum," which is the Florida Agricultural Museum.

**Section 32** amends s. 570.691, F.S., and **Section 33** amends s. 570.692, F.S., to conform to the changes made by Section 32.

**Saw Palmetto Berries Harvesting***Present Situation***Saw Palmetto Berries**

Saw palmetto berries collected from forests in Florida and Georgia are the most abundantly harvested medicinal non-timber forest products (NTFPs) in terms of dry weight. Saw palmetto

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<sup>101</sup> Florida Agricultural Museum, About the Museum, available at, <https://www.floridaagmuseum.org/about-the-museum/> (last visited January 17, 2024).

<sup>102</sup> *Id.*

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

berries are the fruit of a commonly occurring understory plant in Florida flatwoods. They are the source of certain medicinal compounds used in Native American, herbal and alternative medical treatments for prostate and other urologic conditions.<sup>104</sup>

Effective July 2018, the Department of Agriculture and Consumer Services (department) requires a permit to harvest and sell saw palmetto berries in Florida.<sup>105</sup> The Endangered Plant Advisory Council unanimously recommended adding saw palmetto to the department commercially exploited plant list.<sup>106</sup> There is no application fee to apply for a permit. The permit expires 12 months after the date of issuance and is not transferable.<sup>107</sup>

### *Effect of Proposed Changes*

**Section 34** creates s. 581.189, F.S., to provide definitions for “harvest,” “harvester,” “landowner,” “person,” “saw palmetto berries,” “saw palmetto berry dealer,” and “seller.” The bill prohibits willful destroying, harvesting, or selling saw palmetto berries, on private or public land, without the written permission of the landowner. The bill provides what must be included in the landowner’s written permission to harvest saw palmetto berries. The bill also provides the reporting requirements after the berries have been harvested along with authorizing law enforcement to seize berries harvested in violation of this bill.

The bill also provides penalties for violations created by this bill. The department is granted rulemaking authority.

## **Hemp**

### *Present Situation*

#### **State Hemp Program**

The state hemp program was created within the Department of Agriculture and Consumer Services (department) to regulate the cultivation of hemp in Florida.<sup>108</sup>

Section 581.217(3)(e), F.S., defines the term “hemp” to mean:

...the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis, with the exemption of hemp extract,

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<sup>104</sup> Florida Department of Agriculture and Consumer Services (FDACS), Non-Timber Forest Products (NTFP): Additional Potential Revenue Sources for Forest Landowners,

<https://www.fdacs.gov/Forest-Wildfire/Our-Forests/Working-Forest/Non-Timber-Forest-Products-NTFP> (last visited January 17, 2024).

<sup>105</sup> Florida Department of Agriculture and Consumer Services (FDACS), Saw Palmetto Berry Harvesting, *available at*, <https://www.fdacs.gov/Agriculture-Industry/Plant-Industry-Permits/Saw-Palmetto-Berry-Harvesting> (last visited January 17, 2024).

<sup>106</sup> *Id.*

<sup>107</sup> FDACS, Saw Palmetto (*Serenoa repens*), Berry Harvesting FAQs, *available at*, <https://ccmedia.fdacs.gov/content/download/104215/file/SPBFAQs%5B84%5D.pdf> (last visited January 17, 2024).

<sup>108</sup> *See* s. 581.217, F.S.

which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.

Section 581.217(3)(f), F.S., defines the term “hemp extract” to mean “a substance or compound intended for ingestion, containing more than trace amounts of cannabinoid, or for inhalation which is derived from or contains hemp and which does not contain other controlled substances.” The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration.<sup>109</sup> Products that are intended for inhalation and contain hemp extract may not be sold in this state to a person who is under 21 years of age.<sup>110</sup>

The department was required to seek federal approval of the state plan for the regulation of the cultivation of hemp with the United States Secretary of Agriculture (USDA) in accordance with the 2018 Farm Bill within 30 days of adopting rules.<sup>111</sup> A license is required to cultivate hemp<sup>112</sup> and to obtain a license, a person must apply to the department and submit a full set of fingerprints.<sup>113</sup> A person seeking to cultivate hemp must provide the department with a legal land description and GPS coordinates of where the hemp will be cultivated.<sup>114</sup> The department must deny an application under certain circumstances.<sup>115</sup>

### **Distribution and Retail Sale of Hemp Extract**

Hemp extract may only be distributed and sold in this state if the product has a certificate of analysis prepared by an independent testing laboratory that states:

- The hemp extract is the product of a batch tested by the independent testing laboratory;
- The batch contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a random sample of the batch;
- The batch does not contain contaminants unsafe for human consumption; and
- The batch was processed in a facility that meets certain human health or food safety requirements.<sup>116</sup>

Additionally, hemp extract may only be distributed or sold in a container that includes:

- A scannable barcode or quick response code linked to the certificate of analysis of the hemp extract batch by an independent testing laboratory;
- The batch number;
- The Internet address of a website where batch information may be obtained;
- The expiration date; and
- The number of milligrams of each marketed cannabinoid per serving.<sup>117</sup>

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<sup>109</sup> Section 581.219(3)(f), F.S.

