



CITY OF TITUSVILLE

TITUSVILLE ENVIRONMENTAL COMMISSION

AGENDA

Regular Meeting

April 9, 2025 - 5:30 PM

Council Chamber at City Hall

555 South Washington Avenue, Titusville, FL 32796

All persons who anticipate speaking on any Public Hearing item must fill out an Oath Card to be heard on that agenda item and sign the oath contained thereon. These cards are located on the table near the entrance to the Council Chamber or may be obtained from the Recording Secretary. This meeting will be conducted in accordance to the procedures adopted in Resolution No. 24-1997.

Those speaking in favor of a request will be heard first, those opposed will be heard second, and those who wish to make a public comment on the item will speak third. The applicant may make a brief rebuttal if necessary. A representative from either side, for or against, may cross-examine a witness.

Anyone who speaks is considered a witness. If you have photographs, sketches, or documents that you desire for the Commission to consider, they must be submitted into evidence and will be retained by the City. Please submit such exhibits to the Recording Secretary.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DETERMINATION OF A QUORUM**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF MINUTES**
 - A. **Minutes March 12, 2025**
Approve
6. **PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT (NON-AGENDA ITEMS)**
7. **OLD BUSINESS**

A. Hydrofluosilicic Acid In Drinking Water

Discuss the item. No action.

B. Native Municipal Tree, Canopy, and Landscape Management Trust Fund

Discuss the Native Municipal Tree, Canopy, and Landscape Management Trust Fund concept.

C. TEC By-laws

Approve a specific election month.

8. NEW BUSINESS

A. Minimum criteria for urban trees and green space: 3-30-300 Rule.

Discuss the rule. No action.

9. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

10. REPORTS

A. Staff Report - Draft ordinances

Discuss and provide input on the report and findings.

11. ADJOURNMENT

Any person who decides to appeal any decision of the Titusville Environmental Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the chairperson that the physically handicapped person desires to attend the meeting.

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **Minutes March 12, 2025**
Department/Office: Planning

Recommended Action:

Approve

Summary Explanation & Background:

Minutes March 12, 2025

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. 03.12.25 TEC Minutes Draft

The Titusville Environmental Commission (TEC) of the City of Titusville, Florida met in regular session at City Hall in the Council Chamber located at 555 South Washington Avenue on Wednesday, March 12, 2025, at 5:30pm.

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Chairman Michael Myjak, called the meeting to order at 5:42pm. Present were, Vice Chairwoman Laurilee Thompson, Member Jonathan Burdette, Michael Browning, Member Hector Delgado, and Alternate Member William Young. Member Beth Ann Tucker, Alternate Member Joshua Koci and Member Robert Walter were absent. Staff present were Sustainability Program Coordinator Lily Galleo and Recording Secretary Laurie Dargie.

XXX

Member Young made a motion to approve the February 12, 2025 meeting minutes as presented. Vice Chairman Thompson seconded. There was a unanimous voice vote in favor.

XXX

Petitions and Requests from Public Present

Stan Johnston of Titusville, Florida came to speak about his concerns with the City of Titusville not being sustainable or resilient. Mr. Johnston also spoke about the 1966 Stormwater Master Plan, errors with the City of Titusville floodplain maps, flooding concerns with the drainage under Interstate 95 and Section 12-11 of the code.

Chairman Myjak asked for Ms. Galleo to find out who maintains the drainage under Interstate 95.

Chairman Myjak said he would like to incentive not moving into the one-hundred-year flood plain areas.

Member Delgado stated that FEMA did not exist in 1966 and Interstate 95 was built in 1963 under different polices than we have now.

Vice Chairman Thompson said the issue is that the drainage at Interstate 95 is blocked because of the lack of maintenance.

Sustainability Program Coordinator Lily Galleo said that maps will be made as part of the Vulnerability Assessment which will show the flood plains.

Ms. Galleo said that the public can upload information right now regarding flooding issues onto the City's website.

Kay St. Onge of Titusville, Florida came to speak about the many benefits of trees and tree canopy. Ms. St. Onge also provided information about 3-30-300 Rule and she provided a handout with details about this program later in the meeting. Ms. St. Onge encouraged the Titusville Environmental Commission to lookup this up for themselves and review it.

Toni Shifalo of Titusville, Florida strongly encouraged the Titusville Environmental Commission members to be aware of what is going on with all of the other Boards & Commissions that have meetings for the City of Titusville and stated that they should be attending all of the city meetings so that they know what is taking place and can stay involved and know what is going on to better serve the city.

XXX

Old Business

Native Municipal Tree, Canopy, and Landscape Management Trust Fund

Chairman Myjak provided a brief overview of this item.

Vice Chairwoman Thompson asked how much is in the mitigation landscape trust fund as of now?

The Titusville Environmental Commission had discussion about the use of the fund.

Chairman Myjak asked Ms. Galleo to let the Commission know how much is in the mitigation trust fund.

The Titusville Environmental Commission members also had discussions relating to the \$2.00 per capita. Member Delgado had a handout from a previous meeting with the cost and maintenance breakdowns.

Kay St. Onge of Titusville, Florida said that the Commission is speaking about two separate funds. The first one is the Community Forestry Annual Budget which is from the \$2.00 per capita and the handout that Member Delgado provided is the report that Public Works provides to the Tree City USA as a requirement. The second fund is the mitigation trust fund that developers must pay

into when they cut down trees. Ms. St. Onge stated that these funds are to be used for beautification of the City of Titusville.

XXX

Vice Chairwoman Thompson made a motion requesting staff to provide a report of what has been spent out of this mitigation trust fund and what has been put into it. Chairman Myjak seconded. There was a unanimous voice vote in favor.

XXX

Chairwoman Thompson made a motion requesting staff to provide a report showing how much money has been paid into the mitigation trust fund for all projects over the last five years. Member Browning seconded. There was a unanimous voice vote in favor.

XXX

Member Browning suggested that the mitigation landscape trust funds be used to hire an Urban Forester to manage an Urban Forestry Program.

The Titusville Environmental Commission members had discussion.

Vice Chairwoman Thompson said that their time would be better spent on changing where the \$2.00 per capita funds were being spent rather than imposing a new fee on developers.

Member Burdette said he did some research as to what other cities have done with their funds, and he would be providing that information to Ms. Galleo to share with the Titusville Environmental Commission members via email.

Member Browning said the City of Titusville needs to know how many trees they have (tree inventory) before we can manage the trees.

Kay St. Onge of Titusville, Florida came to speak about the tree canopy assessment. Ms. St. Onge also said that the City of Titusville is waiting on grant funds to work on the Master Plan for Urban Forestry. Ms. St. Onge said that the City of Titusville has had many studies completed but the problem has been the city does not implement the studies.

The Titusville Environmental Commission members had additional discussion relating to how the funds are being spent, incentives, Urban Forestry, tree assessment, etc.

XXX

Member Browning made a motion requesting that a special workshop meeting be held with stakeholders, city staff, and the public to discuss in more detail the Native Municipal Tree, Canopy, and Landscape Management Trust Fund, tree maintenance, and funding issues to solidify goals and objectives. Member Young seconded. There was a unanimous voice vote.

XXX

Member Young made a motion to table the Native Municipal Tree, Canopy, and Landscape Management Trust Fund item until the April 9, 2025 meeting. Member Delgado seconded. There was a unanimous voice vote in favor.

XXX

Titusville Environmental Commission (TEC) By-laws

Chairman Myjak said that the proposed change to add “Future Agenda Items” was made and provided tonight for approval.

XXX

Member Young made a motion to approve the change to the Titusville Environmental Commission By-Laws. Member Browning seconded. There was a unanimous voice vote in favor.

XXX

Vice Chairwoman Thompson brought up Article IV. Election of Officers and Vacancies. Vice Chairwoman Thompson said the concern is to have an election before City Council makes their appointments to the Commission every November. Vice Chairwoman Thompson said that the elections should be held after City Council makes their appointments to the Titusville Environmental Commission.

The Titusville Environmental Commission members had discussion.

XXX

Member Delgado made a motion to amend the Titusville Environmental Commission By-laws Article IV. Election of Officers and Vacancies to as follows: The Chairman and Vice Chairman will not be elected until such a time that the entire Commission has been selected for the next term by City Council. Member Browning seconded. There was a unanimous voice vote in favor.

XXX

Chairman Myjak said that this will be brought back to the April 9, 2025 meeting with this new change to be voted upon.

Stan Johnston of Titusville, Florida came to speak regarding presenting written communication to City Council.

XXX

New Business

Fluoride in Drinking Water

Member Burdette provided a brief overview of this item and also referred to the handout that he provided to the Commission for tonight's meeting.

Stel Bailey of Port St. John, Florida came to speak about her concerns with the City of Titusville choosing to use hydrofluosilicic acid or HFSA in the city's drinking water.

Stan Johnston of Titusville, Florida came to speak about his concerns with the City of Titusville using hydrofluosilicic acid in the drinking water.

The Titusville Environmental Commission had lengthy discussion regarding the use of hydrofluosilicic acid in the drinking water.

Member Delgado said he would like to have data provided by the city to the Commission regarding the amount of hydrofluosilicic acid that is being added into the drinking water.

Chairman Myjak asked that Ms. Galleo find out how much hydrofluosilicic acid is being used in Titusville's drinking water and how much is the cost for what is being used.

Stel Bailey said she can provide Ms. Galleo additional information that she has relating to the use of hydrofluosilicic acid so that it can be shared with the Titusville Environmental Commission members.

Member Browning said he has concerns with the 2024 Toxicology Report, concerns with stopping what has been being done over the last fifty yeads and concerns with accepting emerging science over settled science. Member Browning said that the Florida Dental Association opposes removing fluoride from drinking water.

Chairman Myjak asked for more data to be provided to the Commission and would like for Public Works Director, Kevin Cook to be invited to come and give information to the Commission about the use of hydrofluosilicic acid.

XXX

Member Delgado made a motion that data regarding the amount of hydrofluosilicic acid that is being used and the cost associated with the use of it be provided at the April 9, 2025 Titusville Environmental Commission meeting. Member Young seconded. There was a unanimous voice vote in favor.

XXX

Petitions and Requests from Public Present

Stan Johnston of Titusville, Florida asked why the City of Titusville chooses to use hydrofluosilicic acid in the drinking water.

Kay St. Onge of Titusville, Florida provided the handout that was previously mentioned during the first Petitions and Requests on the 3-30-300 Rule.

XXX

Reports

Sustainability Program Coordinator Lily Galleo stated that the City of Titusville received the grant for the Urban Forestry today.

Sustainability Program Coordinator Lily Galleo said she launched a Sustainability Leadership Awards Program which is an initiative to get the public to participate in the city's Sustainability Action Plan.

Member Young asked about the aerators in the stormwater ponds. Ms. Galleo said that Sandra Reller provided an email to the Commission about the aerators, and she will share that again as it provides information on what ponds have received aerators.

Vice Chairwoman Thompson said she really likes the 3-30-300 Rule that Ms. St. Onge provided and likes the recommendations that it makes.

Chairman Myjak said that he would like for the 3-30-300 Rule be on the April 9, 2025 agenda for discussion.

Chairman Myjak said he attended the Marine Resource Council's Low Impact Living meeting which focused on existing development and how can they help the stormwater problem by capturing stormwater on site.

Chairman Myjak said he spoke at the Brevard County Commission regarding Speak Up Brevard topics. Chairman Myjak said he spoke about how the Brevard County Commission should setup a task force on space because of the tsunami of growth entering Brevard County. Chairman Myjak said Brevard County needs to create a better planning process for all this future growth.

XXX

Adjournment 8:33 p.m.

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **Hydrofluosilicic Acid In Drinking Water**
Department/Office: Planning

Recommended Action:

Discuss the item. No action.

Summary Explanation & Background:

At the March Meeting, Member Burdette provided a brief overview of this item and also referred to the handout that he provided to the Commission for tonight's meeting.

Stel Bailey of Port St. John, Florida came to speak about her concerns with the City of Titusville choosing to use hydrofluosilicic acid or HFSA in the city's drinking water and provided additional information that she has relating to the use of hydrofluosilicic acid so that it can be shared with the Titusville Environmental Commission members.

Public Works provided the following summary per TEC request:

- How much hydrofluosilicic acid is added to drinking water? [Our target fluoride concentration leaving the plant is 0.70 mg/L which is the NIH recommendation, FDEP max limit is 4.0 mg/L with a notice requirement at 2.0 mg/L.](#)
- [Our Feb 2025 testing was the following:](#)
 - [Raw Water Content = .104 mg/L](#)
 - [Point of Entry = 0.670 mg/L](#)
 - [Resident Sample Point = 0.329 mg/L](#)
- How much does adding hydrofluosilicic acid to the drinking water cost? What are the associated costs? [\\$13,478.62 in FY24 in supplies.](#)
- Why does the City add hydrofluosilicic acid to the drinking water and what was the deciding factor years ago when it was added? [I could not find any action that specified a material but the City Council authorized the addition of fluoride to water in 1982. The type of system our water treatment plant uses is designed for liquid delivery of HFSA which was the most common form of delivery method since the 1950s.](#)

Alternatives:

Discuss Hydrofluosilicic Acid In Drinking Water. No action.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Fluoride in Drinking Water
2. Excerpts From Federal Ruling on Fluoride
3. farm bill 2025
4. FL Patient Bill Of Rights-Chapter 381. 026 B(4)
5. Fluoride Resolution City Template
6. Fluorosilicic Acid Supply Chain Profile

TEC Member Jonathan Burdette

12 February 2025

Fluoride in Drinking Water

- **Dental Health Benefits:** The Centers for Disease Control and Prevention (CDC) and other public health organizations continue to affirm that fluoride in drinking water reduces dental cavities, particularly in children. The American Dental Association also supports its use at recommended levels.¹
- **State-Level Guidance:** In November 2024, Florida's State Surgeon General, Dr. Joseph A. Ladapo, issued guidance recommending against community water fluoridation. This recommendation was based on concerns about potential neuropsychiatric risks associated with fluoride exposure, particularly in pregnant women and children. The guidance also highlighted the availability of alternative fluoride sources for dental health, such as toothpaste and mouth rinses.²
- **Cognitive Health Concerns:** Some newer studies, including a 2024 National Toxicology Program review, suggest that higher fluoride exposure could be linked to lower IQ scores in children. This has led to increasing debate over appropriate fluoride levels.³
- **Evolving Perspectives on Effectiveness:** A 2024 Cochrane review found that while fluoride remains effective in reducing cavities, its impact may not be as significant as in the past due to the widespread use of fluoride toothpaste and other dental health advancements. This raises questions about whether fluoridation remains the most necessary or efficient method for preventing tooth decay.⁴
- **Regulatory Considerations:** A U.S. District Court ruling in September 2024 directed the Environmental Protection Agency (EPA) to re-evaluate fluoride exposure risks, indicating a shift in how the issue is being addressed at the federal level.⁵
- **Kinds of Fluoridation:** It's important to note that three different compounds are used in water fluoridation, each with its own considerations: Sodium Fluoride (NaF), Fluorosilicic Acid (H_2SiF_6), and Sodium Fluorosilicate (Na_2SiF_6).⁶

¹ Centers for Disease Control and Prevention. "About Fluoride." Last modified May 4, 2023.
<https://www.cdc.gov/oral-health/prevention/about-fluoride.html>.

² Florida Department of Health. "Guidance for Community Water Fluoridation." November 22, 2024.
https://www.floridahealth.gov/_documents/newsroom/press-releases/2024/11/GUIDANCECommunityWaterFluoridation.pdf.

³ National Toxicology Program. "Systematic Review of Fluoride Exposure and Neurodevelopmental and Cognitive Health Effects." NTP.niehs.nih.gov

⁴ Cochrane Oral Health Group. "Water fluoridation less effective now than in past."
<https://www.cochrane.org/news/water-fluoridation-less-effective-now-past>

⁵ "Fluoride in Drinking Water Poses Enough Risk to Merit New EPA Action, Judge Says." AP News, September 24, 2024. <https://apnews.com/article/fluoride-ruling-drinking-water-ccdfa11138600ab0838ebf979cbaead2>.

⁶ American Dental Association. "Fluoridation: Compounds Used." Accessed February 12, 2025.
<https://www.ada.org/resources/community-initiatives/fluoridation-compounds-used>.

Excerpts from the Federal ruling

The Court's ruling is 80 pages in total, and extremely detailed and thorough. Here are

p. 2: the Court finds that fluoridation of water at 0.7 milligrams per liter (“mg/L”) – the level presently considered “optimal” in the United States – poses an unreasonable risk of reduced IQ in children.

p.2: "This order does not dictate precisely what that response must be. Amended TSCA leaves that decision in the first instance to the EPA. **One thing the EPA cannot do, however, in the face of this Court’s finding, is to ignore that risk.**"

Pg 6. Lines 13-16 *“In all, there is substantial and scientifically credible evidence establishing that fluoride poses a risk to human health; it is associated with a reduction in the IQ of children and is hazardous at dosages that are far too close to fluoride levels in the drinking water of the United States.”*

Pg 6. Lines 23-26 *“Thus, the Court finds Plaintiffs have met their burden in establishing, by a preponderance of the evidence, that community water fluoridation at 0.7 mg/L presents an unreasonable risk of injury to health under Amended TSCA and that the EPA is thus obliged to take regulatory action in response.”*

Pg 15. Lines 7-10 *“Key finding
The hazard identification step of the hazard assessment here is satisfied; exposure to the chemical fluoride is associated with the adverse effect of reduced IQ in children, and particularly in boys.”*

p. 77: **The scientific literature in the record provides a high level of certainty that a hazard is present;** fluoride is associated with reduced IQ. There are uncertainties presented by the underlying data regarding the appropriate point of departure and exposure level to utilize in this risk evaluation. But those uncertainties do not undermine the finding of an unreasonable risk; **in every scenario utilizing any of the various possible points of departures, exposure levels and metrics, a risk is present in view of the applicable uncertainty factors that apply.**

p. 78: **There is significant *certainty* in the data set regarding the association between fluoride and reduced IQ. Namely, there is a robust body of evidence finding a statistically significant adverse association between fluoride and IQ.**

p. 76: **The size of the affected population is vast.** Approximately 200 million Americans have fluoride intentionally added to their drinking water at a concentration of 0.7 mg/L. See Dkt. No. 421 at 206-07 (undisputed). Other Americans are indirectly

exposed to fluoridated water through consumption of commercial beverages and food manufactured with fluoridated water

p. 76: Approximately two million pregnant women, and over 300,000 exclusively formula-fed babies are exposed to fluoridated water. **The number of pregnant women and formula-fed babies alone who are exposed to water fluoridation each year exceeds entire populations exposed to conditions of use for which EPA has found unreasonable risk**; the EPA has found risks unreasonable where the population impacted was less than 500 people.

IV. CONCLUSIONS OF LAW

121. Plaintiffs have proven, by a preponderance of the evidence, that water fluoridation at the level of 0.7 mg/L – the prescribed optimal level of fluoridation in the United States – presents an “unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation under the conditions of use.” 15 U.S.C. § 2620(b)(4)(B)(ii).

122. The Court thus orders the Administrator to initiate rulemaking pursuant to Subsection 6(a) of TSCA. *See id.* §§ 2605(a), 2620(a)

The Clerk of Court is directed to enter judgment in Plaintiffs’ favor.