<sup>110</sup> Section 581.217(7)(d), F.S.

<sup>111</sup> Section 581.217(4), F.S.

<sup>112</sup> Section 581.217(5)(a), F.S.

<sup>113</sup> Section 581.217(5)(b), F.S.

<sup>114</sup> Section 581.217(5)(d), F.S.

<sup>115</sup> Section 581.217(5)(e), F.S.

<sup>116</sup> Section 581.217(7)(a), F.S.

<sup>117</sup> Id.

Such container must:

- Be suitable to contain products for human consumption;
- Be composed of materials designed to minimize exposure to light;
- Mitigate exposure to high temperatures;
- Not be attractive to children; and<sup>118</sup>

Be compliant with the United States Poison Prevention Packaging Act of 1970.<sup>119</sup>

### *Effect of Proposed Changes*

**Section 35** amends s. 581.17, F.S., revising the definition of “hemp extract” to mean hemp containing more than trace amounts of a cannabinoid which is intended for ingestion or for inhalation but which does not contain controlled substances.

**Section 36** amends s. 585.01, F.S., to include poultry in the definition of “livestock.”

**Section 47** reenacts s. 468.382, F.S., related to the definition of “livestock.”

**Section 48** reenacts s. 534.47, F.S.

**Section 49** reenacts s. 767.01, F.S.

**Section 50** reenacts s. 767.03, F.S.

## **Criminal Trespass**

### *Present Situation*

#### **Trespassing on Agricultural Land**

A person commits the offense of trespass on property other than a structure or conveyance, when he or she, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

- As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation; or
- If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass.<sup>120</sup>

Section 810.09, F.S., provides criminal penalties for specific types of trespass:

- The offender commits a felony of the third degree, if the property trespassed upon is commercial horticulture property and the property is legally posted and identified in substantially the following manner: “THIS AREA IS DESIGNATED COMMERCIAL

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<sup>118</sup> Section 581.217(3)(a), F.S., defines “attractive to children” to mean manufactured in the shape of humans, cartoons or animals; manufactured in a form that bears any reasonable resemblance to an existing candy product that is familiar to the public as a widely distributed, branded food product such that a product could be mistaken for the branded product, especially by children, or containing color additives.

<sup>119</sup> Section 581.217(7)(a), F.S.

<sup>120</sup> Section 810.09(1)(a), F.S.

PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

- The offender commits a felony of the third degree, if the property trespassed upon is an agricultural site for testing or research purposes that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”
- Any person who in taking or attempting to take any animal, or in killing, attempting to kill, or endangering any animal,<sup>121</sup> knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree. For purposes of this paragraph, the term “potentially lethal projectile” includes any projectile launched from any firearm, bow, crossbow, or similar tensile device. This section does not apply to any governmental agent or employee acting within the scope of his or her official duties.
- The offender commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, if the property trespassed upon is an agricultural chemicals manufacturing facility that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED AGRICULTURAL CHEMICALS MANUFACTURING FACILITY, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

#### *Effect of Proposed Changes*

**Section 38** amends s. 810.011, F.S., to add agricultural land to the definition of “posted land.”

**Section 39** amends s. 810.09, F.S., to provide criminal penalties for trespassing on land classified as commercial agricultural property. The bill also provides the definition for “commercial agricultural property” to mean property cleared of its natural vegetation or fenced for the purposes of planting, growing, harvesting, processing, raising, producing, or storing plant or animal commercial commodities.

**Section 41** amends s. 379.3004, F.S., to conform with the changes in this bill related to trespassing on property while armed.

**Section 42** amends s. 812.014, F.S., to conform with the changes in this bill related to trespassing on property that is identified as a construction zone.

**Section 43** amends s. 921.0022, F.S., to conform with the changes in this bill related to trespassing.

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<sup>121</sup> Animal is defined in s. 585.01(13) as: “Livestock” means grazing animals, such as cattle, horses, sheep, swine, goats, other hoofed animals, ostriches, emus, and rheas which are raised for private use or commercial purposes.

## 4-H Participation in School

### *Present Situation*

#### **Public School Attendance Policies**

Florida law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness.<sup>122</sup> Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.<sup>123</sup> The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.<sup>124</sup> However, a parent is not responsible for the student's nonattendance at school if:

- The absence was with permission of the head of the school;
- The absence was without the parent's knowledge, consent, or connivance, in which case the student must be dealt with as a dependent child;
- The parent is financially unable to provide necessary clothes; or
- On account of sickness, injury, or other insurmountable conditions.<sup>125</sup>

## 4-H Participation in School

4-H is the nation's largest youth development organization. Over 230,000 members in the State of Florida help to make up the community of more than 6.5 million young people across America. 4-H is a non-formal, practical educational program for youth. Florida 4-H is the youth development program of Florida Cooperative Extension, a part of the University of Florida IFAS.<sup>126</sup>

4-H is open to all youth, ages five through 18, determined as of September 1 of the current 4-H program year and open to all counties in the State of Florida. 4-H serves youth from all backgrounds and interests. It reaches both boys and girls through 4-H clubs, special interest groups and short term projects, school-age childcare, individual and family learning and mentoring, camping, and school enrichment. There are three primary program areas, or mission mandates; science, citizenship, and healthy living.<sup>127</sup>

### **Future Farmers of America**

The Future Farmers of America (FFA) is a youth leadership organization that helps young people develop their potential for leadership, personal growth, and career success through agriculture education. FFA is not just for students who want to be productive farmers. FFA welcomes members who aspire to careers as teachers, doctors, scientists, business owners and more.<sup>128</sup>

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<sup>122</sup> Section 1003.24, F.S.

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

<sup>124</sup> Section 1003.26, F.S.

<sup>125</sup> Section 1003.24, F.S.

<sup>126</sup> Florida 4-H, What is 4-H?, <https://florida4h.ifas.ufl.edu/about-us/> (last visited January 17, 2024).

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

<sup>128</sup> What is FFA?, <https://www.ffa.org/about-us/what-is-ffa> (last visited January 28, 2024).

*Effect of Proposed Changes*

**Section 40** amends s. 1003.24, F.S., to provide that a student's participation in a 4-H or FFA activity is an excused absence from school. A 4-H or FFA representative must provide documentation as proof of a student's participation in a 4-H or FFA activity upon request by a school principal or the principal's designee. The 4-H representative must be officially recognized or designated by the Florida Cooperative Extension Service 4-H Program as a 4-H professional or a 4-H adult volunteer.

**Section 51** provides that this bill shall take effect July 1, 2024.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Article VII, s. 19 of the Florida Constitution requires the authorization of a state tax or fee be contained in a separate bill that contains no other subject and be approved by 2/3 of the membership of each house of the Legislature. These provisions do not apply to any tax or fee authorized to be imposed by a county. This bill authorizes county tax collectors approved by the department to collect certain fees for processing applications.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The bill authorizes a county tax collector approved by the Department of Agriculture and Consumer Services (department) to accept certain new, renewal, and replacement license applications, and to collect fees associated with such services. The appointed county tax collector may collect and retain the following fees associated with an application for a license under ch. 493, F.S.: a convenience fee of \$22 for each new application, \$12 for each renewal application, \$12 for each replacement license, \$9 for fingerprinting services, and \$9 for photographing services. Additionally, the appointed county tax collector may collect and retain the following fees associated with an application for a

concealed weapon or firearm license: \$12 for each replacement license, \$9 for fingerprinting services, and \$9 for photographing services.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

A county tax collector that elects to seek appointment under ss. 493.6127, F.S., or 790.0625, F.S., to accept new, renewal, and replacement license applications on behalf of the department may collect fees associated with such activities. These fees should cover the cost of the tax collector to provide such services. License fees collected will be remitted to the department by the tax collector and deposited into the Division of Licensing Trust Fund.

The bill creates new third degree felonies for illegal activities relating to saw palmetto berries and trespass on agricultural property. This may have a positive indeterminate prison bed impact (an unquantifiable increase in prison beds) on the Department of Corrections.

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 366.94, 379.3004, 482.111, 482.151, 482.155, 482.156, 482.157, 482.161, 482.191, 482.226, 487.031, 487.175, 493.6113, 496.404, 496.405, 496.406, 496.407, 496.409, 496.410, 496.4101, 496.411, 496.4121, 496.425, 500.03, 507.07, 559.904, 559.905, 570.07, 570.69, 570.691, 570.692, 581.217, 585.01, 790.0625, 810.011, 810.09, 812.014, 921.0022, and 1003.24.

This bill creates the following sections of the Florida Statutes: 493.6127, 500.452, and 581.189.

This bill re-enacts the following sections of the Florida Statutes: 468.382, 493.6115, 496.4055, 534.47, 559.907, 767.01, and 767.03.

This bill repeals section 531.67 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Fiscal Committee on February 22, 2024:**

The committee substitute:

- Eliminates the requirement for the name and street address of each institution where banking or similar monetary transactions are done by the charitable organization or sponsor on registration statements.
- Revises the definition of “hemp extract” to mean hemp containing more than trace amounts of a cannabinoid which is intended for ingestion or for inhalation but which does not contain controlled substances.
- Revises the prohibition related to cultivated meat to specify it is unlawful to manufacture cultivated meat for sale and provides it is a violation to knowingly violate this section.

**CS by Appropriations Committee on Agriculture, Environment, and General Government on February 8, 2024:**

The committee substitute:

- Amends the contribution-based registration fee thresholds to remove an option related to contributions raised by non-compensated volunteers, members, officers or permanent employees under \$50,000 in the previous fiscal year.
- Amends the exemption threshold to refer to total contributions instead of total revenue. The bill also revises the information charitable organizations and sponsors must provide to the department when claiming certain exemptions to include street addresses.
- Increases the department’s statutorily authorized threshold to repair or build structures from \$250,000 to \$500,000.
- Provides technical changes.

**B. Amendments:**

None.