IT IS SO ORDERED. Dated: September 24, 2024

By Senator Truenow

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 110.205, F.S.;;
4 providing that certain positions in the department are
5 exempt from the Career Service System; amending s.
6 186.801, F.S.; requiring an electric utility to submit
7 a 10-year site plan for a proposed power plant on
8 certain lands to the county commission where such
9 proposed power plant is located; requiring a county
10 commission receiving such site plans to fulfill
11 certain requirements; amending s. 193.461, F.S.;;
12 revising requirements for land to be classified as
13 agricultural; amending s. 201.25, F.S.;; conforming a
14 provision to changes made by the act; amending s.
15 330.41, F.S.;; defining terms; prohibiting a person
16 from knowingly or willfully performing certain actions
17 on lands classified as agricultural; providing
18 criminal penalties; providing applicability;
19 prohibiting a person from knowingly or willfully
20 performing certain actions on private property, state
21 wildlife management lands, or a sport shooting and
22 training range; providing criminal penalties;
23 providing applicability; creating s. 366.20, F.S.;;
24 requiring that certain lands acquired by an electric
25 utility be offered for sale for less than fee simple
26 acquisition of development rights by the state;
27 requiring that certain lands owned by an electric
28 utility be offered for sale for less than fee simple
29 acquisition of development rights by this state before

13-00671B-25

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

13-00671B-25

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59 governing body's mosquito control budget be made and
60 adopted pursuant to specified provisions and requiring
61 that summary figures be incorporated into the county
62 budgets as prescribed by the department; amending s.
63 388.241, F.S.; providing that certain rights, powers,
64 and duties be vested in the board of county
65 commissioners or similar governing body of a county,
66 city, or town; amending s. 388.261, F.S.; increasing
67 the amount of state funds, supplies, services, or
68 equipment for a certain number of years for any new
69 program for the control of mosquitos and other
70 arthropods which serves an area not previously served
71 by a county, municipality, or district; conforming a
72 provision to changes made by the act; amending s.
73 388.271, F.S.; requiring each program participating in
74 arthropod control activities to file a tentative
75 integrated arthropod management plan with the
76 department by a specified date; conforming provisions
77 with changes made by the act; amending s. 388.281,
78 F.S.; requiring that all funds, supplies, and services
79 released to programs be used in accordance with the
80 integrated arthropod management plan and certified
81 budget; requiring that such integrated arthropod
82 management plan and certified budget be approved by
83 both the board of county commissioners and appropriate
84 representative; conforming provisions to changes made
85 by the act; amending s. 388.291, F.S.; providing that
86 a program may perform certain source reduction
87 measures in any area providing that the department has

13-00671B-25

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88 approved the operating or construction plan as
89 outlined in the integrated arthropod management plan;
90 conforming provisions to changes made by the act;
91 amending s. 388.301, F.S.; revising the schedule by
92 which state funds for the control of mosquitos and
93 other arthropods may be paid; conforming provisions to
94 changes made by the act; amending s. 388.311, F.S.;
95 conforming provisions to changes made by the act;
96 amending s. 388.321, F.S.; conforming provisions to
97 changes made by the act; amending s. 388.322, F.S.;
98 requiring the department to maintain a record and
99 inventory of certain property purchased with state
100 funds for arthropod control use; conforming provisions
101 to changes made by the act; amending s. 388.323, F.S.;
102 providing that certain equipment no longer needed by a
103 program be first offered for sale to other programs
104 engaged in arthropod control at a specified price;
105 requiring that all proceeds from the sale of certain
106 property owned by a program and purchased using state
107 funds be deposited in the program's state fund
108 account; conforming provisions to changes made by the
109 act; amending s. 388.341, F.S.; requiring a program
110 receiving state aid to submit a monthly report of all
111 expenditures from all funds for arthropod control by a
112 specified timeframe as may be required by the
113 department; conforming provisions to changes made by
114 the act; amending s. 388.351, F.S.; conforming
115 provisions to changes made by the act; amending s.
116 388.361, F.S.; conforming provisions to changes made

13-00671B-25

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117 by the act; amending s. 388.3711, F.S.; revising the
118 department's enforcement powers; amending s. 388.381,
119 F.S.; conforming provisions to changes made by the
120 act; amending s. 388.391, F.S.; conforming provisions
121 to changes made by the act; amending s. 388.401, F.S.;
122 conforming provisions to changes made by the act;
123 amending s. 388.46, F.S.; revising the composition of
124 the Florida Coordinating Council on Mosquito Control;
125 amending s. 403.067, F.S.; providing an exception for
126 inspection requirements for certain agricultural
127 producers; authorizing the department to adopt rules
128 establishing an enrollment in best management
129 practices by rule process; authorizing the department
130 to identify best management practices for specified
131 landowners; requiring the department to annually
132 perform onsite inspections of a certain percentage of
133 all enrollments that meet specified qualifications
134 within a specified area; providing requirements for
135 such inspections; requiring agricultural producers
136 enrolled by rule in a best management practice to
137 annually submit nutrient records to the department;
138 requiring the department to collect and retain such
139 records; amending s. 403.852, F.S.; defining the term
140 "water quality additive"; amending s. 403.859, F.S.;
141 providing that the use of certain additives in a water
142 system which do not meet the definition of water
143 quality additive or certain other additives is
144 prohibited and violates specified provisions; amending
145 s. 482.111, F.S.; revising requirements for the

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146 renewal of a pest control operator's certificate;
147 authorizing a third-party vendor to collect and retain
148 a convenience fee; amending s. 482.141, F.S.;
149 requiring the department to provide in-person and
150 remote testing for the examination through a third-
151 party vendor for an individual seeking pest control
152 operator certification; authorizing a third-party
153 vendor to collect and retain a convenience fee;
154 amending s. 482.155, F.S.; requiring the department to
155 provide in-person and remote testing for the
156 examination through a third-party vendor for an
157 individual seeking limited certification for a
158 governmental pesticide applicator or a private
159 applicator; authorizing a third-party vendor to
160 collect and retain a convenience fee; deleting
161 provisions requiring the department to make such
162 examination readily accessible and available to all
163 applicants on a specified schedule; amending s.
164 482.156, F.S.; requiring the department to provide in-
165 person and remote testing for the examination through
166 a third-party vendor for an individual seeking a
167 limited certification for commercial landscape
168 maintenance; authorizing a third-party vendor to
169 collect and retain a convenience fee; deleting
170 provisions requiring the department to make such
171 examination readily accessible and available to all
172 applicants on a specified schedule; amending s.
173 482.157, F.S.; revising requirements for issuance of a
174 limited certification for commercial wildlife

13-00671B-25

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175 management personnel; authorizing a third-party vendor
176 to collect and retain a convenience fee; deleting
177 provisions requiring the department to make an
178 examination readily accessible and available to all
179 applicants on a specified schedule; amending s.
180 482.161, F.S.; authorizing the department to take
181 specified disciplinary action upon the issuance of a
182 final order imposing civil penalties or a criminal
183 conviction pursuant to the Federal Insecticide,
184 Fungicide, and Rodenticide Act; amending s. 487.044,
185 F.S.; requiring the department to provide in-person
186 and remote testing through a third-party vendor for
187 the examination of an individual seeking a limited
188 certification for pesticide application; authorizing a
189 third-party vendor to collect and retain a convenience
190 fee; amending s. 487.175, F.S.; providing that the
191 department may suspend, revoke, or deny licensure of a
192 pesticide applicator upon issuance of a final order to
193 a licensee which imposes civil penalties or a criminal
194 conviction under the Federal Insecticide, Fungicide,
195 and Rodenticide Act; amending s. 496.404, F.S.;
196 defining the terms "foreign country of concern" and
197 "foreign source of concern"; amending s. 496.405,
198 F.S.; revising which documents a charitable
199 organization or sponsor must file before engaging in
200 specified activities; requiring that any changes to
201 such documents be reported to the department on a
202 specified form in a specified timeframe; revising the
203 requirements of the charitable organization's initial

13-00671B-25

2025700__

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

13-00671B-25

2025700__

233 amending s. 500.12, F.S.; providing that the
234 department requires a food permit from any person or
235 business that operates a food establishment; revising
236 exceptions; revising the schedule for renewing certain
237 food permits; authorizing the department to establish
238 a single permit renewal date for certain food
239 establishments; amending s. 500.166, F.S.; requiring
240 certain persons engaged in interstate commerce to
241 retain all records that show certain information for a
242 specified timeframe; amending s. 500.172, F.S.;
243 authorizing the department to facilitate the
244 destruction of certain articles that violate specified
245 provisions; prohibiting certain persons from certain
246 actions without permission from, or in accord with a
247 written agreement with, the department; creating s.
248 500.75, F.S.; providing that it is unlawful to import,
249 sell, offer for sale, furnish, or give away certain
250 spores or mycelium; providing a penalty for
251 violations; creating s. 500.93, F.S.; defining terms;
252 requiring the department to adopt rules to enforce the
253 Food and Drug Administration's (FDA's) standard of
254 identity for milk to prohibit the sale of plant-based
255 products mislabeled as milk; providing a contingent
256 effective date; requiring the department to adopt
257 rules to enforce the FDA's standard of identity for
258 meat, poultry, and poultry products to prohibit the
259 sale of plant-based products mislabeled as meat;
260 providing a contingent effective date; requiring the
261 department to adopt rules; providing construction;

13-00671B-25

2025700__

262 repealing s. 501.135, F.S., relating to consumer unit
263 pricing; amending s. 501.912, F.S.; revising the
264 definition of "antifreeze"; creating s. 525.19, F.S.;
265 requiring the department to create an annual petroleum
266 registration program for petroleum owners or operators
267 who own and operate vehicles for transporting
268 petroleum; requiring the department to adopt rules for
269 such registration which include specified information;
270 requiring that the registration program be free for
271 all registrants; authorizing the department to require
272 registrants to provide certain information during a
273 state of emergency; creating s. 526.147, F.S.;

274 creating the Florida Retail Fuel Transfer Switch
275 Modernization Grant Program within the department;
276 requiring the grant program to provide funds up to a
277 certain amount to be used for installation and
278 equipment costs related to installing or modernizing
279 transfer switch infrastructure at retail fuel
280 facilities; requiring the department to award funds
281 based on specified criteria; requiring retail fuel
282 facilities awarded grant funds to comply with
283 specified provisions; requiring such facilities to
284 install a transfer switch with specified capabilities;
285 requiring retail fuel facilities to provide specified
286 documentation before being awarded funding;
287 prohibiting certain facilities from being awarded
288 funding; requiring the department, in consultation
289 with the Division of Emergency Management, to adopt
290 rules; requiring that such rules include specified

13-00671B-25

2025700__

291 information; amending s. 531.48, F.S.; requiring that
292 certain packages bear specified information on the
293 outside of the package; amending s. 531.49, F.S.;
294 revising requirements for the advertising of a
295 packaged commodity; amending s. 570.07, F.S.;
296 requiring the department to foster and encourage the
297 employment and retention of qualified veterinary
298 pathologists; providing that the department may
299 reimburse the educational expenses of certain
300 veterinary pathologists who enter into a certain
301 agreement with the department; requiring the
302 department to administer rules; requiring the
303 department to extend certain opportunities to public
304 school students enrolled in agricultural education to
305 support Future Farmers of America programming;
306 amending s. 570.544, F.S.; revising which provisions
307 the director of the Division of Consumer Services must
308 enforce; creating s. 570.546, F.S.; authorizing the
309 department to create a process for the bulk renewal of
310 licenses; authorizing the department to create a
311 process that will allow licensees to align the
312 expiration dates of licenses within a specified
313 program; authorizing the department to change the
314 expiration date for current licenses for a certain
315 purpose; requiring the department to pro-rate the
316 licensing fee for certain licenses; requiring the
317 department to adopt rules; amending s. 570.822, F.S.;
318 defining the term "declared emergency"; revising the
319 definition of the term "program"; providing that loan

13-00671B-25

2025700__

320 funds from the department may be used to restock
321 aquaculture; authorizing the department to renew a
322 loan application under certain circumstances;
323 authorizing the department to defer or waive loan
324 payments under certain circumstances; conforming
325 provisions to changes made by the act; creating s.
326 570.823, F.S.; defining terms; establishing the
327 silviculture emergency recovery program within the
328 department to administer a grant program to assist
329 certain timber landowners; requiring that such grants
330 be used for certain purposes; requiring that only
331 timber lands located on agricultural property are
332 eligible for the program; requiring the department to
333 coordinate with state agencies to provide financial
334 assistance to timber landowners after a specified
335 declared emergency; providing construction;
336 authorizing the department to adopt rules to implement
337 this section; providing construction; amending s.
338 581.1843, F.S.; deleting provisions that exclude
339 certain citrus nurseries from certain requirements;
340 deleting provisions relating to regulated areas around
341 the perimeter of commercial citrus nurseries;
342 repealing ss. 593.101, 593.102, 593.103, 593.104,
343 593.105, 593.106, 593.107, 593.108, 593.109, 593.11,
344 593.111, 593.112, 593.113, 593.114, 593.1141,
345 593.1142, 593.115, 593.116, and 593.117, F.S.,
346 relating to the Florida Boll Weevil Eradication Law;
347 definitions; powers and duties of Department of
348 Agriculture and Consumer Services; the entry of

13-00671B-25

2025700__

349 premises to carry out boll weevil eradication
350 activities and inspections; reports by persons growing
351 cotton; quarantine areas and the regulation of
352 articles within a boll weevil eradication zone; the
353 regulation of collection, transportation,
354 distribution, and movement of cotton; cooperative
355 programs for persons engaged in growing, processing,
356 marketing, or handling cotton; the department's
357 authority to designate eradication zones, prohibit
358 planting of cotton, and require participation in
359 eradication program; regulation of the pasturage of
360 livestock, entry by persons, and location of honeybee
361 colonies in eradication zones and other areas;
362 eligibility for certification of cotton growers'
363 organization; the certification of cotton growers'
364 organization; a referendum; an assessment; the
365 department's authority to enter agreements with the
366 Farm Service Agency; liens; mandamus or injunction;
367 penalty for violation; and the handling of moneys
368 received, respectively; amending s. 595.404, F.S.;
369 revising the department's powers and duties regarding
370 school nutrition programs; amending s. 599.002, F.S.;
371 renaming the Viticulture Advisory Council as the
372 Florida Wine Advisory Council; revising the membership
373 of the Florida Wine Advisory council; conforming
374 provisions to changes made by the act; amending s.
375 599.003, F.S.; renaming the State Viticulture Plan as
376 the State Wine Plan; conforming provisions to changes
377 made by the act; amending s. 599.004, F.S.; making

13-00671B-25

2025700__

378 technical changes; providing that wineries that fail
379 to recertify annually or pay a specified licensing fee
380 are subject to certain actions and costs; conforming
381 provisions to changes made by the act; amending s.
382 599.012, F.S.; conforming provisions to changes made
383 by the act; amending s. 616.12, F.S.; deleting
384 provisions requiring a person who operates a minstrel
385 show in connection with any certain public fairs to
386 pay specified license taxes; deleting a provision that
387 exempts such person from paying specified taxes;
388 creating s. 687.16, F.S.; providing a short title;
389 defining terms; prohibiting a financial institution
390 from discriminating in the provision of financial
391 services to an agricultural producer based on an ESG
392 factor; providing an inference with regard to a
393 certain violation; providing that the financial
394 institution may overcome the inference by making
395 certain demonstrations regarding its denial or
396 restriction of financial services to an agricultural
397 producer; authorizing the Attorney General to enforce
398 specified provisions; providing that a violation of
399 specified provisions constitutes an unfair and
400 deceptive trade practice; authorizing the Attorney
401 General to investigate and seek remedies for such
402 unfair trade practices; authorizing an aggrieved party
403 to seek an action for damages; amending s. 741.0305,
404 F.S.; conforming a cross-reference; amending s.
405 790.06, F.S.; revising the circumstances under which
406 the department may temporarily suspend a person's

13-00671B-25

2025700__

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

13-00671B-25

2025700__

436 facilities or auxiliary facilities constructed by
437 certain organizations; requiring that lands used for
438 agricultural education or for the Future Farmers of
439 America or 4-H activities be considered agricultural
440 lands; reenacting s. 295.07(5)(a), F.S., relating to
441 preference in appointment and retention, to
442 incorporate the amendment made to s. 110.205, F.S., in
443 references thereto; reenacting ss. 125.01(1)(r),
444 163.3162(3)(a)-(d), 163.3163(3)(c), 163.3164(4),
445 163.3194(5), 170.01(4), 193.052(2), 193.4615,
446 212.08(5)(a) and (19)(a), 373.406(2), 403.182(11)(a),
447 403.9337(4), 472.029(2)(d), 474.2021(5),
448 474.2165(4)(d), 487.081(6), 570.85(1), 570.87(1),
449 570.94(3), 582.19(1)(a), 586.055, 604.50(2)(a) and
450 (d), 604.73(3)(b), 692.201(1), 741.30(5)(a) and
451 (6)(a), 810.011(5)(a), and 823.14(6), F.S., relating
452 to powers and duties; agricultural lands and
453 practices; applications for development permits;
454 community planning act; legal status of comprehensive
455 plan; authority for providing improvements and levying
456 and collecting special assessments against property
457 benefited; preparation and serving of returns;
458 assessment of obsolete agricultural equipment; storage
459 tax; exemptions; local pollution control programs; the
460 Model Ordinance for Florida-Friendly Fertilizer Use on
461 Urban Landscapes; authorization to enter lands of
462 third parties; veterinary telehealth; ownership and
463 control of veterinary medical patient records;
464 exemptions; agritourism; agritourism participation

13-00671B-25

2025700__

465 impact on land classification; best management
466 practices for wildlife; qualifications and tenure of
467 supervisors; location of apiaries; nonresidential farm
468 buildings; urban agriculture pilot projects;
469 definitions; definitions; domestic violence; and the
470 Florida Right to Farm Act, respectively, to
471 incorporate the amendment made to s. 193.461, F.S., in
472 references thereto; reenacting ss. 189.062(1)(a) and
473 388.261(7), F.S., relating to special procedures for
474 inactive districts and state aid to counties and
475 districts for arthropod control, respectively, to
476 incorporate the amendment made to s. 388.271, F.S., in
477 references thereto; reenacting ss. 482.072(3)(b) and
478 482.163, relating to pest control customer contact
479 centers and responsibility for pest control activities
480 of employee, respectively, to incorporate the
481 amendment made to s. 482.161, F.S., in references
482 thereto; reenacting s. 487.156, F.S., relating to
483 governmental agencies, to incorporate the amendment
484 made to s. 487.044, F.S., in a reference thereto;
485 reenacting ss. 496.4055(2) and 496.406(2) and (4),
486 F.S., relating to charitable organization or sponsor
487 board duties and exemption from registration,
488 respectively, to incorporate the amendment made to s.
489 496.405, F.S., in references thereto; reenacting s.
490 500.80(1)(a), F.S., relating to cottage food
491 operations, to incorporate the amendment made to s.
492 500.12, F.S., in a reference thereto; reenacting s.
493 500.121(6), F.S., relating to disciplinary procedures,

13-00671B-25

2025700__

494 to incorporate the amendment made to s. 500.172, F.S.,
495 in a reference thereto; reenacting s. 790.061, F.S.,
496 relating to judges and justices, to incorporate the
497 amendment made to s. 790.06, F.S., in a reference
498 thereto; providing an effective date.
499

500 Be It Enacted by the Legislature of the State of Florida:
501

502 Section 1. Paragraph (m) of subsection (2) of section
503 110.205, Florida Statutes, is amended to read:

504 110.205 Career service; exemptions.—

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

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

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

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

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

13-00671B-25

2025700__

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

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

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

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

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

538
539 Unless otherwise fixed by law, the department shall set the
540 salary and benefits of the positions listed in this paragraph in
541 accordance with the rules established for the Selected Exempt
542 Service.

543 Section 2. Present subsections (3) and (4) of section
544 186.801, Florida Statutes, are redesignated as subsections (4)
545 and (5), respectively, a new subsection (3) is added to that
546 section, and subsection (1) of that section is amended, to read:

547 186.801 Ten-year site plans.—

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

13-00671B-25

2025700__

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

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

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

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

567 Section 3. Paragraph (b) of subsection (3) of section
568 193.461, Florida Statutes, is amended to read:

569 193.461 Agricultural lands; classification and assessment;
570 mandated eradication or quarantine program; natural disasters.—

571 (3)

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

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

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

13-00671B-25

2025700__

- 581 b. Whether the use has been continuous.
- 582 c. The purchase price paid.
- 583 d. Size, as it relates to specific agricultural use, but a
584 minimum acreage may not be required for agricultural assessment.
- 585 e. Whether an indicated effort has been made to care
586 sufficiently and adequately for the land in accordance with
587 accepted commercial agricultural practices, including, without
588 limitation, fertilizing, liming, tilling, mowing, reforestation,
589 and other accepted agricultural practices.
- 590 f. Whether the land is under lease and, if so, the
591 effective length, terms, and conditions of the lease.
- 592 g. Such other factors as may become applicable.
- 593 2. Offering property for sale does not constitute a primary
594 use of land and may not be the basis for denying an agricultural
595 classification if the land continues to be used primarily for
596 bona fide agricultural purposes while it is being offered for
597 sale.
- 598 3. Lands owned or leased by an electric utility as defined
599 in s. 361.11(2) which may also be the site of solar energy
600 systems as defined in s. 212.02(26) and bona fide agricultural
601 uses of the land, and which comply with all other provisions of
602 this section, must be classified agricultural by the property
603 appraiser.

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

606 201.25 Tax exemptions for certain loans.—There shall be
607 exempt from all taxes imposed by this chapter:

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

13-00671B-25

2025700__

610 pursuant to s. 570.822.

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

619 330.41 Unmanned Aircraft Systems Act.—

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

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

626 (f) "Private property" means any residential or commercial
627 property.

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

635 (h) "Residential property" means real property zoned as
636 residential or multifamily residential and composed of four or
637 fewer dwelling units.

638 (i) "Sport shooting and training range" has the same

13-00671B-25

2025700__

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

640 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

645 (6) PROTECTION OF AGRICULTURAL LANDS.—

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

649 1. Operate a drone.

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

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

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

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

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

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

13-00671B-25

2025700__

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

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

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

676 1. Operate a drone.

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

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

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

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

13-00671B-25

2025700__

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

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

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

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

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

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

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

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

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

13-00671B-25

2025700__

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

728 366.94 Electric vehicle charging.—

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

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

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

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

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

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

13-00671B-25

2025700__

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

761 1. Issuance of a warning letter.

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

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

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

779 Section 8. Present subsections (10) and (11) of section
780 388.011, Florida Statutes, are redesignated as subsections (11)
781 and (12), respectively, a new subsection (10) is added to that
782 section, and subsections (2) and (5) of that section are
783 amended, to read:

13-00671B-25

2025700__

784 388.011 Definitions.—As used in this chapter:

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

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

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

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

797 388.021 Creation of mosquito control special districts.—

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

13-00671B-25

2025700__

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

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

821 388.181 Power to do all things necessary.—The respective
822 programs ~~districts~~ of the state are hereby fully authorized to
823 do and perform all things necessary to carry out the intent and
824 purposes of this law.

825 Section 11. Subsections (1), (2), (4), and (5) of section
826 388.201, Florida Statutes, are amended to read:

827 388.201 Program ~~District~~ budgets; hearing.—

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

13-00671B-25

2025700__

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

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

853 (4) The governing board:

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

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

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

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

870 388.241 Board of county commissioners vested with powers

13-00671B-25

2025700__

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

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

879 388.261 State aid to counties, municipalities, and
880 districts for arthropod control; distribution priorities and
881 limitations.—

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

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

13-00671B-25

2025700__

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

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

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

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

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

13-00671B-25

2025700__

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

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

934 388.271 Prerequisites to participation.—

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

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

13-00671B-25

2025700__

958 purchases in accordance therewith.

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

961 388.281 Use of state matching funds.—

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

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

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

978 388.291 Source reduction measures; supervision by
979 department.—

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

13-00671B-25

2025700__

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

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

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

1000 388.301 Payment of state funds; supplies and services.—
1001 State funds shall be payable ~~quarterly~~, in accordance with the
1002 rules of the department, upon requisition by the department to
1003 the Chief Financial Officer. The department is authorized to
1004 furnish insecticides, chemicals, materials, equipment, vehicles,
1005 and personnel in lieu of state funds where mass purchasing may
1006 save funds for the state, or where it would be more practical
1007 and economical to use equipment, supplies, and services between
1008 two or more programs ~~counties or districts~~.

1009 Section 18. Section 388.311, Florida Statutes, is amended
1010 to read:

1011 388.311 Carry over of state funds and local funds.—State
1012 and local funds budgeted for the control of mosquitoes and other
1013 arthropods shall be carried over at the end of the program's
1014 ~~county or district's~~ fiscal year, and rebudgeted for such
1015 control measures the following fiscal year.

13-00671B-25

2025700__

1016 Section 19. Section 388.321, Florida Statutes, is amended
1017 to read:

1018 388.321 Equipment to become property of a program ~~the~~
1019 ~~county or district~~.—All equipment purchased under this chapter
1020 with state funds made available directly to a program ~~the county~~
1021 ~~or district~~ shall become the property of the program ~~county or~~
1022 ~~district~~ unless otherwise provided, and may be traded in on
1023 other equipment, or sold, when no longer needed by the program
1024 ~~county or district~~.

1025 Section 20. Section 388.322, Florida Statutes, is amended
1026 to read:

1027 388.322 Record and inventory of certain property.—A record
1028 and inventory of certain property purchased with state funds for
1029 arthropod control use owned by the program ~~district~~ shall be
1030 maintained in accordance with s. 274.02.

1031 Section 21. Section 388.323, Florida Statutes, is amended
1032 to read:

1033 388.323 Disposal of surplus property.—Surplus property
1034 shall be disposed of according to the provisions set forth in s.
1035 274.05 with the following exceptions:

1036 (1) Serviceable equipment purchased using state funds for
1037 arthropod control use no longer needed by a program ~~county or~~
1038 ~~district~~ shall first be offered to any or all other programs
1039 ~~counties or districts~~ engaged in arthropod control at a price
1040 established by the board of commissioners owning the equipment.

1041 (2) The alternative procedure for disposal of surplus
1042 property, as prescribed in s. 274.06, shall be followed if it is
1043 determined that no other programs ~~county or district~~ engaged in
1044 arthropod control has need for the equipment.

13-00671B-25

2025700__

1045 (3) All proceeds from the sale of any real or tangible
1046 personal property owned by the program ~~county or district~~ and
1047 purchased using state funds shall be deposited in the program's
1048 ~~county's or district's~~ state fund account unless otherwise
1049 specifically designated by the department.

1050 Section 22. Section 388.341, Florida Statutes, is amended
1051 to read:

1052 388.341 Reports of expenditures and accomplishments.—Each
1053 program receiving state aid ~~county and district participating~~
1054 under the provisions of this chapter shall within 30 days after
1055 the end of each month submit to the department a monthly report
1056 for the preceding month of expenditures from all funds for
1057 arthropod control, and each program participating under this
1058 chapter shall provide such reports of activities and
1059 accomplishments as may be required by the department.

1060 Section 23. Section 388.351, Florida Statutes, is amended
1061 to read:

1062 388.351 Transfer of equipment, personnel, and supplies
1063 during an emergency.—The department, upon notifying a program
1064 ~~county or district~~ and obtaining its approval, is authorized to
1065 transfer equipment, materials, and personnel from one program
1066 ~~district~~ to another in the event of an emergency brought about
1067 by an arthropod-borne epidemic or other disaster requiring
1068 emergency control.

1069 Section 24. Subsection (7) of section 388.361, Florida
1070 Statutes, is amended to read:

1071 388.361 Department authority and rules; administration.—

1072 (7) The department shall have the authority to collect,
1073 detect, suppress, and control mosquitoes and other arthropods

13-00671B-25

2025700__

1074 that are determined by the State Health Officer to pose a threat
1075 to public health, or determined by the Commissioner of
1076 Agriculture to pose a threat to animal health, wherever they may
1077 occur on public or private land in this state, and to do all
1078 things necessary in the exercise of such authority. Prior to the
1079 start of treatments for the control of mosquitoes or other
1080 arthropods, the department shall consult with the mosquito
1081 control programs ~~districts~~ in the proposed treatment areas, the
1082 Department of Health, the Department of Environmental
1083 Protection, and the Fish and Wildlife Conservation Commission
1084 regarding the proposed locations, dates, and methods to be used.

1085 Section 25. Subsections (2) and (3) of section 388.3711,
1086 Florida Statutes, are amended to read:

1087 388.3711 Enforcement.—

1088 (2) The department may issue a written warning, impose a
1089 fine; deny, suspend, or revoke any license or certification, or
1090 the disbursal of state aid; or deny participation, in accordance
1091 with the provisions of chapter 120, upon any one or more of the
1092 following grounds as may be applicable:

1093 (a) Violation of any rule of the department or provision of
1094 this chapter.

1095 (b) Violation of FIFRA or any relevant EPA rule or
1096 regulation pertaining to the use of arthropod control pesticides
1097 by the licensee.

1098 (c) Failure to give the department, or any authorized
1099 representative thereof, true information upon request regarding
1100 methods and materials used, work performed, or other information
1101 essential to the administration of this chapter.

1102 (3) The department may, if it finds a violation is of such

13-00671B-25

2025700__

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

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

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

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

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

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

13-00671B-25

2025700__

1132 388.401 Penalty for damage to property or operations.-
 1133 Whoever ~~shall~~ willfully damages ~~damage~~ any of the property of
 1134 any program county or district created under this or other
 1135 chapters, or any works constructed, maintained, or controlled by
 1136 such program county or district, or who ~~shall~~ obstructs ~~obstruct~~
 1137 or causes ~~cause~~ to be obstructed any of the operations of such
 1138 program county or district, or who ~~shall~~ knowingly or willfully
 1139 violates ~~violate~~ any provisions of this chapter or any rule or
 1140 regulation promulgated by any board of commissioners of any
 1141 program, commits ~~county or district shall be guilty of a~~
 1142 misdemeanor of the second degree, punishable as provided in s.
 1143 775.082 or s. 775.083.

1144 Section 29. Paragraph (a) of subsection (2) of section
 1145 388.46, Florida Statutes, is amended to read:

1146 388.46 Florida Coordinating Council on Mosquito Control;
 1147 establishment; membership; organization; responsibilities.-

1148 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.-

1149 (a) *Membership*.—The Florida Coordinating Council on
 1150 Mosquito Control shall be comprised of the following
 1151 representatives or their authorized designees:

- 1152 1. The Secretary of Environmental Protection.
- 1153 2. The State Surgeon General.
- 1154 3. The executive director of the Fish and Wildlife
 1155 Conservation Commission.
- 1156 4. The state epidemiologist.
- 1157 5. The Commissioner of Agriculture.
- 1158 6. The Board of Trustees of the Internal Improvement Trust
 1159 Fund.
- 1160 7. Representatives from:

13-00671B-25

2025700__

- 1161 a. The University of Florida, Institute of Food and
 1162 Agricultural Sciences, Florida Medical Entomological Research
 1163 Laboratory.
- 1164 b. The United States Environmental Protection Agency.
- 1165 c. The United States Department of Agriculture, Center of
 1166 Medical, Agricultural, and Veterinary Entomology Insects
 1167 Affecting Man Laboratory.
- 1168 d. The United States Fish and Wildlife Service.
- 1169 8. Four ~~Two~~ mosquito control directors to be nominated by
 1170 the Florida Mosquito Control Association, two representatives of
 1171 Florida environmental groups, and two private citizens who are
 1172 property owners whose lands are regularly subject to mosquito
 1173 control operations, to be appointed to 4-year terms by the
 1174 Commissioner of Agriculture and serve until his or her successor
 1175 is appointed.
- 1176 Section 30. Paragraph (d) of subsection (7) of section
 1177 403.067, Florida Statutes, is amended to read:
- 1178 403.067 Establishment and implementation of total maximum
 1179 daily loads.—
- 1180 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 1181 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—
- 1182 (d) *Enforcement and verification of basin management action*
 1183 *plans and management strategies.—*
- 1184 1. Basin management action plans are enforceable pursuant
 1185 to this section and ss. 403.121, 403.141, and 403.161.
 1186 Management strategies, including best management practices and
 1187 water quality monitoring, are enforceable under this chapter.
- 1188 2. No later than January 1, 2017:
- 1189 a. The department, in consultation with the water

13-00671B-25

2025700__

1190 management districts and the Department of Agriculture and
1191 Consumer Services, shall initiate rulemaking to adopt procedures
1192 to verify implementation of water quality monitoring required in
1193 lieu of implementation of best management practices or other
1194 measures pursuant to sub-subparagraph (b)2.g.;

1195 b. The department, in consultation with the water
1196 management districts and the Department of Agriculture and
1197 Consumer Services, shall initiate rulemaking to adopt procedures
1198 to verify implementation of nonagricultural interim measures,
1199 best management practices, or other measures adopted by rule
1200 pursuant to subparagraph (c)1.; and

1201 c. The Department of Agriculture and Consumer Services, in
1202 consultation with the water management districts and the
1203 department, shall initiate rulemaking to adopt procedures to
1204 verify implementation of agricultural interim measures, best
1205 management practices, or other measures adopted by rule pursuant
1206 to subparagraph (c)2.

1207
1208 The rules required under this subparagraph shall include
1209 enforcement procedures applicable to the landowner, discharger,
1210 or other responsible person required to implement applicable
1211 management strategies, including best management practices or
1212 water quality monitoring as a result of noncompliance.

1213 3. At least every 2 years, the Department of Agriculture
1214 and Consumer Services shall perform onsite inspections of each
1215 agricultural producer that enrolls in a best management
1216 practice, except those enrolled by rule in subparagraph 4., to
1217 ensure that such practice is being properly implemented. Such
1218 verification must include a collection and review of the best

13-00671B-25

2025700__

1219 management practice documentation from the previous 2 years
1220 required by rules adopted pursuant to subparagraph (c)2.,
1221 including, but not limited to, nitrogen and phosphorus
1222 fertilizer application records, which must be collected and
1223 retained pursuant to subparagraphs (c)3., 4., and 6. The
1224 Department of Agriculture and Consumer Services shall initially
1225 prioritize the inspection of agricultural producers located in
1226 the basin management action plans for Lake Okeechobee, the
1227 Indian River Lagoon, the Caloosahatchee River and Estuary, and
1228 Silver Springs.

1229 4. The Department of Agriculture and Consumer Services is
1230 authorized to adopt rules establishing an enrollment in best
1231 management practices by rule process that agricultural pollutant
1232 sources and agricultural producers may utilize in lieu of the
1233 best management practices adopted in paragraph (c) and identify
1234 best management practices for landowners of parcels which meet
1235 the following requirements:

1236 a. A parcel not be less than 25 acres in size;

1237 b. A parcel designated as agricultural land use by the
1238 county in which it is located or the parcel is granted
1239 agricultural tax classification by the county property appraiser
1240 of the county in which it is located;

1241 c. A parcel with water use not exceeding 100,000 gallons
1242 per day on average unless the entire use is met using recycled
1243 water from wet detention treatment ponds or reuse water;

1244 d. A parcel where the agricultural activity on the parcel
1245 is not vegetable crop, agronomic crop, a nursery, or a dairy
1246 operation;

1247 e. A parcel not abutting an impaired water body identified

13-00671B-25

2025700__

1248 in subsection (4); and

1249 f. A parcel not part of a larger operation that is enrolled
1250 in the Department of Agriculture and Consumer Services best
1251 management practices or conducting water quality monitoring
1252 prescribed by the department or a water management district.

1253
1254 Such requirements shall specify design or performance criteria
1255 that, if applied, would result in compliance with appropriate
1256 water quality standards. The Department of Agriculture and
1257 Consumer Services is authorized to adopt additional eligibility
1258 criteria for landowners or producers to utilize enrollment by
1259 rule and to revoke enrollment by rule.

1260 5. The Department of Agriculture and Consumer Services
1261 shall annually perform onsite inspections of twenty percent for
1262 all enrollments that meet the qualifications pursuant to
1263 subparagraph 4. by rule within basin management action plan
1264 areas, to ensure that practices are being properly implemented.
1265 Such inspection must include a collection and review of the
1266 identified best management practice documentation from the
1267 previous two years required by rules adopted pursuant to
1268 subparagraph (c)2. All agricultural producers enrolled by rule
1269 in a best management practice must annually submit nutrient
1270 records, including nitrogen and phosphorus fertilizer
1271 application records for the previous calendar year, to the
1272 Department of Agriculture and Consumer Services as required by
1273 rules adopted pursuant to subparagraph (c)2. The Department of
1274 Agriculture and Consumer Services shall collect and retain these
1275 nutrient records pursuant to subparagraphs (c)3., 4., and 6.

1276 Section 31. Subsection (19) is added to section 403.852,

13-00671B-25

2025700__

1277 Florida Statutes, to read:

1278 403.852 Definitions; ss. 403.850-403.864.—As used in ss.
1279 403.850-403.864:

1280 (19) "Water quality additive" means any chemical or
1281 additive which is used in a public water system for the purpose
1282 of removing contaminants or increasing water quality. The term
1283 does not include additives used for health-related purposes.

1284 Section 32. Subsection (8) is added to section 403.859,
1285 Florida Statutes, to read:

1286 403.859 Prohibited acts.—The following acts and the causing
1287 thereof are prohibited and are violations of this act:

1288 (8) The use of any additives in a public water system which
1289 do not meet the definition of a water quality additive as
1290 defined in s. 403.852, or the use of any additives included
1291 primarily for health-related purposes.

1292 Section 33. Subsection (10) of section 482.111, Florida
1293 Statutes, is amended to read:

1294 482.111 Pest control operator's certificate.—

1295 (10) In order to renew a certificate, the certificateholder
1296 must complete 2 hours of approved continuing education on
1297 legislation, safety, pesticide labeling, and integrated pest
1298 management and 2 hours of approved continuing education in each
1299 category of her or his certificate or must pass an examination
1300 that the department shall provide in person and remotely through
1301 a third-party vendor. The third-party vendor may collect and
1302 retain a convenience fee ~~given by the department.~~ The department
1303 may not renew a certificate if the continuing education or
1304 examination requirement is not met.

1305 (a) Courses or programs, to be considered for credit, must

13-00671B-25

2025700__

1306 include one or more of the following topics:

1307 1. The law and rules of this state pertaining to pest
1308 control.

1309 2. Precautions necessary to safeguard life, health, and
1310 property in the conducting of pest control and the application
1311 of pesticides.

1312 3. Pests, their habits, recognition of the damage they
1313 cause, and identification of them by accepted common name.

1314 4. Current accepted industry practices in the conducting of
1315 fumigation, termites and other wood-destroying organisms pest
1316 control, lawn and ornamental pest control, and household pest
1317 control.

1318 5. How to read labels, a review of current state and
1319 federal laws on labeling, and a review of changes in or
1320 additions to labels used in pest control.

1321 6. Integrated pest management.

1322 (b) The certificateholder must submit with her or his
1323 application for renewal a statement certifying that she or he
1324 has completed the required number of hours of continuing
1325 education. The statement must be on a form prescribed by the
1326 department and must identify at least the date, location,
1327 provider, and subject of the training and must provide such
1328 other information as required by the department.

1329 (c) The department shall charge the same fee for
1330 examination as provided in s. 482.141(2).

1331 Section 34. Subsection (1) of section 482.141, Florida
1332 Statutes, is amended to read:

1333 482.141 Examinations.—

1334 (1) Each individual seeking certification must

13-00671B-25

2025700__

1335 satisfactorily pass an examination which must be written but
1336 which may include practical demonstration. The department shall
1337 provide in-person and remote testing through a third-party
1338 vendor. A third-party vendor may collect and retain a
1339 convenience fee ~~held at least two examinations each year.~~ An
1340 applicant may seek certification in one or more categories.

1341 Section 35. Paragraph (b) of subsection (1) of section
1342 482.155, Florida Statutes, is amended to read:

1343 482.155 Limited certification for governmental pesticide
1344 applicators or private applicators.—

1345 (1)

1346 (b) A person seeking limited certification under this
1347 subsection must pass an examination that the department shall
1348 provide in person and remotely through a third-party vendor. The
1349 third-party vendor may collect and retain a convenience fee
1350 ~~given or approved by the department.~~ Each application for
1351 examination must be accompanied by an examination fee set by the
1352 department, in an amount of not more than \$150 or less than \$50;
1353 and a recertification fee of \$25 every 4 years. Until rules
1354 setting these fees are adopted by the department, the
1355 examination fee is \$50. Application for recertification must be
1356 accompanied by proof of having completed 4 classroom hours of
1357 acceptable continuing education. The limited certificate expires
1358 4 years after the date of issuance. If the certificateholder
1359 fails to renew his or her certificate and provide proof of
1360 completion of the required continuing education units within 60
1361 days after the expiration date, the certificateholder may be
1362 recertified only after reexamination. The department shall make
1363 available ~~provide~~ the appropriate reference material ~~and make~~

13-00671B-25

2025700__

1364 ~~the examination readily accessible and available to all~~
1365 ~~applicants at least quarterly or as necessary in each county.~~

1366 Section 36. Subsection (2) of section 482.156, Florida
1367 Statutes, is amended to read:

1368 482.156 Limited certification for commercial landscape
1369 maintenance personnel.—

1370 (2) (a) A person seeking limited certification under this
1371 section must pass an examination that the department shall
1372 provide in person and remotely through a third-party vendor. The
1373 third-party vendor may collect and retain a convenience fee
1374 ~~given by the department.~~ Each application for examination must
1375 be accompanied by an examination fee set by rule of the
1376 department, in an amount of not more than \$150 or less than \$50.
1377 Before the department issues a limited certification under this
1378 section, each person applying for the certification must furnish
1379 proof of having a certificate of insurance which states that the
1380 employer meets the requirements for minimum financial
1381 responsibility for bodily injury and property damage required by
1382 s. 482.071(4).

1383 (b) The department shall make available ~~provide~~ the
1384 appropriate reference materials for the examination and provide
1385 in-person and remote testing through a third-party vendor. A
1386 third-party vendor may collect and retain a convenience fee ~~make~~
1387 ~~the examination readily accessible and available to applicants~~
1388 ~~at least quarterly or as necessary in each county.~~

1389 Section 37. Subsection (2) of section 482.157, Florida
1390 Statutes, is amended to read:

1391 482.157 Limited certification for commercial wildlife
1392 management personnel.—

13-00671B-25

2025700__

1393 (2) The department shall issue a limited certificate to an
1394 applicant who:

1395 (a) Submits an application and examination fee of at least
1396 \$150, but not more than \$300, as prescribed by the department by
1397 rule;

1398 (b) Passes an examination that the department shall provide
1399 in person and remotely through a third-party vendor. The third-
1400 party vendor may collect and retain a convenience fee
1401 administered by the department. The department shall make
1402 available ~~provide~~ the appropriate study materials for the
1403 examination ~~and make the examination readily available to~~
1404 ~~applicants in each county as necessary, but not less frequently~~
1405 ~~than quarterly;~~ and

1406 (c) Provides proof, including a certificate of insurance,
1407 that the applicant has met the minimum bodily injury and
1408 property damage insurance requirements in s. 482.071(4).

1409 Section 38. Paragraph (m) is added to subsection (1) of
1410 section 482.161, Florida Statutes, to read:

1411 482.161 Disciplinary grounds and actions; reinstatement.—

1412 (1) The department may issue a written warning to or impose
1413 a fine against, or deny the application for licensure or
1414 licensure renewal of, a licensee, certified operator, limited
1415 certificateholder, identification cardholder, or special
1416 identification cardholder or any other person, or may suspend,
1417 revoke, or deny the issuance or renewal of any license,
1418 certificate, limited certificate, identification card, or
1419 special identification card that is within the scope of this
1420 chapter, in accordance with chapter 120, upon any of the
1421 following grounds:

13-00671B-25

2025700__

1422 (m) Upon the issuance of a final order imposing civil
1423 penalties under subsection 14(a) of the Federal Insecticide,
1424 Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction
1425 under subsection 14(b), of FIFRA.

1426 Section 39. Subsection (2) of section 487.044, Florida
1427 Statutes, is amended to read:

1428 487.044 Certification; examination.—

1429 (2) The department shall require each applicant for a
1430 certified applicator's license to demonstrate competence by a
1431 written or oral examination in which the applicant must
1432 demonstrate adequate knowledge concerning the proper use and
1433 application of restricted-use pesticides in each classification
1434 for which application for license is made. The department shall
1435 provide in-person and remote testing through a third-party
1436 vendor. A third-party vendor may collect and retain a
1437 convenience fee. The examination may be prepared, administered,
1438 and evaluated by the department. Each applicant for a certified
1439 applicator's license shall demonstrate minimum competence as to:

1440 (a) The proper use of the equipment.

1441 (b) The environmental hazards that may be involved in
1442 applying restricted-use pesticides.

1443 (c) Calculating the concentration of restricted-use
1444 pesticides to be used in particular circumstances.

1445 (d) Identification of common pests to be controlled and the
1446 damages caused by such pests.

1447 (e) Protective clothing and respiratory equipment required
1448 during the handling and application of restricted-use
1449 pesticides.

1450 (f) General precautions to be followed in the disposal of

13-00671B-25

2025700__

1451 containers, as well as the cleaning and decontamination of the
 1452 equipment which the applicant proposes to use.

1453 (g) Applicable state and federal pesticide laws, rules, and
 1454 regulations.

1455 (h) General safety precautions.

1456 Section 40. Subsection (6) is added to section 487.175,
 1457 Florida Statutes, to read:

1458 487.175 Penalties; administrative fine; injunction.—

1459 (6) Licensure may be suspended, revoked, or denied by the
 1460 department, upon the issuance of a final order to a licensee
 1461 imposing civil penalties under subsection 14(a) of the Federal
 1462 Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a
 1463 criminal conviction under subsection 14(b) of FIFRA.

1464 Section 41. Subsections (13) through (28) of section
 1465 496.404, Florida Statutes, are redesignated as subsections (15)
 1466 through (30), respectively, and subsections (13) and (14) are
 1467 added to that section, to read:

1468 496.404 Definitions.—As used in ss. 496.401-496.424, the
 1469 term:

1470 (13) "Foreign country of concern" means the People's
 1471 Republic of China, the Russian Federation, the Islamic Republic
 1472 of Iran, the Venezuelan regime of Nicolás Maduro, or the Syrian
 1473 Arab Republic, including any agency of or any other entity under
 1474 significant control of such foreign country of concern.

1475 (14) "Foreign source of concern" means any of the
 1476 following:

1477 (a) The government or any official of the government of a
 1478 foreign country of concern;

1479 (b) A political party or member of a political party or any

13-00671B-25

2025700__

1480 subdivision of a political party in a foreign country of
1481 concern;

1482 (c) A partnership, an association, a corporation, an
1483 organization, or other combination of persons organized under
1484 the laws of or having its principal place of business in a
1485 foreign country of concern, or a subsidiary of such entity;

1486 (d) Any person who is domiciled in a foreign country of
1487 concern and is not a citizen or lawful permanent citizen of the
1488 United States;

1489 (e) An agent, including a subsidiary or an affiliate of a
1490 foreign legal entity, acting on behalf of a foreign source of
1491 concern; or

1492 (f) An entity in which a person, entity, or collection of
1493 persons or entities described in paragraphs (a)-(e) has a
1494 controlling interest. As used in this paragraph, the term
1495 "controlling interest" means the possession of the power to
1496 direct or cause the direction of the management or policies of
1497 an entity, whether through ownership of securities, by contract,
1498 or otherwise. A person or an entity that directly or indirectly
1499 has the right to vote 25 percent or more of the voting interest
1500 of the company or is entitled to 25 percent or more of its
1501 profits is presumed to possess a controlling interest.

1502 Section 42. Present paragraphs (d) through (g) of
1503 subsection (2) of section 496.405, Florida Statutes, are
1504 redesignated as paragraphs (f) through (i), respectively, new
1505 paragraphs (d) and (e) are added to that subsection, subsection
1506 (11) is added to that section, and paragraph (b) of subsection
1507 (1) and paragraph (b) of subsection (7) of that section are
1508 amended, to read:

13-00671B-25

2025700__

1509 496.405 Registration statements by charitable organizations
1510 and sponsors.—

1511 (1) A charitable organization or sponsor, unless exempted
1512 pursuant to s. 496.406, which intends to solicit contributions
1513 in or from this state by any means or have funds solicited on
1514 its behalf by any other person, charitable organization,
1515 sponsor, commercial co-venturer, or professional solicitor, or
1516 that participates in a charitable sales promotion or sponsor
1517 sales promotion, must, before engaging in any of these
1518 activities, file an initial registration statement, which
1519 includes an attestation statement, and a renewal statement
1520 annually thereafter, with the department.

1521 (b) Any changes to the information submitted to the
1522 department pursuant to paragraph (2) (f) ~~(2) (d)~~ on the initial
1523 registration statement, which includes an attestation statement,
1524 or the last renewal statement must be reported to the department
1525 on a form prescribed by the department within 10 days after the
1526 change occurs.

1527 (2) The initial registration statement must be submitted on
1528 a form prescribed by the department, signed by an authorized
1529 official of the charitable organization or sponsor who shall
1530 certify that the registration statement is true and correct, and
1531 include the following information or material:

1532 (d) An attestation statement, which must be submitted on a
1533 form prescribed by the department and signed by an authorized
1534 official of the charitable organization, who shall certify and
1535 attest that the charitable organization, if engaged in
1536 activities that would require registration pursuant to chapter
1537 106 is registered with the Department of State, pursuant to

13-00671B-25

2025700__

1538 chapter 106.

1539 (e) An attestation statement on a form prescribed by the
 1540 department, signed by an authorized official of the charitable
 1541 organization, who shall certify and attest that the charitable
 1542 organization, if prohibited by applicable federal or state law,
 1543 is not engaged in activities that would require registration
 1544 with the Department of State pursuant to chapter 106.

1545 (7)

1546 (b) If a charitable organization or sponsor discloses
 1547 information specified in subparagraphs (2) (f) 2.-7. ~~(2) (d) 2.-7.~~
 1548 in the initial registration statement or annual renewal
 1549 statement, the time limits set forth in paragraph (a) are
 1550 waived, and the department shall process such initial
 1551 registration statement or annual renewal statement in accordance
 1552 with the time limits set forth in chapter 120. The registration
 1553 of a charitable organization or sponsor shall be automatically
 1554 suspended for failure to disclose any information specified in
 1555 subparagraphs (2) (f) 2.-7. ~~(2) (d) 2.-7.~~ until such time as the
 1556 required information is submitted to the department.

1557 (11) The department may investigate and refer the
 1558 charitable organization or sponsor to the Florida Elections
 1559 Commission for investigation of violations pursuant to chapters
 1560 104 and 106.

1561 Section 43. Subsection (20) is added to section 496.415,
 1562 Florida Statutes, to read:

1563 496.415 Prohibited acts.—It is unlawful for any person in
 1564 connection with the planning, conduct, or execution of any
 1565 solicitation or charitable or sponsor sales promotion to:

1566 (20) Solicit or accept contributions or anything of value

13-00671B-25

2025700__

1567 from a foreign source of concern.

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

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

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

1583 496.419 Powers of the department.—

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

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

13-00671B-25

2025700__

1596 charitable organization required to comply with the requirements
1597 of ss. 496.405 and 496.406 for 5 years after the date of the
1598 violation of this subsection.

1599 Section 46. Section 496.431, Florida Statutes, is created
1600 to read:

1601 496.431 Honest Service Registry.—

1602 (1) The department shall create the Honest Services
1603 Registry to provide the residents of this state with the
1604 information necessary to make an informed choice when deciding
1605 which charitable organizations to support.

1606 (2) To be included on the Honest Services Registry, a
1607 charitable organization must, at a minimum, submit to the
1608 department an attestation statement on a form prescribed by the
1609 department, verified as provided in s. 92.525, attesting to all
1610 of the following:

1611 (a) That the organization does not solicit or accept,
1612 directly or indirectly, contributions, funding, support, or
1613 services from a foreign source of concern.

1614 (b) That the organization's messaging and content are not
1615 directly or indirectly produced or influenced by a foreign
1616 source of concern.

1617 (3) The department shall publish the Honest Services
1618 Registry on the department's website.

1619 (4) The department shall adopt rules to implement this
1620 section.

1621 Section 47. Paragraph (j) of subsection (1) of section
1622 500.03, Florida Statutes, is amended to read:

1623 500.03 Definitions; construction; applicability.—

1624 (1) For the purpose of this chapter, the term:

13-00671B-25

2025700__

1625 (j) "Cottage food product" means food that is not time or
1626 temperature controlled for safety, a potentially hazardous food
1627 as defined by department rule which is sold by a cottage food
1628 operation in accordance with s. 500.80.

1629 Section 48. Paragraphs (a) and (b) of subsection (1) of
1630 section 500.12, Florida Statutes, are amended to read:

1631 500.12 Food permits; building permits.-

1632 (1)(a) A food permit from the department is required of any
1633 person or business that ~~who~~ operates a food establishment,
1634 except:

1635 1. Persons or businesses operating minor food outlets that
1636 sell food that is commercially prepackaged, not potentially
1637 hazardous, not age restricted, and not time or temperature
1638 controlled for safety, if the shelf space for those items does
1639 not exceed 12 total linear feet and no other food is sold by the
1640 person or business minor food outlet.

1641 2. Persons subject to continuous, onsite federal or state
1642 inspection.

1643 3. Persons selling only legumes in the shell, either
1644 parched, roasted, or boiled.

1645 4. Persons selling sugar cane or sorghum syrup that has
1646 been boiled and bottled on a premise located within this state.
1647 Such bottles must contain a label listing the producer's name
1648 and street address, all added ingredients, the net weight or
1649 volume of the product, and a statement that reads, "This product
1650 has not been produced in a facility permitted by the Florida
1651 Department of Agriculture and Consumer Services."

1652 (b) Each food establishment regulated under this chapter
1653 must apply for and receive a food permit before operation

13-00671B-25

2025700__

1654 begins. An application for a food permit from the department
1655 must be accompanied by a fee in an amount determined by
1656 department rule. The department shall adopt by rule a schedule
1657 of fees to be paid by each food establishment as a condition of
1658 issuance or renewal of a food permit. Such fees may not exceed
1659 \$650 and must be used solely for the recovery of costs for the
1660 services provided, except that the fee accompanying an
1661 application for a food permit for operating a bottled water
1662 plant may not exceed \$1,000 and the fee accompanying an
1663 application for a food permit for operating a packaged ice plant
1664 may not exceed \$250. The fee for operating a bottled water plant
1665 or a packaged ice plant must be set by rule of the department.
1666 Food permits are not transferable from one person or physical
1667 location to another. Food permits must be renewed in accordance
1668 with subparagraphs 1.-3. If an application for renewal of a food
1669 permit is not received by the department on or before its due
1670 date, a late fee not exceeding \$100 must be paid in addition to
1671 the food permit fee before the department may issue the food
1672 permit. The moneys collected must be deposited in the General
1673 Inspection Trust Fund.

1674 1. A food permit issued to a new food establishment ~~on or~~
1675 ~~after September 1, 2023,~~ is valid for 1 calendar year after the
1676 date of issuance and must be renewed annually on or before that
1677 date thereafter.

1678 2. ~~Effective January 1, 2024,~~ A food permit issued before
1679 September 1, 2023, expires on the month and day the initial
1680 permit was issued to the food establishment and must be renewed
1681 annually on or before that date thereafter. The department may
1682 charge a prorated permit fee for purposes of this subparagraph.

13-00671B-25

2025700__

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

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

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

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

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

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

13-00671B-25

2025700__

1712 may issue and enforce a stop-sale, stop-use, removal, or hold
 1713 order, which order gives notice that such article, processing
 1714 equipment, processing area, or storage area is or is suspected
 1715 of being in violation and has been detained or embargoed and
 1716 which order warns all persons not to remove, use, or dispose of
 1717 such article, processing equipment, processing area, or storage
 1718 area by sale or otherwise until permission for removal, use, or
 1719 disposal is given by the department or the court. The department
 1720 is authorized to enter into a written agreement with the owner
 1721 of such food, food processing equipment, food processing area,
 1722 or food storage area, or otherwise facilitate the destruction of
 1723 any article found or suspected by the department to be in
 1724 violation of this section. A person may not remove, use, or
 1725 dispose of such detained or embargoed article, processing
 1726 equipment, processing area, or storage area by sale or otherwise
 1727 without such permission from or in accordance with a written
 1728 agreement with the department.

1729 Section 51. Section 500.75, Florida Statutes, is created to
 1730 read:

1731 500.75 Mushrooms spores and mycelium; offenses.—It is
 1732 unlawful to transport, import, sell, offer for sale, furnish, or
 1733 give away spores or mycelium capable of producing mushrooms or
 1734 other material which will contain a controlled substance,
 1735 including psilocybin or psilocyn, during its lifecycle. Every
 1736 person who transports, imports into this state, sells, offers
 1737 for sale, furnishes, gives away, or offers to transport, import
 1738 into this state, sell, furnish, or give away any spores or
 1739 mycelium capable of producing mushrooms or other material which
 1740 will contain a controlled substance commits a misdemeanor of the

13-00671B-25

2025700__

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

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

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

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

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

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

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

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

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

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

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

13-00671B-25

2025700__

1770 identity for meat defined in 9 C.F.R. s. 301.2 and the Federal
1771 Meat Inspection Act, and both poultry and poultry products
1772 defined in 9 C.F.R. s. 381.1 and the Poultry Products Inspection
1773 Act, the department shall adopt rules to enforce the FDA's
1774 standard of identity for meat, poultry, and poultry products as
1775 adopted in this section, to prohibit the sale of plant-based
1776 products mislabeled as meat, poultry, or poultry products in
1777 this state.

1778 (b) This subsection is effective upon the enactment into
1779 law of a mandatory labeling requirement to prohibit the sale of
1780 plant-based products mislabeled as meat, poultry, or poultry
1781 products which is consistent with this section by any 11 of the
1782 group of 14 states composed of Alabama, Arkansas, Florida,
1783 Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma,
1784 South Carolina, Tennessee, Texas, Virginia, and West Virginia.

1785 (4) The Department of Agriculture and Consumer Services
1786 shall notify the Division of Law Revision upon the enactment
1787 into law by any 11 of the group of 14 states composed of
1788 Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana,
1789 Maryland, Mississippi, Oklahoma, South Carolina, Tennessee,
1790 Texas, Virginia, and West Virginia of the mandatory labeling
1791 requirements pursuant to subsections (2) and (3).

1792 (5) The department shall adopt rules to implement this
1793 section.

1794 (6) This section may not be construed to limit the
1795 department's authority to enforce its laws and regulations.

1796 Section 53. Section 501.135, Florida Statutes, is repealed.

1797 Section 54. Subsection (1) of section 501.912, Florida
1798 Statutes, is amended to read:

13-00671B-25

2025700__

1799 501.912 Definitions.—As used in ss. 501.91-501.923:

1800 (1) "Antifreeze" means any substance or preparation,
1801 including, but not limited to, coolant, antifreeze-coolant,
1802 antifreeze and summer coolant, or summer coolant, that is sold,
1803 distributed, or intended for use:

1804 (a) As the cooling liquid, or to be added to the cooling
1805 liquid, in the cooling system of ~~internal combustion engines of~~
1806 motor vehicles to prevent freezing of the cooling liquid or to
1807 lower its freezing point; or

1808 (b) To raise the boiling point of water, aid in vehicle
1809 component cooling, or for the prevention of engine overheating,
1810 whether or not the liquid is used as a year-round cooling system
1811 fluid.

1812 Section 55. Section 525.19, Florida Statutes, is created to
1813 read:

1814 525.19 Petroleum registration.—

1815 (1) The department shall create an annual petroleum
1816 registration program for petroleum owners or operators that own
1817 and operate vehicles for transporting petroleum products and
1818 shall adopt rules detailing the requirements for such
1819 registration that include, at minimum:

1820 (a) Name of the petroleum owner or operator;

1821 (b) Address of the petroleum owner or operator;

1822 (c) Phone number of the petroleum owner or operator;

1823 (d) E-mail address of the petroleum owner or operator;

1824 (e) Requirements for the transfer switch;

1825 (f) Fuel and petroleum infrastructure; and

1826 (g) Fuel and petroleum inventory and delivery information.

1827 (2) The registration program must be free for all

13-00671B-25

2025700__

1828 registrants.

1829 (3) The department has the authority to require registrants
1830 to provide updates related to the status of infrastructure,
1831 inventory, and delivery information during a state of emergency
1832 as declared by an executive order issued by the Governor.

1833 Section 56. Section 526.147, Florida Statutes, is created
1834 to read:

1835 526.147 Florida Retail Fuel Transfer Switch Modernization
1836 Grant Program.—

1837 (1) (a) There is created, subject to appropriation, the
1838 Florida Retail Fuel Transfer Switch Modernization Grant Program
1839 within the Department of Agriculture and Consumer Services.

1840 (b) The grant program shall provide grant funds, not to
1841 exceed \$10,000 per retail fuel facility, to be used for
1842 installation and equipment costs related to installing or
1843 modernizing transfer switch infrastructure at retail fuel
1844 facilities to allow for the continuity of fueling operations
1845 under generated power.

1846 (c) The department shall award funds based upon the
1847 following criteria:

1848 1. Up to \$10,000, of costs for transfer switch purchase and
1849 installation for retail fuel locations in fiscally constrained
1850 counties, as defined in s. 218.67.

1851 2. Up to \$5,000, of costs for transfer switch purchase and
1852 installation for all other retail fuel locations.

1853 (d) Retail fuel facilities which are awarded grant funds
1854 must comply with s. 526.143 and must install a transfer switch
1855 capable of operating all fuel pumps, dispensing equipment, life
1856 safety systems, and payment acceptance equipment using an

13-00671B-25

2025700__

1857 alternative generated power source.

1858 (e) Before being awarded funding from the department,
1859 retail fuel facilities must provide documentation on transfer
1860 switch installation and required generator sizing to the
1861 department.

1862 (f) Marinas and fueling facilities with fewer than 4
1863 fueling positions are excluded from being awarded funding
1864 through this program.

1865 (g) Fueling facilities subject to s. 526.143(2) are
1866 excluded from being awarded funding through this program.

1867 (2) The department, in consultation with the Division of
1868 Emergency Management, shall adopt rules to implement and
1869 administer this section, including establishing grant
1870 application processes for the Florida Retail Fuel Transfer
1871 Switch Modernization Grant Program. The rules must include
1872 application deadlines and establish the supporting documentation
1873 necessary to be provided to the department.

1874 Section 57. Section 531.48, Florida Statutes, is amended to
1875 read:

1876 531.48 Declarations of unit price on random packages.—In
1877 addition to the declarations required by s. 531.47, any package
1878 being one of a lot containing random weights of the same
1879 commodity ~~and bearing the total selling price of the package~~
1880 shall bear on the outside of the package a plain and conspicuous
1881 declaration of the price per single unit of weight and the total
1882 retail price of the package, as defined by department rule.

1883 Section 58. Section 531.49, Florida Statutes, is amended to
1884 read:

1885 531.49 Advertising packages for sale.—~~Whenever~~ A packaged

13-00671B-25

2025700__

1886 ~~commodity is advertised in any manner with the retail price~~
 1887 ~~stated, there shall be~~ closely and conspicuously associated with
 1888 the retail price must have a declaration of quantity as is
 1889 required by law or rule to appear on the package.

1890 Section 59. Present subsections (44), (45), and (46) of
 1891 section 570.07, Florida Statutes, are redesignated as
 1892 subsections (46), (47), and (48), respectively, and new
 1893 subsections (44) and (45) are added to that section, to read:

1894 570.07 Department of Agriculture and Consumer Services;
 1895 functions, powers, and duties.—The department shall have and
 1896 exercise the following functions, powers, and duties:

1897 (44) (a) To foster and encourage the employment and
 1898 retention of qualified veterinary pathologists. The department
 1899 may reimburse the educational expenses of qualified veterinary
 1900 pathologists who enter into an agreement with the department to
 1901 retain employment for a specified period of time.

1902 (b) The department shall adopt rules to administer this
 1903 subsection.

1904 (45) Subject to appropriation, to extend state and national
 1905 Future Farmers of America opportunities to any public school
 1906 student enrolled in agricultural education, at little or no cost
 1907 to the student or school district, and to support statewide
 1908 Future Farmers of America programming that helps such students
 1909 develop their potential for premier leadership, personal growth,
 1910 and career success.

1911 Section 60. Subsection (2) of section 570.544, Florida
 1912 Statutes, is amended to read:

1913 570.544 Division of Consumer Services; director; powers;
 1914 processing of complaints; records.—

13-00671B-25

2025700__

1915 (2) The director shall supervise, direct, and coordinate
 1916 the activities of the division and shall, under the direction of
 1917 the department, enforce the provisions of ss. 366.94 and ss.
 1918 604.15-604.34 and chapters 171, 472, 496, 501, 507, 525, 526,
 1919 527, 531, 534, 535, 539, 559, 616, 692, 817, and 849.

1920 Section 61. Section 570.546, Florida Statutes, is created
 1921 to read:

1922 570.546 Licensing.-

1923 (1) The department is authorized to:

1924 (a) Create a process for the bulk renewal of licenses which
 1925 will allow licensees the ability, upon request, to submit all
 1926 license applications of the same type, notwithstanding any
 1927 provisions of law applicable to each application process.

1928 (b) Create a process that will allow licensees, upon
 1929 request, to align the expiration dates of licenses within a
 1930 statutory program.

1931 (c) Change the expiration dates for current licensees for
 1932 the purpose of reducing large numbers of license expirations
 1933 that occur during the same month.

1934 (2) The department shall prorate any licensing fee for
 1935 which the term of the license was reduced for the purposes of
 1936 alignment.

1937 (3) The department shall adopt rules to implement this
 1938 section.

1939 Section 62. Section 570.822, Florida Statutes, is amended
 1940 to read:

1941 570.822 Agriculture and Aquaculture Producers Emergency
 1942 ~~Natural Disaster~~ Recovery Loan Program.-

1943 (1) DEFINITIONS.-As used in this section, the term:

13-00671B-25

2025700__

1944 (a) "Bona fide farm operation" means a farm operation
1945 engaged in a good faith commercial agricultural use of land on
1946 land classified as agricultural pursuant to s. 193.461 or on
1947 sovereign submerged land that is leased to the applicant by the
1948 department pursuant to s. 597.010 and that produces agricultural
1949 products within the definition of agriculture under s. 570.02.

1950 (b) "Declared emergency natural disaster" means an
1951 emergency ~~a natural disaster~~ for which a state of emergency is
1952 declared pursuant to s. 252.36 or s. 570.07(21).

1953 (c) "Department" means the Department of Agriculture and
1954 Consumer Services.

1955 (d) "Essential physical property" means fences; equipment;
1956 structural production facilities, such as shade houses and
1957 greenhouses; or other agriculture or aquaculture facilities or
1958 infrastructure.

1959 (e) "Program" means the Agriculture and Aquaculture
1960 Producers Emergency Natural Disaster Recovery Loan Program.

1961 (2) USE OF LOAN FUNDS; LOAN TERMS.—

1962 (a) The program is established within the department to
1963 make loans to agriculture and aquaculture producers that have
1964 experienced damage or destruction from a declared emergency
1965 ~~natural disaster~~. Loan funds may be used to restore, repair, or
1966 replace essential physical property or remove vegetative debris
1967 from essential physical property, or restock aquaculture. A
1968 structure or building constructed using loan proceeds must
1969 comply with storm-hardening standards for nonresidential farm
1970 buildings as defined in s. 604.50(2). The department shall adopt
1971 such standards by rule.

1972 (b) The department may make a low-interest or interest-free

13-00671B-25

2025700__

1973 loan to an eligible applicant. The maximum amount that an
1974 applicant may receive during the application period for a loan
1975 is \$500,000. An applicant may not receive more than one loan per
1976 application period and no more than two loans per year or no
1977 more than five loans in any 3-year period. A loan term is 10
1978 years.

1979 (3) ELIGIBLE APPLICANTS.—To be eligible for the program, an
1980 applicant must:

1981 (a) Own or lease a bona fide farm operation that is located
1982 in a county named in a declared emergency ~~natural disaster~~ and
1983 that was damaged or destroyed as a result of such declared
1984 emergency ~~natural disaster~~.

1985 (b) Maintain complete and acceptable farm records, pursuant
1986 to criteria published by the department, and present them as
1987 proof of production levels and bona fide farm operations.

1988 (4) LOAN APPLICATION AND AGREEMENT.—

1989 (a) Requests for loans must be made by application to the
1990 department. Upon a determination that funding for loans is
1991 available, the department shall publicly notice an application
1992 period for the declared emergency ~~natural disaster~~, beginning
1993 within 60 days after the date of the declared emergency ~~natural~~
1994 ~~disaster~~ and running up to 1 year after the date of the declared
1995 emergency ~~natural disaster~~ or until all available loan funds are
1996 exhausted, whichever occurs first. The application may be
1997 renewed upon a determination from the department and an active
1998 declared emergency declaration.

1999 (b) An applicant must demonstrate the need for financial
2000 assistance and an ability to repay or meet a standard credit
2001 rating determined by the department.

13-00671B-25

2025700__

2002 (c) Loans must be made pursuant to written agreements
2003 specifying the terms and conditions agreed to by the approved
2004 applicant and the department. The loan agreement must specify
2005 that the loan is due upon sale if the property or other
2006 collateral for the loan is sold.

2007 (d) An approved applicant must agree to stay in production
2008 for the duration of the loan. A loan is not assumable.

2009 (5) LOAN SECURITY REQUIREMENTS.—All loans must be secured
2010 by a lien, subordinate only to any mortgage held by a financial
2011 institution as defined in s. 655.005, on property or other
2012 collateral as set forth in the loan agreement. The specific type
2013 of collateral required may vary depending upon the loan purpose,
2014 repayment ability, and the particular circumstances of the
2015 applicant. The department shall record the lien in public
2016 records in the county where the property is located and, in the
2017 case of personal property, perfect the security interest by
2018 filing appropriate Uniform Commercial Code forms with the
2019 Florida Secured Transaction Registry as required pursuant to
2020 chapter 679.

2021 (6) LOAN REPAYMENT.—

2022 (a) A loan is due and payable in accordance with the terms
2023 of the loan agreement.

2024 (b) The department shall defer payments for the first 3
2025 years of the loan. After 3 years, the department shall reduce
2026 the principal balance annually through the end of the loan term
2027 such that the original principal balance is reduced by 30
2028 percent. If the principal balance is repaid before the end of
2029 the 10th year, the applicant may not be required to pay more
2030 than 70 percent of the original principal balance. The approved

13-00671B-25

2025700__

2031 applicant must continue to be actively engaged in production in
2032 order to receive the original principal balance reductions and
2033 must continue to meet the loan agreement terms to the
2034 satisfaction of the department.

2035 (c) An approved applicant may make payments on the loan at
2036 any time without penalty. Early repayment is encouraged as other
2037 funding sources or revenues become available to the approved
2038 applicant.

2039 (d) All repayments of principal and interest, if
2040 applicable, received by the department in a fiscal year must be
2041 returned to the loan fund and made available for loans to other
2042 applicants in the next application period.

2043 (e) The department may periodically review an approved
2044 applicant to determine whether he or she continues to be in
2045 compliance with the terms of the loan agreement. If the
2046 department finds that an applicant is no longer in production or
2047 has otherwise violated the loan agreement, the department may
2048 seek repayment of the full original principal balance
2049 outstanding, including any interest or costs, as applicable, and
2050 excluding any applied or anticipated original principal balance
2051 reductions.

2052 (f) The department may defer or waive loan payments if at
2053 any time during the repayment period of a loan, the approved
2054 applicant experiences a significant hardship such as crop loss
2055 from a weather-related event or from impacts from a natural
2056 disaster or declared emergency.

2057 (7) ADMINISTRATION.—

2058 (a) The department shall create and maintain a separate
2059 account in the General Inspection Trust Fund as a fund for the

13-00671B-25

2025700__

2060 program. All repayments must be returned to the loan fund and
2061 made available as provided in this section. Notwithstanding s.
2062 216.301, funds appropriated for the loan program are not subject
2063 to reversion. The department shall manage the fund, establishing
2064 loan practices that must include, but are not limited to,
2065 procedures for establishing loan interest rates, uses of
2066 funding, application procedures, and application review
2067 procedures. The department is authorized to contract with a
2068 third-party administrator to administer the program and manage
2069 the loan fund. A contract for a third-party administrator that
2070 includes management of the loan fund must, at a minimum, require
2071 maintenance of the loan fund to ensure that the program may
2072 operate in a revolving manner.

2073 (b) The department shall coordinate with other state
2074 agencies and other entities to ensure to the greatest extent
2075 possible that agriculture and aquaculture producers in this
2076 state have access to the maximum financial assistance available
2077 following a declared emergency ~~natural disaster~~. The
2078 coordination must endeavor to ensure that there is no
2079 duplication of financial assistance between the loan program and
2080 other funding sources, such as any federal or other state
2081 programs, including public assistance requests to the Federal
2082 Emergency Management Agency or financial assistance from the
2083 United States Department of Agriculture, which could render the
2084 approved applicant ineligible for other financial assistance.

2085 (8) PUBLIC RECORDS EXEMPTION.—

2086 (a) The following information held by the department
2087 pursuant to its administration of the program is exempt from s.
2088 119.07(1) and s. 24(a), Art. I of the State Constitution:

13-00671B-25

2025700__

2089 1. Tax returns.
2090 2. Credit history information, credit reports, and credit
2091 scores.

2092 (b) This subsection does not prohibit the disclosure of
2093 information held by the department pursuant to its
2094 administration of the program in an aggregated and anonymized
2095 format.

2096 (c) This subsection is subject to the Open Government
2097 Sunset Review Act in accordance with s. 119.15 and shall stand
2098 repealed on October 2, 2029, unless reviewed and saved from
2099 repeal through reenactment by the Legislature.

2100 (9) RULES.—The department shall adopt rules to implement
2101 this section.

2102 (10) REPORTS.—By December 1, 2024, and each December 1
2103 thereafter, the department shall provide a report on program
2104 activities during the previous fiscal year to the President of
2105 the Senate and the Speaker of the House of Representatives. The
2106 report must include information on noticed application periods,
2107 the number and value of loans awarded under the program for each
2108 application period, the number and value of loans outstanding,
2109 the number and value of any loan repayments received, and an
2110 anticipated repayment schedule for all loans.

2111 (11) SUNSET.—This section expires July 1, 2043, unless
2112 reviewed and saved from repeal through reenactment by the
2113 Legislature.

2114 Section 63. Section 570.823, Florida Statutes, is created
2115 to read:

2116 570.823 Silviculture emergency recovery program.—

2117 (1) DEFINITIONS.—As used in this section, the term:

13-00671B-25

2025700__

2118 (a) "Bona fide farm operation" means a farm operation
2119 engaged in a good faith commercial agricultural use of land on
2120 land classified as agricultural pursuant to s. 193.461 that
2121 produces agricultural products within the definition of
2122 agriculture under s. 570.02.

2123 (b) "Declared emergency" means an emergency for which a
2124 state of emergency is declared pursuant to s. 252.36 or s.
2125 570.07(21).

2126 (c) "Department" means the Department of Agriculture and
2127 Consumer Services.

2128 (d) "Program" means the Silviculture Emergency Recovery
2129 Program.

2130 (2) USE OF GRANT FUNDS; GRANT TERMS.—

2131 (a) The silviculture emergency recovery program is
2132 established within the department to administer a grant program
2133 to assist timber landowners whose timber land was damaged as a
2134 result of a declared emergency. Grants provided to eligible
2135 timber landowners must be used for:

2136 1. Timber stand restoration, including downed tree removal
2137 on land which will retain the existing trees on site which are
2138 lightly or completely undamaged; or

2139 2. Site preparation, and tree replanting.

2140 3. Road and trail clearing on private timber lands to
2141 provide emergency access and facilitate salvage operations.

2142 (b) Only timber land located on lands classified as
2143 agricultural lands under s. 193.461 are eligible for the
2144 program.

2145 (c) The department shall coordinate with state agencies and
2146 other entities to ensure to the greatest extent possible that

13-00671B-25

2025700__

2147 timber landowners have access to the maximum financial
2148 assistance available following a specified declared emergency.
2149 The coordination must endeavor to ensure that there is no
2150 duplication of financial assistance between these funds and
2151 other funding sources, such as any federal or other state
2152 programs, including public assistance requests to the Federal
2153 Emergency Management Agency or financial assistance from the
2154 United States Department of Agriculture, which would render the
2155 approved applicant ineligible for other financial assistance.

2156 (d) The department is authorized to adopt rules to
2157 implement this section, including emergency rules.
2158 Notwithstanding any other provision of law, emergency rules
2159 adopted pursuant to this subsection are effective for 6 months
2160 after adoption and may be renewed during the pendency of
2161 procedures to adopt permanent rules addressing the subject of
2162 the emergency rules.

2163 Section 64. Subsections (2) and (5) of section 581.1843,
2164 Florida Statutes, are amended to read:

2165 581.1843 Citrus nursery stock propagation and production
2166 and the establishment of regulated areas around citrus
2167 nurseries.—

2168 (2) Effective January 1, 2007, it is unlawful for any
2169 person to propagate for sale or movement any citrus nursery
2170 stock that was not propagated or grown on a site and within a
2171 protective structure approved by the department ~~and that is not~~
2172 ~~at least 1 mile away from commercial citrus groves. A citrus~~
2173 ~~nursery registered with the department prior to April 1, 2006,~~
2174 ~~shall not be required to comply with the 1-mile setback from~~
2175 ~~commercial citrus groves while continuously operating at the~~

13-00671B-25

2025700__

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

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

13-00671B-25

2025700__

2205 ~~and obtains a stay of the immediate final order from the~~
 2206 ~~district court of appeal with jurisdiction to review such~~
 2207 ~~requests. The property owner shall not be required to seek a~~
 2208 ~~stay from the department of the immediate final order prior to~~
 2209 ~~seeking a stay from the district court of appeal.~~

2210 Section 65. Sections 593.101, 593.102, 593.103, 593.104,
 2211 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111,
 2212 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116,
 2213 and 593.117, Florida Statutes, are repealed.

2214 Section 66. Subsection (11) of section 595.404, Florida
 2215 Statutes, is amended to read:

2216 595.404 School food and other nutrition programs; powers
 2217 and duties of the department.—The department has the following
 2218 powers and duties:

2219 (11) To adopt and implement an appeal process by rule, as
 2220 required by federal regulations, for applicants and participants
 2221 under the programs implemented pursuant to this chapter,
 2222 notwithstanding ss. 120.569, 120.57-120.595, and 120.68 ~~ss.~~
 2223 ~~120.569 and 120.57-120.595.~~

2224 Section 67. Section 599.002, Florida Statutes, is amended
 2225 to read:

2226 599.002 Florida Wine Viticulture ~~Viticulture~~ Advisory Council.—

2227 (1) There is created within the Department of Agriculture
 2228 and Consumer Services the Florida Wine Viticulture ~~Viticulture~~ Advisory
 2229 Council, to consist of eight members as follows: the president
 2230 of the Florida Wine and Grape Growers Association ~~Florida Grape~~
 2231 ~~Growers' Association~~ or a designee thereof; a representative
 2232 from the Institute of Food and Agricultural Sciences; a
 2233 representative from the viticultural science program at Florida

13-00671B-25

2025700__

2234 Agricultural and Mechanical University; and five additional
2235 commercial members, to be appointed for a 2-year term each by
2236 the Commissioner of Agriculture, including a wine producer, a
2237 fresh fruit producer, a nonwine product (juice, jelly, pie
2238 fillings, etc.) producer, and a viticultural nursery operator.

2239 (2) The meetings, powers and duties, procedures, and
2240 recordkeeping of the Florida Wine ~~Viticulture~~ Advisory Council
2241 shall be pursuant to s. 570.232.

2242 (3) The primary responsibilities of the Florida Wine
2243 ~~Viticulture~~ Advisory Council are to submit to the Commissioner
2244 of Agriculture, annually, the industry's recommendations for
2245 wine and viticultural research, promotion, and education and, as
2246 necessary, the industry's recommendations for revisions to the
2247 State Wine ~~Viticulture~~ Plan.

2248 Section 68. Section 599.003, Florida Statutes, is amended
2249 to read:

2250 599.003 State Wine ~~Viticulture~~ Plan.—

2251 (1) The Commissioner of Agriculture, in consultation with
2252 the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and
2253 coordinate the implementation of the State Wine ~~Viticulture~~
2254 Plan, which shall identify problems and constraints of the wine
2255 and viticulture industry, propose possible solutions to those
2256 problems, and develop planning mechanisms for the orderly growth
2257 of the industry, including:

2258 (a) Criteria for wine and viticultural research, service,
2259 and management priorities.

2260 (b) Additional proposed legislation that may be required.

2261 (c) Plans and goals to improve research and service
2262 capabilities at Florida Agricultural and Mechanical University

13-00671B-25

2025700__

2263 and the University of Florida in their efforts to address
2264 current and future needs of the industry.

2265 (d) The potential for viticulture products in terms of
2266 market and needs for development.

2267 (e) Evaluation of wine policy alternatives, including, but
2268 not limited to, continued improvement in wine quality, blending
2269 considerations, promotion and advertising, labeling and vineyard
2270 designations, and development of production and marketing
2271 strategies.

2272 (f) Evaluation of production and fresh fruit policy
2273 alternatives, including, but not limited to, setting minimum
2274 grades and standards, promotion and advertising, development of
2275 production and marketing strategies, and setting minimum
2276 standards on types and quality of nursery plants.

2277 (g) Evaluation of policy alternatives for nonwine processed
2278 products, including, but not limited to, setting minimum quality
2279 standards and development of production and marketing
2280 strategies.

2281 (h) Research and service priorities for further development
2282 of the wine and viticulture industry.

2283 (i) The identification of state agencies and public and
2284 private institutions concerned with research, education,
2285 extension, services, planning, promotion, and marketing
2286 functions related to wine and viticultural development and the
2287 delineation of contributions and responsibilities.

2288 (j) Business planning, investment potential, financial
2289 risks, and economics of production and utilization.

2290 (2) A revision and update of the State Wine ~~Viticulture~~
2291 Plan shall be submitted biennially to the President of the

13-00671B-25

2025700__

2292 Senate, the Speaker of the House of Representatives, and the
 2293 chairs of appropriate committees of the Senate and House of
 2294 Representatives, and a progress report and budget request shall
 2295 be submitted annually.

2296 Section 69. Paragraph (a) of subsection (2) and subsection
 2297 (3) of section 599.004, Florida Statutes, are amended, and
 2298 paragraph (d) is added to subsection (2) of that section, to
 2299 read:

2300 599.004 Florida Farm Winery Program; registration; logo;
 2301 fees.—

2302 (2) (a) The department, in coordination with the Florida
 2303 Wine Viticulture Advisory Council, shall develop and designate
 2304 by rule a Florida Farm Winery logo, emblem, and directional sign
 2305 to guide the public to certified Florida Farm Wineries Winery
 2306 ~~tourist attractions~~. The logo and emblem of certified Florida
 2307 Farm Winery signs shall be uniform.

2308 (d) Wineries that fail to recertify annually or pay the
 2309 licensing fee required in paragraph (c) are subject to having
 2310 the signs referenced in paragraph (b) removed and will be
 2311 responsible for all costs incurred by the Department of
 2312 Transportation in connection with the removal.

2313 (3) All fees collected, except as otherwise provided by
 2314 this section, shall be deposited into the Florida Wine
 2315 Viticulture Trust Fund and used to develop consumer information
 2316 on the native characteristics and proper use of wines.

2317 Section 70. Paragraph (a) of subsection (1) of section
 2318 599.012, Florida Statutes, is amended to read:

2319 599.012 Wine Viticulture Trust Fund; creation.—

2320 (1) There is established the Viticulture Trust Fund within

13-00671B-25

2025700__

2321 the Department of Agriculture and Consumer Services. The
2322 department shall use the moneys deposited in the trust fund
2323 pursuant to subsection (2) to do all the following:

2324 (a) Develop and coordinate the implementation of the State
2325 Viticulture Plan.

2326 Section 71. Subsection (1) of section 616.12, Florida
2327 Statutes, is amended to read:

2328 616.12 Licenses upon certain shows; distribution of fees;
2329 exemptions.—

2330 (1) Each person who operates any traveling show,
2331 exhibition, amusement enterprise, carnival, vaudeville, exhibit,
2332 ~~minstrel~~, rodeo, theatrical, game or test of skill, riding
2333 device, dramatic repertoire, other show or amusement, or
2334 concession, including a concession operating in a tent,
2335 enclosure, or other temporary structure, within the grounds of,
2336 and in connection with, any annual public fair held by a fair
2337 association shall pay the license taxes provided by law.

2338 However, if the association satisfies the requirements of this
2339 chapter, including securing the required fair permit from the
2340 department, the license taxes and local business tax authorized
2341 in chapter 205 are waived and the department shall issue a tax
2342 exemption certificate. The department shall adopt the proper
2343 forms and rules to administer this section, including the
2344 necessary tax exemption certificate, showing that the fair
2345 association has met all requirements and that the traveling
2346 show, exhibition, amusement enterprise, carnival, vaudeville,
2347 exhibit, ~~minstrel~~, rodeo, theatrical, game or test of skill,
2348 riding device, dramatic repertoire, other show or amusement, or
2349 concession is exempt.

13-00671B-25

2025700__

2350 Section 72. Section 687.16, Florida Statutes, is created to
2351 read:

2352 687.16 Florida Farmer Financial Protection Act.—

2353 (1) SHORT TITLE.—This section may be cited as the “Florida
2354 Farmer Financial Protection Act.”

2355 (2) DEFINITIONS.—

2356 (a) “Agritourism activity” has the same meaning as provided
2357 in s. 570.86.

2358 (b) “Agriculture producer” means a person or company
2359 authorized to do business in this state and engaged in the
2360 production of goods derived from plants or animals, including,
2361 but not limited to, the growing of crops, silviculture, animal
2362 husbandry, or the production of livestock or dairy products.

2363 (c) “Commissioner” means the Commissioner of Agriculture.

2364 (d) “Company” means a for-profit organization, association,
2365 corporation, partnership, joint venture, sole proprietorship,
2366 limited partnership, limited liability partnership, or limited
2367 liability company, including a wholly owned subsidiary,
2368 majority-owned subsidiary, parent company, or affiliate of those
2369 entities or business associations authorized to do business in
2370 this state.

2371 (e) “Denies or restricts” means refusing to provide
2372 services, terminating existing services, or restricting or
2373 burdening the scope or nature of services offered or provided.

2374 (f) “Discriminate in the provision of financial services”
2375 means to deny or restrict services and thereby decline to
2376 provide financial services.

2377 (g) “ESG factor” means any factor or consideration that is
2378 collateral to or not reasonably likely to affect or impact

13-00671B-25

2025700__

2379 financial risk and includes the promotion, furtherance, or
2380 achievement of environmental, social, or political goals,
2381 objectives, or outcomes, which may include the agriculture
2382 producer's greenhouse gas emissions, use of fossil-fuel derived
2383 fertilizer, or use of fossil-fuel powered machinery.

2384 (h) "Farm" means the land, buildings, support facilities,
2385 machinery, and other appurtenances used in the production of
2386 farm or aquaculture products.

2387 (i) "Financial institution" means a company authorized to
2388 do business in this state which has total assets of more than
2389 \$100 million and offers financial services. A financial
2390 institution includes any affiliate or subsidiary company, even
2391 if that affiliate or subsidiary company is also a financial
2392 institution.

2393 (j) "Financial service" means any product or service that
2394 is of a financial nature and is offered by a financial
2395 institution.

2396 (3) FINANCIAL DISCRIMINATION; AGRICULTURAL PRODUCERS.-

2397 (a) A financial institution may not discriminate in the
2398 provision of financial services to an agriculture producer
2399 based, in whole or in part, upon an ESG factor.

2400 (b) If a financial institution has made any ESG commitment
2401 related to agriculture, there is an inference that the
2402 institution's denial or restriction of a financial service to an
2403 agriculture producer violates paragraph (a).

2404 (c) A financial institution may overcome the inference in
2405 paragraph (b) by demonstrating that its denial or restriction of
2406 a financial service was based solely on documented risk
2407 analysis, and not on any ESG factor.

13-00671B-25

2025700__

2408 (4) ENFORCEMENT; COMPENSATORY DAMAGES.—The Attorney
2409 General, in consultation with the Office of Financial
2410 Regulation, is authorized to enforce subsection (3). Any
2411 violation of subsection (3) constitutes an unfair trade practice
2412 under part II of chapter 501 and the Attorney General is
2413 authorized to investigate and seek remedies as provided in
2414 general law. Actions for damages may be sought by an aggrieved
2415 party.

2416 Section 73. Paragraph (a) of subsection (3) of section
2417 741.0305, Florida Statutes, is amended to read:

2418 741.0305 Marriage fee reduction for completion of
2419 premarital preparation course.—

2420 (3)(a) All individuals electing to participate in a
2421 premarital preparation course shall choose from the following
2422 list of qualified instructors:

2423 1. A psychologist licensed under chapter 490.
2424 2. A clinical social worker licensed under chapter 491.
2425 3. A marriage and family therapist licensed under chapter
2426 491.

2427 4. A mental health counselor licensed under chapter 491.
2428 5. An official representative of a religious institution
2429 which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the
2430 representative has relevant training.

2431 6. Any other provider designated by a judicial circuit,
2432 including, but not limited to, school counselors who are
2433 certified to offer such courses. Each judicial circuit may
2434 establish a roster of area course providers, including those who
2435 offer the course on a sliding fee scale or for free.

2436 Section 74. Paragraph (h) of subsection (2), subsection

13-00671B-25

2025700__

2437 (3), paragraph (c) of subsection (6), and subsection (10) of
2438 section 790.06, Florida Statutes, are amended to read:

2439 790.06 License to carry concealed weapon or concealed
2440 firearm.—

2441 (2) The Department of Agriculture and Consumer Services
2442 shall issue a license if the applicant:

2443 (h) Demonstrates competence with a firearm by any one of
2444 the following:

2445 1. Completion of any hunter education or hunter safety
2446 course approved by the Fish and Wildlife Conservation Commission
2447 or a similar agency of another state;

2448 2. Completion of any National Rifle Association firearms
2449 safety or training course;

2450 3. Completion of any firearms safety or training course or
2451 class available to the general public offered by a law
2452 enforcement agency, junior college, college, or private or
2453 public institution or organization or firearms training school,
2454 using instructors certified by the National Rifle Association,
2455 Criminal Justice Standards and Training Commission, or the
2456 Department of Agriculture and Consumer Services;

2457 4. Completion of any law enforcement firearms safety or
2458 training course or class offered for security guards,
2459 investigators, special deputies, or any division or subdivision
2460 of a law enforcement agency or security enforcement;

2461 5. Presents evidence of equivalent experience with a
2462 firearm through participation in organized shooting competition
2463 or United States military service;

2464 6. Is licensed or has been licensed to carry a concealed
2465 weapon or concealed firearm in this state or a county or

13-00671B-25

2025700__

2466 municipality of this state, unless such license has been revoked
2467 for cause; or

2468 7. Completion of any firearms training or safety course or
2469 class conducted by a state-certified or National Rifle
2470 Association certified firearms instructor;

2471

2472 A photocopy of a certificate of completion of any of the courses
2473 or classes; an affidavit from the instructor, school, club,
2474 organization, or group that conducted or taught such course or
2475 class attesting to the completion of the course or class by the
2476 applicant; or a copy of any document that shows completion of
2477 the course or class or evidences participation in firearms
2478 competition shall constitute evidence of qualification under
2479 this paragraph. A person who conducts a course pursuant to
2480 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
2481 an instructor, attests to the completion of such courses, must
2482 maintain records certifying that he or she observed the student
2483 safely handle and discharge the firearm in his or her physical
2484 presence and that the discharge of the firearm included live
2485 fire using a firearm and ammunition as defined in s. 790.001;

2486 (3)(a) The Department of Agriculture and Consumer Services
2487 shall deny a license if the applicant has been found guilty of,
2488 had adjudication of guilt withheld for, or had imposition of
2489 sentence suspended for one or more crimes of violence
2490 constituting a misdemeanor, unless 3 years have elapsed since
2491 probation or any other conditions set by the court have been
2492 fulfilled or the record has been sealed or expunged. The
2493 Department of Agriculture and Consumer Services shall revoke a
2494 license if the licensee has been found guilty of, had

13-00671B-25

2025700__

2495 adjudication of guilt withheld for, or had imposition of
2496 sentence suspended for one or more crimes of violence within the
2497 preceding 3 years. The department shall, upon notification by a
2498 law enforcement agency, a court, clerk's office, or the Florida
2499 Department of Law Enforcement ~~and subsequent written~~
2500 ~~verification~~, temporarily suspend a license or the processing of
2501 an application for a license if the licensee or applicant is
2502 arrested or formally charged with a crime that would disqualify
2503 such person from having a license under this section, until
2504 final disposition of the case. The department shall suspend a
2505 license or the processing of an application for a license if the
2506 licensee or applicant is issued an injunction that restrains the
2507 licensee or applicant from committing acts of domestic violence
2508 or acts of repeat violence. The department shall notify the
2509 licensee or applicant suspended under this section of his or her
2510 right to a hearing pursuant to chapter 120. A hearing conducted
2511 regarding the temporary suspension must be for the limited
2512 purpose of determining whether the licensee has been arrested or
2513 charged with a disqualifying crime or issued an injunction or
2514 court order. If the criminal case or injunction results in a
2515 nondisqualifying disposition, the department must issue an order
2516 lifting the suspension upon the applicant or licensee's
2517 submission to the department of a certified copy of the final
2518 resolution. If the criminal case results in a disqualifying
2519 disposition, the suspension remains in effect and the department
2520 must proceed with denial or revocation proceedings pursuant to
2521 chapter 120.

2522 (b) This subsection may not be construed to limit,
2523 restrict, or inhibit the constitutional right to bear arms and

13-00671B-25

2025700__

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

2533 (6)

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

2537 1. Issue the license; or

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

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

13-00671B-25

2025700__

2553 ~~suspended until receipt of the final disposition or proof of~~
2554 ~~restoration of civil and firearm rights. The department may make~~
2555 ~~a request for information to the jurisdiction where the criminal~~
2556 ~~history information originated but shall issue a license if it~~
2557 ~~does not obtain a disposition or sufficient information to make~~
2558 ~~an eligibility determination within the additional 90 days if~~
2559 ~~the applicant is otherwise eligible. The department shall take~~
2560 ~~any action authorized in this section if it receives~~
2561 ~~disqualifying criminal history information during the additional~~
2562 ~~90-day review or after issuance of a license.~~

2563 (10) A license issued under this section shall be
2564 temporarily suspended as provided for in subparagraph (6)(c)3.,
2565 or revoked pursuant to chapter 120 if the license was issued in
2566 error or if the licensee:

2567 (a) Is found to be ineligible under the criteria set forth
2568 in subsection (2);

2569 (b) Develops or sustains a physical infirmity which
2570 prevents the safe handling of a weapon or firearm;

2571 (c) Is convicted of a felony which would make the licensee
2572 ineligible to possess a firearm pursuant to s. 790.23;

2573 (d) Is found guilty of a crime under chapter 893, or
2574 similar laws of any other state, relating to controlled
2575 substances;

2576 (e) Is committed as a substance abuser under chapter 397,
2577 or is deemed a habitual offender under s. 856.011(3), or similar
2578 laws of any other state;

2579 (f) Is convicted of a second violation of s. 316.193, or a
2580 similar law of another state, within 3 years after a first
2581 conviction of such section or similar law of another state, even

13-00671B-25

2025700__

2582 though the first violation may have occurred before the date on
2583 which the application was submitted;

2584 (g) Is adjudicated an incapacitated person under s.
2585 744.331, or similar laws of any other state; or

2586 (h) Is committed to a mental institution under chapter 394,
2587 or similar laws of any other state.

2588

2589 Notwithstanding s. 120.60(5), service of a notice of the
2590 suspension or revocation of a concealed weapon or concealed
2591 firearm license must be given by either certified mail, return
2592 receipt requested, to the licensee at his or her last known
2593 mailing address furnished to the Department of Agriculture and
2594 Consumer Services, or by personal service. If a notice given by
2595 certified mail is returned as undeliverable, a second attempt
2596 must be made to provide notice to the licensee at that address,
2597 by either first-class mail in an envelope, postage prepaid,
2598 addressed to the licensee at his or her last known mailing
2599 address furnished to the department, or, if the licensee has
2600 provided an e-mail address to the department, by e-mail. Such
2601 mailing by the department constitutes notice, and any failure by
2602 the licensee to receive such notice does not stay the effective
2603 date or term of the suspension or revocation. A request for
2604 hearing must be filed with the department within 21 days after
2605 notice is received by personal delivery, or within 26 days after
2606 the date the department deposits the notice in the United States
2607 mail (21 days plus 5 days for mailing). The department shall
2608 document its attempts to provide notice, and such documentation
2609 is admissible in the courts of this state and constitutes
2610 sufficient proof that notice was given.

13-00671B-25

2025700__

2611 Section 75. Paragraph (f) of subsection (3) of section
2612 790.33, Florida Statutes, is amended to read:

2613 790.33 Field of regulation of firearms and ammunition
2614 preempted.—

2615 (3) PROHIBITIONS; PENALTIES.—

2616 (f)1. A person or an organization whose membership is
2617 adversely affected by any ordinance, regulation, measure,
2618 directive, rule, enactment, order, or policy, whether written or
2619 unwritten, promulgated or caused to be enforced in violation of
2620 this section may file suit against any county, agency,
2621 municipality, district, or other entity in any court of this
2622 state having jurisdiction over any defendant to the suit for
2623 declaratory and injunctive relief and for actual damages, as
2624 limited herein, caused by the violation. Civil fines assessed
2625 pursuant to paragraph (3) (c) and any attorney fees and costs
2626 shall be assessed only upon a finding that the entity received
2627 notice of the local ordinance or administrative rule or
2628 regulation impinging upon such exclusive occupation of the field
2629 of regulation of firearms and ammunition at least 30 days before
2630 a suit under this paragraph was filed and that the entity failed
2631 to change the ordinance, regulation, measure, directive, rule,
2632 enactment, order, or policy within that 30-day period. A court
2633 shall award the prevailing party ~~plaintiff~~ in any such suit:

2634 a. Reasonable attorney fees and costs in accordance with
2635 the laws of this state, including a contingency fee multiplier,
2636 as authorized by law; and

2637 b. The actual damages incurred, but not more than \$100,000.

2638 2. If after the filing of a complaint a defendant
2639 voluntarily changes the ordinance, regulation, measure,

13-00671B-25

2025700__

2640 directive, rule, enactment, order, or policy, written or
2641 unwritten, promulgated or caused to be enforced in violation of
2642 this section, with or without court action, the plaintiff is
2643 considered a prevailing plaintiff for purposes of this section.

2644

2645 Interest on the sums awarded pursuant to this subsection shall
2646 accrue at the legal rate from the date on which suit was filed.

2647 Section 76. Subsection (2) of section 812.0151, Florida
2648 Statutes, is amended to read:

2649 812.0151 Retail fuel theft.—

2650 (2) (a) A person commits a felony of the third degree,
2651 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2652 if he or she willfully, knowingly, and without authorization:

2653 1. Breaches a retail fuel dispenser or accesses any
2654 internal portion of a retail fuel dispenser; or

2655 2. Possesses any device constructed for the purpose of
2656 fraudulently altering, manipulating, or interrupting the normal
2657 functioning of a retail fuel dispenser.

2658 3. Possesses any form of a payment instrument that can be
2659 used, alone or in conjunction with another access device, to
2660 authorize a fuel transaction or obtain fuel, including, but not
2661 limited to, a plastic payment card with a magnetic stripe or a
2662 chip encoded with account information or both, with the intent
2663 to defraud the fuel retailer, the authorized payment instrument
2664 financial account holder, or the banking institution that issued
2665 the payment instrument financial account.

2666 (b) A person commits a felony of the second degree,
2667 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2668 if he or she willfully, knowingly, and without authorization:

13-00671B-25

2025700__

2669 1. Physically tampers with, manipulates, removes, replaces,
 2670 or interrupts any mechanical or electronic component located on
 2671 ~~within~~ the internal or external portion of a retail fuel
 2672 dispenser; or

2673 2. Uses any form of electronic communication to
 2674 fraudulently alter, manipulate, or interrupt the normal
 2675 functioning of a retail fuel dispenser.

2676 (c) A person commits a felony of the third degree,
 2677 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 2678 if he or she:

2679 1. Obtains fuel as a result of violating paragraph (a) or
 2680 paragraph (b); ~~or~~

2681 2. Modifies a vehicle's factory installed fuel tank or
 2682 possesses any item used to hold fuel which was not fitted to a
 2683 vehicle or conveyance at the time of manufacture with the intent
 2684 to use such fuel tank or item to hold or transport fuel obtained
 2685 as a result of violating paragraph (a) or paragraph (b); or

2686 3. Uses any form of a payment instrument that can be used,
 2687 alone or in conjunction with another access device, to authorize
 2688 a fuel transaction or obtain fuel, including, but not limited
 2689 to, a plastic payment card with a magnetic stripe or a chip
 2690 encoded with account information or both, with the intent to
 2691 defraud the fuel retailer, the authorized payment instrument
 2692 financial account holder, or the banking institution that issued
 2693 the payment instrument financial account.

2694 Section 77. Section 812.136, Florida Statutes, is created
 2695 to read:

2696 812.136 Mail theft.—

2697 (1) As used in this section, unless the context otherwise

13-00671B-25

2025700__

2698 requires:

2699 (a) "Mail" means any letter, postal card, parcel, envelope,
2700 package, bag, or any other sealed article addressed to another,
2701 along with its contents.

2702 (b) "Mail depository" means a mail box, letter box, mail
2703 route, or mail receptacle of a postal service, an office of a
2704 postal service, or mail carrier of a postal service, or a
2705 vehicle of a postal service.

2706 (c) "Postal service" means the United States Postal Service
2707 or its contractors, or any commercial courier that delivers
2708 mail.

2709 (2) Any of the following acts shall constitute mail theft:

2710 (a) Removing mail from a mail depository or taking mail
2711 from a mail carrier of a postal service with an intent to steal.

2712 (b) Obtaining custody of mail by fraud or deception with an
2713 intent to steal.

2714 (c) Selling, receiving, possessing, transferring, buying,
2715 or concealing mail obtained by acts described in paragraph (a)
2716 or paragraph (b) of this subsection, while knowing or having
2717 reason to know the mail was obtained illegally.

2718 (3) Any of the following shall constitute theft of or
2719 unauthorized reproduction of a mail depository key or lock:

2720 (a) Stealing or obtaining by false pretense any key or lock
2721 adopted by a postal service for a mail depository or other
2722 authorized receptacle for the deposit or delivery of mail.

2723 (b) Knowingly and unlawfully making, forging, or
2724 counterfeiting any such key or possessing any such key or lock
2725 adopted by a postal service with the intent to unlawfully or
2726 improperly use, sell, or otherwise dispose of the key or lock,

13-00671B-25

2025700__

2727 or to cause the key or lock to be unlawfully or improperly used,
2728 sold, or otherwise disposed.

2729 (4) The first violation of this section shall constitute a
2730 misdemeanor of the first degree, punishable by a term of
2731 imprisonment not exceeding 1 year pursuant to s. 775.082(4)(a)
2732 or a fine not to exceed \$1,000 pursuant to s. 775.083(1)(d), or
2733 both. A second or subsequent violation of this section shall
2734 constitute a felony of the third degree, punishable by a term of
2735 imprisonment not exceeding 5 years pursuant to s. 775.82(3)(e)
2736 or a fine not to exceed \$5,000 pursuant to s. 775.083(1)(c), or
2737 both.

2738 Section 78. Section 1013.373, Florida Statutes, is created
2739 to read:

2740 1013.373 Educational facilities used for agricultural
2741 education.—

2742 (1) Notwithstanding any other provision of law, a local
2743 government may not adopt any ordinance, regulation, rule, or
2744 policy to prohibit, restrict, regulate, or otherwise limit any
2745 activities of public educational facilities and auxiliary
2746 facilities constructed by a board for agricultural education,
2747 for Future Farmers of America or 4-H activities, or the storage
2748 of any animals or equipment therein.

2749 (2) Lands used for agricultural education or for Future
2750 Farmers of America or 4-H activities shall be considered
2751 agricultural lands pursuant to s. 193.461 and subject to s.
2752 823.14.

2753 Section 79. For the purpose of incorporating the amendment
2754 made by this act to section 110.205, Florida Statutes, in a
2755 reference thereto, paragraph (a) of subsection (5) of section

13-00671B-25

2025700__

2756 295.07, Florida Statutes, is reenacted to read:

2757 295.07 Preference in appointment and retention.—

2758 (5) The following positions are exempt from this section:

2759 (a) Those positions that are exempt from the state Career
2760 Service System under s. 110.205(2); however, all positions under
2761 the University Support Personnel System of the State University
2762 System as well as all Career Service System positions under the
2763 Florida College System and the School for the Deaf and the
2764 Blind, or the equivalent of such positions at state
2765 universities, Florida College System institutions, or the School
2766 for the Deaf and the Blind, are not exempt.

2767 Section 80. For the purpose of incorporating the amendment
2768 made by this act to section 193.461, Florida Statutes, in a
2769 reference thereto, paragraph (r) of subsection (1) of section
2770 125.01, Florida Statutes, is reenacted to read:

2771 125.01 Powers and duties.—

2772 (1) The legislative and governing body of a county shall
2773 have the power to carry on county government. To the extent not
2774 inconsistent with general or special law, this power includes,
2775 but is not restricted to, the power to:

2776 (r) Levy and collect taxes, both for county purposes and
2777 for the providing of municipal services within any municipal
2778 service taxing unit, and special assessments; borrow and expend
2779 money; and issue bonds, revenue certificates, and other
2780 obligations of indebtedness, which power shall be exercised in
2781 such manner, and subject to such limitations, as may be provided
2782 by general law. There shall be no referendum required for the
2783 levy by a county of ad valorem taxes, both for county purposes
2784 and for the providing of municipal services within any municipal

13-00671B-25

2025700__

2785 service taxing unit.

2786 1. Notwithstanding any other provision of law, a county may
2787 not levy special assessments on lands classified as agricultural
2788 lands under s. 193.461 unless the revenue from such assessments
2789 has been pledged for debt service and is necessary to meet
2790 obligations of bonds or certificates issued by the county which
2791 remain outstanding on July 1, 2023, including refundings thereof
2792 for debt service savings where the maturity of the debt is not
2793 extended. For bonds or certificates issued after July 1, 2023,
2794 special assessments securing such bonds may not be levied on
2795 lands classified as agricultural under s. 193.461.

2796 2. The provisions of subparagraph 1. do not apply to
2797 residential structures and their curtilage.

2798 Section 81. For the purpose of incorporating the amendment
2799 made by this act to section 193.461, Florida Statutes, in a
2800 reference thereto, paragraphs (a) through (d) of subsection (3)
2801 of section 163.3162, Florida Statutes, are reenacted to read:

2802 163.3162 Agricultural lands and practices.—

2803 (3) DUPLICATION OF REGULATION.—Except as otherwise provided
2804 in this section and s. 487.051(2), and notwithstanding any other
2805 law, including any provision of chapter 125 or this chapter:

2806 (a) A governmental entity may not exercise any of its
2807 powers to adopt or enforce any ordinance, resolution,
2808 regulation, rule, or policy to prohibit, restrict, regulate, or
2809 otherwise limit an activity of a bona fide farm operation on
2810 land classified as agricultural land pursuant to s. 193.461, if
2811 such activity is regulated through implemented best management
2812 practices, interim measures, or regulations adopted as rules
2813 under chapter 120 by the Department of Environmental Protection,

13-00671B-25

2025700__

2814 the Department of Agriculture and Consumer Services, or a water
2815 management district as part of a statewide or regional program;
2816 or if such activity is expressly regulated by the United States
2817 Department of Agriculture, the United States Army Corps of
2818 Engineers, or the United States Environmental Protection Agency.

2819 (b) A governmental entity may not charge a fee on a
2820 specific agricultural activity of a bona fide farm operation on
2821 land classified as agricultural land pursuant to s. 193.461, if
2822 such agricultural activity is regulated through implemented best
2823 management practices, interim measures, or regulations adopted
2824 as rules under chapter 120 by the Department of Environmental
2825 Protection, the Department of Agriculture and Consumer Services,
2826 or a water management district as part of a statewide or
2827 regional program; or if such agricultural activity is expressly
2828 regulated by the United States Department of Agriculture, the
2829 United States Army Corps of Engineers, or the United States
2830 Environmental Protection Agency.

2831 (c) A governmental entity may not charge an assessment or
2832 fee for stormwater management on a bona fide farm operation on
2833 land classified as agricultural land pursuant to s. 193.461, if
2834 the farm operation has a National Pollutant Discharge
2835 Elimination System permit, environmental resource permit, or
2836 works-of-the-district permit or implements best management
2837 practices adopted as rules under chapter 120 by the Department
2838 of Environmental Protection, the Department of Agriculture and
2839 Consumer Services, or a water management district as part of a
2840 statewide or regional program.

2841 (d) For each governmental entity that, before March 1,
2842 2009, adopted a stormwater utility ordinance or resolution,

13-00671B-25

2025700__

2843 adopted an ordinance or resolution establishing a municipal
 2844 services benefit unit, or adopted a resolution stating the
 2845 governmental entity's intent to use the uniform method of
 2846 collection pursuant to s. 197.3632 for such stormwater
 2847 ordinances, the governmental entity may continue to charge an
 2848 assessment or fee for stormwater management on a bona fide farm
 2849 operation on land classified as agricultural pursuant to s.
 2850 193.461, if the ordinance or resolution provides credits against
 2851 the assessment or fee on a bona fide farm operation for the
 2852 water quality or flood control benefit of:

2853 1. The implementation of best management practices adopted
 2854 as rules under chapter 120 by the Department of Environmental
 2855 Protection, the Department of Agriculture and Consumer Services,
 2856 or a water management district as part of a statewide or
 2857 regional program;

2858 2. The stormwater quality and quantity measures required as
 2859 part of a National Pollutant Discharge Elimination System
 2860 permit, environmental resource permit, or works-of-the-district
 2861 permit; or

2862 3. The implementation of best management practices or
 2863 alternative measures which the landowner demonstrates to the
 2864 governmental entity to be of equivalent or greater stormwater
 2865 benefit than those provided by implementation of best management
 2866 practices adopted as rules under chapter 120 by the Department
 2867 of Environmental Protection, the Department of Agriculture and
 2868 Consumer Services, or a water management district as part of a
 2869 statewide or regional program, or stormwater quality and
 2870 quantity measures required as part of a National Pollutant
 2871 Discharge Elimination System permit, environmental resource

13-00671B-25

2025700__

2872 permit, or works-of-the-district permit.

2873 Section 82. For the purpose of incorporating the amendment
2874 made by this act to section 193.461, Florida Statutes, in a
2875 reference thereto, paragraph (c) of subsection (3) of section
2876 163.3163, Florida Statutes, is reenacted to read:

2877 163.3163 Applications for development permits; disclosure
2878 and acknowledgment of contiguous sustainable agricultural land.—

2879 (3) As used in this section, the term:

2880 (c) "Sustainable agricultural land" means land classified
2881 as agricultural land pursuant to s. 193.461 which is used for a
2882 farm operation that uses current technology, based on science or
2883 research and demonstrated measurable increases in productivity,
2884 to meet future food, feed, fiber, and energy needs, while
2885 considering the environmental impacts and the social and
2886 economic benefits to the rural communities.

2887 Section 83. For the purpose of incorporating the amendment
2888 made by this act to section 193.461, Florida Statutes, in a
2889 reference thereto, subsection (4) of section 163.3164, Florida
2890 Statutes, is reenacted to read:

2891 163.3164 Community Planning Act; definitions.—As used in
2892 this act:

2893 (4) "Agricultural enclave" means an unincorporated,
2894 undeveloped parcel that:

2895 (a) Is owned by a single person or entity;

2896 (b) Has been in continuous use for bona fide agricultural
2897 purposes, as defined by s. 193.461, for a period of 5 years
2898 prior to the date of any comprehensive plan amendment
2899 application;

2900 (c) Is surrounded on at least 75 percent of its perimeter

13-00671B-25

2025700__

2901 by:

2902 1. Property that has existing industrial, commercial, or
2903 residential development; or2904 2. Property that the local government has designated, in
2905 the local government's comprehensive plan, zoning map, and
2906 future land use map, as land that is to be developed for
2907 industrial, commercial, or residential purposes, and at least 75
2908 percent of such property is existing industrial, commercial, or
2909 residential development;2910 (d) Has public services, including water, wastewater,
2911 transportation, schools, and recreation facilities, available or
2912 such public services are scheduled in the capital improvement
2913 element to be provided by the local government or can be
2914 provided by an alternative provider of local government
2915 infrastructure in order to ensure consistency with applicable
2916 concurrency provisions of s. 163.3180; and2917 (e) Does not exceed 1,280 acres; however, if the property
2918 is surrounded by existing or authorized residential development
2919 that will result in a density at buildout of at least 1,000
2920 residents per square mile, then the area shall be determined to
2921 be urban and the parcel may not exceed 4,480 acres.2922 Section 84. For the purpose of incorporating the amendment
2923 made by this act to section 193.461, Florida Statutes, in a
2924 reference thereto, subsection (5) of section 163.3194, Florida
2925 Statutes, is reenacted to read:

2926 163.3194 Legal status of comprehensive plan.—

2927 (5) The tax-exempt status of lands classified as
2928 agricultural under s. 193.461 shall not be affected by any
2929 comprehensive plan adopted under this act as long as the land

13-00671B-25

2025700__

2930 meets the criteria set forth in s. 193.461.

2931 Section 85. For the purpose of incorporating the amendment
2932 made by this act to section 193.461, Florida Statutes, in a
2933 reference thereto, subsection (4) of section 170.01, Florida
2934 Statutes, is reenacted to read:

2935 170.01 Authority for providing improvements and levying and
2936 collecting special assessments against property benefited.—

2937 (4) Notwithstanding any other provision of law, a
2938 municipality may not levy special assessments for the provision
2939 of fire protection services on lands classified as agricultural
2940 lands under s. 193.461 unless the land contains a residential
2941 dwelling or nonresidential farm building, with the exception of
2942 an agricultural pole barn, provided the nonresidential farm
2943 building exceeds a just value of \$10,000. Such special
2944 assessments must be based solely on the special benefit accruing
2945 to that portion of the land consisting of the residential
2946 dwelling and curtilage, and qualifying nonresidential farm
2947 buildings. As used in this subsection, the term "agricultural
2948 pole barn" means a nonresidential farm building in which 70
2949 percent or more of the perimeter walls are permanently open and
2950 allow free ingress and egress.

2951 Section 86. For the purpose of incorporating the amendment
2952 made by this act to section 193.461, Florida Statutes, in a
2953 reference thereto, subsection (2) of section 193.052, Florida
2954 Statutes, is reenacted to read:

2955 193.052 Preparation and serving of returns.—

2956 (2) No return shall be required for real property the
2957 ownership of which is reflected in instruments recorded in the
2958 public records of the county in which the property is located,

13-00671B-25

2025700__

2959 unless otherwise required in this title. In order for land to be
2960 considered for agricultural classification under s. 193.461 or
2961 high-water recharge classification under s. 193.625, an
2962 application for classification must be filed on or before March
2963 1 of each year with the property appraiser of the county in
2964 which the land is located, except as provided in s.
2965 193.461(3)(a). The application must state that the lands on
2966 January 1 of that year were used primarily for bona fide
2967 commercial agricultural or high-water recharge purposes.

2968 Section 87. For the purpose of incorporating the amendment
2969 made by this act to section 193.461, Florida Statutes, in a
2970 reference thereto, section 193.4615, Florida Statutes, is
2971 reenacted to read:

2972 193.4615 Assessment of obsolete agricultural equipment.—For
2973 purposes of ad valorem property taxation, agricultural equipment
2974 that is located on property classified as agricultural under s.
2975 193.461 and that is no longer usable for its intended purpose
2976 shall be deemed to have a market value no greater than its value
2977 for salvage.

2978 Section 88. For the purpose of incorporating the amendment
2979 made by this act to section 193.461, Florida Statutes, in a
2980 reference thereto, paragraph (a) of subsection (5) and paragraph
2981 (a) of subsection (19) of section 212.08, Florida Statutes, are
2982 reenacted to read:

2983 212.08 Sales, rental, use, consumption, distribution, and
2984 storage tax; specified exemptions.—The sale at retail, the
2985 rental, the use, the consumption, the distribution, and the
2986 storage to be used or consumed in this state of the following
2987 are hereby specifically exempt from the tax imposed by this

13-00671B-25

2025700__

2988 chapter.

2989 (5) EXEMPTIONS; ACCOUNT OF USE.—

2990 (a) *Items in agricultural use and certain nets.*—There are

2991 exempt from the tax imposed by this chapter nets designed and

2992 used exclusively by commercial fisheries; disinfectants,

2993 fertilizers, insecticides, pesticides, herbicides, fungicides,

2994 and weed killers used for application on crops or groves,

2995 including commercial nurseries and home vegetable gardens, used

2996 in dairy barns or on poultry farms for the purpose of protecting

2997 poultry or livestock, or used directly on poultry or livestock;

2998 animal health products that are administered to, applied to, or

2999 consumed by livestock or poultry to alleviate pain or cure or

3000 prevent sickness, disease, or suffering, including, but not

3001 limited to, antiseptics, absorbent cotton, gauze for bandages,

3002 lotions, vaccines, vitamins, and worm remedies; aquaculture

3003 health products that are used by aquaculture producers, as

3004 defined in s. 597.0015, to prevent or treat fungi, bacteria, and

3005 parasitic diseases; portable containers or movable receptacles

3006 in which portable containers are placed, used for processing

3007 farm products; field and garden seeds, including flower seeds;

3008 nursery stock, seedlings, cuttings, or other propagative

3009 material purchased for growing stock; seeds, seedlings,

3010 cuttings, and plants used to produce food for human consumption;

3011 cloth, plastic, and other similar materials used for shade,

3012 mulch, or protection from frost or insects on a farm; hog wire

3013 and barbed wire fencing, including gates and materials used to

3014 construct or repair such fencing, used in agricultural

3015 production on lands classified as agricultural lands under s.

3016 193.461; materials used to construct or repair permanent or

13-00671B-25

2025700__

3017 temporary fencing used to contain, confine, or process cattle,
3018 including gates and energized fencing systems, used in
3019 agricultural operations on lands classified as agricultural
3020 lands under s. 193.461; stakes used by a farmer to support
3021 plants during agricultural production; generators used on
3022 poultry farms; and liquefied petroleum gas or other fuel used to
3023 heat a structure in which started pullets or broilers are
3024 raised; however, such exemption is not allowed unless the
3025 purchaser or lessee signs a certificate stating that the item to
3026 be exempted is for the exclusive use designated herein. Also
3027 exempt are cellophane wrappers, glue for tin and glass
3028 (apiarists), mailing cases for honey, shipping cases, window
3029 cartons, and baling wire and twine used for baling hay, when
3030 used by a farmer to contain, produce, or process an agricultural
3031 commodity.

3032 (19) FLORIDA FARM TEAM CARD.—

3033 (a) Notwithstanding any other law, a farmer whose property
3034 has been classified as agricultural pursuant to s. 193.461 or
3035 who has implemented agricultural best management practices
3036 adopted by the Department of Agriculture and Consumer Services
3037 pursuant to s. 403.067(7)(c)2. may apply to the department for a
3038 Florida farm tax exempt agricultural materials (TEAM) card to
3039 claim the applicable sales tax exemptions provided in this
3040 section. A farmer may present the Florida farm TEAM card to a
3041 selling dealer in lieu of a certificate or affidavit otherwise
3042 required by this chapter.

3043 Section 89. For the purpose of incorporating the amendment
3044 made by this act to section 193.461, Florida Statutes, in a
3045 reference thereto, subsection (2) of section 373.406, Florida

13-00671B-25

2025700__

3046 Statutes, is reenacted to read:

3047 373.406 Exemptions.—The following exemptions shall apply:

3048 (2) Notwithstanding s. 403.927, nothing herein, or in any
3049 rule, regulation, or order adopted pursuant hereto, shall be
3050 construed to affect the right of any person engaged in the
3051 occupation of agriculture, silviculture, floriculture, or
3052 horticulture to alter the topography of any tract of land,
3053 including, but not limited to, activities that may impede or
3054 divert the flow of surface waters or adversely impact wetlands,
3055 for purposes consistent with the normal and customary practice
3056 of such occupation in the area. However, such alteration or
3057 activity may not be for the sole or predominant purpose of
3058 impeding or diverting the flow of surface waters or adversely
3059 impacting wetlands. This exemption applies to lands classified
3060 as agricultural pursuant to s. 193.461 and to activities
3061 requiring an environmental resource permit pursuant to this
3062 part. This exemption does not apply to any activities previously
3063 authorized by an environmental resource permit or a management
3064 and storage of surface water permit issued pursuant to this part
3065 or a dredge and fill permit issued pursuant to chapter 403. This
3066 exemption has retroactive application to July 1, 1984.

3067 Section 90. For the purpose of incorporating the amendment
3068 made by this act to section 193.461, Florida Statutes, in a
3069 reference thereto, paragraph (a) of subsection (11) of section
3070 403.182, Florida Statutes, is reenacted to read:

3071 403.182 Local pollution control programs.—

3072 (11) (a) Notwithstanding this section or any existing local
3073 pollution control programs, the Secretary of Environmental
3074 Protection has exclusive jurisdiction in setting standards or

13-00671B-25

2025700__

3075 procedures for evaluating environmental conditions and assessing
3076 potential liability for the presence of contaminants on land
3077 that is classified as agricultural land pursuant to s. 193.461
3078 and being converted to a nonagricultural use. The exclusive
3079 jurisdiction includes defining what constitutes all appropriate
3080 inquiry consistent with 40 C.F.R. part 312 and guidance
3081 thereunder.

3082 Section 91. For the purpose of incorporating the amendment
3083 made by this act to section 193.461, Florida Statutes, in a
3084 reference thereto, subsection (4) of section 403.9337, Florida
3085 Statutes, is reenacted to read:

3086 403.9337 Model Ordinance for Florida-Friendly Fertilizer
3087 Use on Urban Landscapes.—

3088 (4) This section does not apply to the use of fertilizer on
3089 farm operations as defined in s. 823.14 or on lands classified
3090 as agricultural lands pursuant to s. 193.461.

3091 Section 92. For the purpose of incorporating the amendment
3092 made by this act to section 193.461, Florida Statutes, in a
3093 reference thereto, paragraph (d) of subsection (2) of section
3094 472.029, Florida Statutes, is reenacted to read:

3095 472.029 Authorization to enter lands of third parties;
3096 conditions.—

3097 (2) LIABILITY AND DUTY OF CARE ON AGRICULTURAL LAND.—

3098 (d) This subsection applies only to land classified as
3099 agricultural pursuant to s. 193.461.

3100 Section 93. For the purpose of incorporating the amendment
3101 made by this act to section 193.461, Florida Statutes, in a
3102 reference thereto, subsection (5) of section 474.2021, Florida
3103 Statutes, is reenacted to read:

13-00671B-25

2025700__

3104 474.2021 Veterinary telehealth.—

3105 (5) A veterinarian personally acquainted with the caring
3106 and keeping of an animal or group of animals on food-producing
3107 animal operations on land classified as agricultural pursuant to
3108 s. 193.461 who has recently seen the animal or group of animals
3109 or has made medically appropriate and timely visits to the
3110 premises where the animal or group of animals is kept may
3111 practice veterinary telehealth for animals on such operations.

3112 Section 94. For the purpose of incorporating the amendment
3113 made by this act to section 193.461, Florida Statutes, in a
3114 reference thereto, paragraph (d) of subsection (4) of section
3115 474.2165, Florida Statutes, is reenacted to read:

3116 474.2165 Ownership and control of veterinary medical
3117 patient records; report or copies of records to be furnished.—

3118 (4) Except as otherwise provided in this section, such
3119 records may not be furnished to, and the medical condition of a
3120 patient may not be discussed with, any person other than the
3121 client or the client's legal representative or other
3122 veterinarians involved in the care or treatment of the patient,
3123 except upon written authorization of the client. However, such
3124 records may be furnished without written authorization under the
3125 following circumstances:

3126 (d) In any criminal action or situation where a
3127 veterinarian suspects a criminal violation. If a criminal
3128 violation is suspected, a veterinarian may, without notice to or
3129 authorization from the client, report the violation to a law
3130 enforcement officer, an animal control officer who is certified
3131 pursuant to s. 828.27(4)(a), or an agent appointed under s.
3132 828.03. However, if a suspected violation occurs at a commercial

13-00671B-25

2025700__

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

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

3144 487.081 Exemptions.—

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

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

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

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

13-00671B-25

2025700__

3162 water, the department, upon request, shall make such records
3163 available to the Department of Environmental Protection;

3164 (d) This subsection does not limit regulatory authority
3165 under a federally delegated or approved program; and

3166 (e) This subsection is remedial in nature and shall apply
3167 retroactively.

3168

3169 The department, in consultation with the secretary of the
3170 Department of Environmental Protection, may adopt rules
3171 prescribing the format, content, and retention time for records
3172 to be maintained under this subsection.

3173 Section 96. For the purpose of incorporating the amendment
3174 made by this act to section 193.461, Florida Statutes, in a
3175 reference thereto, subsection (1) of section 570.87, Florida
3176 Statutes, is reenacted to read:

3177 570.87 Agritourism participation impact on land
3178 classification.—

3179 (1) In order to promote and perpetuate agriculture
3180 throughout this state, farm operations are encouraged to engage
3181 in agritourism. An agricultural classification pursuant to s.
3182 193.461 may not be denied or revoked solely due to the conduct
3183 of agritourism activity on a bona fide farm or the construction,
3184 alteration, or maintenance of a nonresidential farm building,
3185 structure, or facility on a bona fide farm which is used to
3186 conduct agritourism activities. So long as the building,
3187 structure, or facility is an integral part of the agricultural
3188 operation, the land it occupies shall be considered agricultural
3189 in nature. However, such buildings, structures, and facilities,
3190 and other improvements on the land, must be assessed under s.

13-00671B-25

2025700__

3191 193.011 at their just value and added to the agriculturally
3192 assessed value of the land.

3193 Section 97. For the purpose of incorporating the amendment
3194 made by this act to section 193.461, Florida Statutes, in a
3195 reference thereto, subsection (3) of section 570.94, Florida
3196 Statutes, is reenacted to read:

3197 570.94 Best management practices for wildlife.—The
3198 department and the Fish and Wildlife Conservation Commission
3199 recognize that agriculture provides a valuable benefit to the
3200 conservation and management of fish and wildlife in the state
3201 and agree to enter into a memorandum of agreement to develop and
3202 adopt by rule voluntary best management practices for the
3203 state's agriculture industry which reflect the industry's
3204 existing contribution to the conservation and management of
3205 freshwater aquatic life and wild animal life in the state.

3206 (3) Notwithstanding any other provision of law, including
3207 s. 163.3162, the implementation of the best management practices
3208 pursuant to this section is voluntary and except as specifically
3209 provided under this section and s. 9, Art. IV of the State
3210 Constitution, an agency, department, district, or unit of local
3211 government may not adopt or enforce any ordinance, resolution,
3212 regulation, rule, or policy regarding the best management
3213 practices on land classified as agricultural land pursuant to s.
3214 193.461.

3215 Section 98. For the purpose of incorporating the amendment
3216 made by this act to section 193.461, Florida Statutes, in a
3217 reference thereto, paragraph (a) of subsection (1) of section
3218 582.19, Florida Statutes, is reenacted to read:

3219 582.19 Qualifications and tenure of supervisors.—

13-00671B-25

2025700__

3220 (1) The governing body of the district shall consist of
3221 five supervisors, elected as provided in s. 582.18.

3222 (a) To qualify to serve on the governing body of a
3223 district, a supervisor must be an eligible voter who resides in
3224 the district and who:

3225 1. Is actively engaged in, or retired after 10 years of
3226 being engaged in, agriculture as defined in s. 570.02;

3227 2. Is employed by an agricultural producer; or

3228 3. Owns, leases, or is actively employed on land classified
3229 as agricultural under s. 193.461.

3230 Section 99. For the purpose of incorporating the amendment
3231 made by this act to section 193.461, Florida Statutes, in a
3232 reference thereto, subsection (1) of section 570.85, Florida
3233 Statutes, is reenacted to read:

3234 570.85 Agritourism.—

3235 (1) It is the intent of the Legislature to promote
3236 agritourism as a way to support bona fide agricultural
3237 production by providing a stream of revenue and by educating the
3238 general public about the agricultural industry. It is also the
3239 intent of the Legislature to eliminate duplication of regulatory
3240 authority over agritourism as expressed in this section. Except
3241 as otherwise provided for in this section, and notwithstanding
3242 any other law, a local government may not adopt or enforce a
3243 local ordinance, regulation, rule, or policy that prohibits,
3244 restricts, regulates, or otherwise limits an agritourism
3245 activity on land classified as agricultural land under s.
3246 193.461. This subsection does not limit the powers and duties of
3247 a local government to address substantial offsite impacts of
3248 agritourism activities or an emergency as provided in chapter

13-00671B-25

2025700__

3249 252.

3250 Section 100. For the purpose of incorporating the amendment
3251 made by this act to section 193.461, Florida Statutes, in a
3252 reference thereto, section 586.055, Florida Statutes, is
3253 reenacted to read:

3254 586.055 Location of apiaries.—An apiary may be located on
3255 land classified as agricultural under s. 193.461 or on land that
3256 is integral to a beekeeping operation.

3257 Section 101. For the purpose of incorporating the amendment
3258 made by this act to section 193.461, Florida Statutes, in
3259 references thereto, paragraphs (a) and (d) of subsection (2) of
3260 section 604.50, Florida Statutes, are reenacted to read:

3261 604.50 Nonresidential farm buildings; farm fences; farm
3262 signs.—

3263 (2) As used in this section, the term:

3264 (a) "Bona fide agricultural purposes" has the same meaning
3265 as provided in s. 193.461(3)(b).

3266 (d) "Nonresidential farm building" means any temporary or
3267 permanent building or support structure that is classified as a
3268 nonresidential farm building on a farm under s. 553.73(10)(c) or
3269 that is used primarily for agricultural purposes, is located on
3270 land that is an integral part of a farm operation or is
3271 classified as agricultural land under s. 193.461, and is not
3272 intended to be used as a residential dwelling. The term may
3273 include, but is not limited to, a barn, greenhouse, shade house,
3274 farm office, storage building, or poultry house.

3275 Section 102. For the purpose of incorporating the amendment
3276 made by this act to section 193.461, Florida Statutes, in a
3277 reference thereto, paragraph (b) of subsection (3) of section

13-00671B-25

2025700__

3278 604.73, Florida Statutes, is reenacted to read:

3279 604.73 Urban agriculture pilot projects; local regulation
3280 of urban agriculture.—

3281 (3) DEFINITIONS.—As used in this section, the term:

3282 (b) “Urban agriculture” means any new or existing
3283 noncommercial agricultural uses on land that is:

3284 1. Within a dense urban land area, as described in s.
3285 380.0651(3) (a);

3286 2. Not classified as agricultural pursuant to s. 193.461;

3287 3. Not zoned as agricultural as its principal use; and

3288 4. Designated by a municipality for inclusion in an urban
3289 agricultural pilot project that has been approved by the
3290 department.

3291

3292 The term does not include vegetable gardens, as defined in s.
3293 604.71(4), for personal consumption on residential properties.

3294 Section 103. For the purpose of incorporating the amendment
3295 made by this act to section 193.461, Florida Statutes, in a
3296 reference thereto, subsection (1) of section 692.201, Florida
3297 Statutes, is reenacted to read:

3298 692.201 Definitions.—As used in this part, the term:

3299 (1) “Agricultural land” means land classified as
3300 agricultural under s. 193.461.

3301 Section 104. For the purpose of incorporating the amendment
3302 made by this act to section 193.461, Florida Statutes, in a
3303 reference thereto, paragraph (a) of subsection (5) of section
3304 810.011, Florida Statutes, is reenacted to read:

3305 810.011 Definitions.—As used in this chapter:

3306 (5) (a) “Posted land” is land upon which any of the

13-00671B-25

2025700__

3307 following are placed:

3308 1. Signs placed not more than 500 feet apart along and at
3309 each corner of the boundaries of the land or, for land owned by
3310 a water control district that exists pursuant to chapter 298 or
3311 was created by special act of the Legislature, signs placed at
3312 or near the intersection of any district canal right-of-way and
3313 a road right-of-way or, for land classified as agricultural
3314 pursuant to s. 193.461, signs placed at each point of ingress
3315 and at each corner of the boundaries of the agricultural land,
3316 which prominently display in letters of not less than 2 inches
3317 in height the words "no trespassing" and the name of the owner,
3318 lessee, or occupant of the land. The signs must be placed along
3319 the boundary line of posted land in a manner and in such
3320 position as to be clearly noticeable from outside the boundary
3321 line; or

3322 2.a. A conspicuous no trespassing notice is painted on
3323 trees or posts on the property, provided that the notice is:

3324 (I) Painted in an international orange color and displaying
3325 the stenciled words "No Trespassing" in letters no less than 2
3326 inches high and 1 inch wide either vertically or horizontally;

3327 (II) Placed so that the bottom of the painted notice is not
3328 less than 3 feet from the ground or more than 5 feet from the
3329 ground; and

3330 (III) Placed at locations that are readily visible to any
3331 person approaching the property and no more than 500 feet apart
3332 on agricultural land.

3333 b. When a landowner uses the painted no trespassing posting
3334 to identify a no trespassing area, those painted notices must be
3335 accompanied by signs complying with subparagraph 1. and must be

13-00671B-25

2025700__

3336 placed conspicuously at all places where entry to the property
3337 is normally expected or known to occur.

3338 Section 105. For the purpose of incorporating the amendment
3339 made by this act to section 193.461, Florida Statutes, in a
3340 reference thereto, paragraph (a) of subsection (5) and paragraph
3341 (a) of subsection (6) of section 741.30, Florida Statutes, are
3342 reenacted to read:

3343 741.30 Domestic violence; injunction; powers and duties of
3344 court and clerk; petition; notice and hearing; temporary
3345 injunction; issuance of injunction; statewide verification
3346 system; enforcement; public records exemption.—

3347 (5) (a) If it appears to the court that an immediate and
3348 present danger of domestic violence exists, the court may grant
3349 a temporary injunction ex parte, pending a full hearing, and may
3350 grant such relief as the court deems proper, including an
3351 injunction:

3352 1. Restraining the respondent from committing any acts of
3353 domestic violence.

3354 2. Awarding to the petitioner the temporary exclusive use
3355 and possession of the dwelling that the parties share or
3356 excluding the respondent from the residence of the petitioner.

3357 3. On the same basis as provided in s. 61.13, providing the
3358 petitioner a temporary parenting plan, including a time-sharing
3359 schedule, which may award the petitioner up to 100 percent of
3360 the time-sharing. If temporary time-sharing is awarded to the
3361 respondent, the exchange of the child must occur at a neutral
3362 safe exchange location as provided in s. 125.01(8) or a location
3363 authorized by a supervised visitation program as defined in s.
3364 753.01 if the court determines it is in the best interests of

13-00671B-25

2025700__

3365 the child after consideration of all of the factors specified in
3366 s. 61.13(3). The temporary parenting plan remains in effect
3367 until the order expires or an order is entered by a court of
3368 competent jurisdiction in a pending or subsequent civil action
3369 or proceeding affecting the placement of, access to, parental
3370 time with, adoption of, or parental rights and responsibilities
3371 for the minor child.

3372 4. If the petitioner and respondent have an existing
3373 parenting plan or time-sharing schedule under another court
3374 order, designating that the exchange of the minor child or
3375 children of the parties must occur at a neutral safe exchange
3376 location as provided in s. 125.01(8) or a location authorized by
3377 a supervised visitation program as defined in s. 753.01 if the
3378 court determines it is in the best interests of the child after
3379 consideration of all of the factors specified in s. 61.13(3).

3380 5. Awarding to the petitioner the temporary exclusive care,
3381 possession, or control of an animal that is owned, possessed,
3382 harbored, kept, or held by the petitioner, the respondent, or a
3383 minor child residing in the residence or household of the
3384 petitioner or respondent. The court may order the respondent to
3385 temporarily have no contact with the animal and prohibit the
3386 respondent from taking, transferring, encumbering, concealing,
3387 harming, or otherwise disposing of the animal. This subparagraph
3388 does not apply to an animal owned primarily for a bona fide
3389 agricultural purpose, as defined under s. 193.461, or to a
3390 service animal, as defined under s. 413.08, if the respondent is
3391 the service animal's handler.

3392 (6) (a) Upon notice and hearing, when it appears to the
3393 court that the petitioner is either the victim of domestic

13-00671B-25

2025700__

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

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

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

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

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

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

13-00671B-25

2025700__

3423 competent jurisdiction in a pending or subsequent civil action
3424 or proceeding affecting child support.

3425 6. Ordering the respondent to participate in treatment,
3426 intervention, or counseling services to be paid for by the
3427 respondent. When the court orders the respondent to participate
3428 in a batterers' intervention program, the court, or any entity
3429 designated by the court, must provide the respondent with a list
3430 of batterers' intervention programs from which the respondent
3431 must choose a program in which to participate.

3432 7. Referring a petitioner to a certified domestic violence
3433 center. The court must provide the petitioner with a list of
3434 certified domestic violence centers in the circuit which the
3435 petitioner may contact.

3436 8. Awarding to the petitioner the exclusive care,
3437 possession, or control of an animal that is owned, possessed,
3438 harbored, kept, or held by the petitioner, the respondent, or a
3439 minor child residing in the residence or household of the
3440 petitioner or respondent. The court may order the respondent to
3441 have no contact with the animal and prohibit the respondent from
3442 taking, transferring, encumbering, concealing, harming, or
3443 otherwise disposing of the animal. This subparagraph does not
3444 apply to an animal owned primarily for a bona fide agricultural
3445 purpose, as defined under s. 193.461, or to a service animal, as
3446 defined under s. 413.08, if the respondent is the service
3447 animal's handler.

3448 9. Ordering such other relief as the court deems necessary
3449 for the protection of a victim of domestic violence, including
3450 injunctions or directives to law enforcement agencies, as
3451 provided in this section.

13-00671B-25

2025700__

3452 Section 106. For the purpose of incorporating the amendment
3453 made by this act to section 193.461, Florida Statutes, in a
3454 reference thereto, subsection (6) of section 823.14, Florida
3455 Statutes, is reenacted to read:

3456 823.14 Florida Right to Farm Act.—

3457 (6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It
3458 is the intent of the Legislature to eliminate duplication of
3459 regulatory authority over farm operations as expressed in this
3460 subsection. Except as otherwise provided for in this section and
3461 s. 487.051(2), and notwithstanding any other provision of law, a
3462 local government may not adopt any ordinance, regulation, rule,
3463 or policy to prohibit, restrict, regulate, or otherwise limit an
3464 activity of a bona fide farm operation on land classified as
3465 agricultural land pursuant to s. 193.461, where such activity is
3466 regulated through implemented best management practices or
3467 interim measures developed by the Department of Environmental
3468 Protection, the Department of Agriculture and Consumer Services,
3469 or water management districts and adopted under chapter 120 as
3470 part of a statewide or regional program. When an activity of a
3471 farm operation takes place within a wellfield protection area as
3472 defined in any wellfield protection ordinance adopted by a local
3473 government, and the adopted best management practice or interim
3474 measure does not specifically address wellfield protection, a
3475 local government may regulate that activity pursuant to such
3476 ordinance. This subsection does not limit the powers and duties
3477 provided for in s. 373.4592 or limit the powers and duties of
3478 any local government to address an emergency as provided for in
3479 chapter 252.

3480 Section 107. For the purpose of incorporating the amendment

13-00671B-25

2025700__

3481 made by this act to section 388.271, Florida Statutes, in a
3482 reference thereto, paragraph (a) of subsection (1) of section
3483 189.062, Florida Statutes, is reenacted to read:

3484 189.062 Special procedures for inactive districts.—

3485 (1) The department shall declare inactive any special
3486 district in this state by documenting that:

3487 (a) The special district meets one of the following
3488 criteria:

3489 1. The registered agent of the district, the chair of the
3490 governing body of the district, or the governing body of the
3491 appropriate local general-purpose government notifies the
3492 department in writing that the district has taken no action for
3493 2 or more years;

3494 2. The registered agent of the district, the chair of the
3495 governing body of the district, or the governing body of the
3496 appropriate local general-purpose government notifies the
3497 department in writing that the district has not had a governing
3498 body or a sufficient number of governing body members to
3499 constitute a quorum for 2 or more years;

3500 3. The registered agent of the district, the chair of the
3501 governing body of the district, or the governing body of the
3502 appropriate local general-purpose government fails to respond to
3503 an inquiry by the department within 21 days;

3504 4. The department determines, pursuant to s. 189.067, that
3505 the district has failed to file any of the reports listed in s.
3506 189.066;

3507 5. The district has not had a registered office and agent
3508 on file with the department for 1 or more years;

3509 6. The governing body of a special district provides

13-00671B-25

2025700__

3510 documentation to the department that it has unanimously adopted
3511 a resolution declaring the special district inactive. The
3512 special district is responsible for payment of any expenses
3513 associated with its dissolution;

3514 7. The district is an independent special district or a
3515 community redevelopment district created under part III of
3516 chapter 163 that has reported no revenue, no expenditures, and
3517 no debt under s. 189.016(9) or s. 218.32 for at least 5
3518 consecutive fiscal years beginning no earlier than October 1,
3519 2018. This subparagraph does not apply to a community
3520 development district established under chapter 190 or to any
3521 independent special district operating pursuant to a special act
3522 that provides that any amendment to chapter 190 to grant
3523 additional powers constitutes a power of that district; or

3524 8. For a mosquito control district created pursuant to
3525 chapter 388, the department has received notice from the
3526 Department of Agriculture and Consumer Services that the
3527 district has failed to file a tentative work plan and tentative
3528 detailed work plan budget as required by s. 388.271.

3529 Section 108. For the purpose of incorporating the amendment
3530 made by this act to section 388.271, Florida Statutes, in a
3531 reference thereto, subsection (7) of section 388.261, Florida
3532 Statutes, is reenacted to read:

3533 388.261 State aid to counties and districts for arthropod
3534 control; distribution priorities and limitations.—

3535 (7) The department may use state funds appropriated for a
3536 county or district under subsection (1) or subsection (2) to
3537 provide state mosquito or other arthropod control equipment,
3538 supplies, or services when requested by a county or district

13-00671B-25

2025700__

3539 eligible to receive state funds under s. 388.271.

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

3544 482.072 Pest control customer contact centers.—

3545 (3)

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

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

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

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

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

13-00671B-25

2025700__

3568 an employee. A licensee may not automatically be considered
3569 responsible for violations made by an employee. However, the
3570 licensee may not knowingly encourage, aid, or abet violations of
3571 this chapter.

3572 Section 111. For the purpose of incorporating the amendment
3573 made by this act to section 487.044, Florida Statutes, in a
3574 reference thereto, section 487.156, Florida Statutes, is
3575 reenacted to read:

3576 487.156 Governmental agencies.—All governmental agencies
3577 shall be subject to the provisions of this part and rules
3578 adopted under this part. Public applicators using or supervising
3579 the use of restricted-use pesticides shall be subject to
3580 examination as provided in s. 487.044.

3581 Section 112. For the purpose of incorporating the amendment
3582 made by this act to section 496.405, Florida Statutes, in a
3583 reference thereto, subsection (2) of section 496.4055, Florida
3584 Statutes, is reenacted to read:

3585 496.4055 Charitable organization or sponsor board duties.—

3586 (2) The board of directors, or an authorized committee
3587 thereof, of a charitable organization or sponsor required to
3588 register with the department under s. 496.405 shall adopt a
3589 policy regarding conflict of interest transactions. The policy
3590 shall require annual certification of compliance with the policy
3591 by all directors, officers, and trustees of the charitable
3592 organization. A copy of the annual certification shall be
3593 submitted to the department with the annual registration
3594 statement required by s. 496.405.

3595 Section 113. For the purpose of incorporating the amendment
3596 made by this act to section 496.405, Florida Statutes, in a

13-00671B-25

2025700__

3597 reference thereto, subsections (2) and (4) of section 496.406,
3598 Florida Statutes, are reenacted to read:

3599 496.406 Exemption from registration.—

3600 (2) Before soliciting contributions, a charitable
3601 organization or sponsor claiming to be exempt from the
3602 registration requirements of s. 496.405 under paragraph (1)(d)
3603 must submit annually to the department, on forms prescribed by
3604 the department:

3605 (a) The name, street address, and telephone number of the
3606 charitable organization or sponsor, the name under which it
3607 intends to solicit contributions, the purpose for which it is
3608 organized, and the purpose or purposes for which the
3609 contributions to be solicited will be used.

3610 (b) The tax exempt status of the organization.

3611 (c) The date on which the organization's fiscal year ends.

3612 (d) The names, street addresses, and telephone numbers of
3613 the individuals or officers who have final responsibility for
3614 the custody of the contributions and who will be responsible for
3615 the final distribution of the contributions.

3616 (e) A financial statement of support, revenue, and expenses
3617 and a statement of functional expenses that must include, but
3618 not be limited to, expenses in the following categories:

3619 program, management and general, and fundraising. In lieu of the
3620 financial statement, a charitable organization or sponsor may
3621 submit a copy of its Internal Revenue Service Form 990 and all
3622 attached schedules or Internal Revenue Service Form 990-EZ and
3623 Schedule O.

3624 (4) Exemption from the registration requirements of s.
3625 496.405 does not limit the applicability of other provisions of

13-00671B-25

2025700__

3626 this section to a charitable organization or sponsor.

3627 Section 114. For the purpose of incorporating the amendment
3628 made by this act to section 500.12, Florida Statutes, in a
3629 reference thereto, paragraph (a) of subsection (1) of section
3630 500.80, Florida Statutes, is reenacted to read:

3631 500.80 Cottage food operations.—

3632 (1)(a) A cottage food operation must comply with the
3633 applicable requirements of this chapter but is exempt from the
3634 permitting requirements of s. 500.12 if the cottage food
3635 operation complies with this section and has annual gross sales
3636 of cottage food products that do not exceed \$250,000.

3637 Section 115. For the purpose of incorporating the amendment
3638 made by this act to section 500.172, Florida Statutes, in a
3639 reference thereto, subsection (6) of section 500.121, Florida
3640 Statutes, is reenacted to read:

3641 500.121 Disciplinary procedures.—

3642 (6) If the department determines that a food offered in a
3643 food establishment is labeled with nutrient claims that are in
3644 violation of this chapter, the department shall retest or
3645 reexamine the product within 90 days after notification to the
3646 manufacturer and to the firm at which the product was collected.
3647 If the product is again found in violation, the department shall
3648 test or examine the product for a third time within 60 days
3649 after the second notification. The product manufacturer shall
3650 reimburse the department for the cost of the third test or
3651 examination. If the product is found in violation for a third
3652 time, the department shall exercise its authority under s.
3653 500.172 and issue a stop-sale or stop-use order. The department
3654 may impose additional sanctions for violations of this

13-00671B-25

2025700__

3655 subsection.

3656 Section 116. For the purpose of incorporating the amendment
3657 made by this act to section 790.06, Florida Statutes, in a
3658 reference thereto, section 790.061, Florida Statutes, is
3659 reenacted to read:

3660 790.061 Judges and justices; exceptions from licensure
3661 provisions.—A county court judge, circuit court judge, district
3662 court of appeal judge, justice of the supreme court, federal
3663 district court judge, or federal court of appeals judge serving
3664 in this state is not required to comply with the provisions of
3665 s. 790.06 in order to receive a license to carry a concealed
3666 weapon or firearm, except that any such justice or judge must
3667 comply with the provisions of s. 790.06(2)(h). The Department of
3668 Agriculture and Consumer Services shall issue a license to carry
3669 a concealed weapon or firearm to any such justice or judge upon
3670 demonstration of competence of the justice or judge pursuant to
3671 s. 790.06(2)(h).

3672 Section 117. This act shall take effect July 1, 2025.

2017 Florida Statutes

[Title XXIX](#)
PUBLIC HEALTH

[Chapter 381](#)
PUBLIC HEALTH: GENERAL PROVISIONS

SECTION 026
Florida Patient's Bill of Rights and Responsibilities.

[Entire Chapter](#)

Quick Links

- [General Laws Conversion Table \(2024\)](#) [PDF]
- [Florida Statutes Definitions Index \(2024\)](#) [PDF]
- [Table of Section Changes \(2024\)](#) [PDF]
- [Preface to the Florida Statutes \(2024\)](#) [PDF]
- [Table Tracing Session Laws to Florida Statutes \(2024\)](#) [PDF]
- [Index to Special and Local Laws \(1971-2024\)](#) [PDF]
- [Index to Special and Local Laws \(1845-1970\)](#) [PDF]
- [Statute Search Tips](#)

381.026 Florida Patient's Bill of Rights and Responsibilities.—

(1) SHORT TITLE.—This section may be cited as the “Florida Patient's Bill of Rights and Responsibilities.”

(2) DEFINITIONS.—As used in this section and s. [381.0261](#), the term:

(a) “Department” means the Department of Health.

(b) “Health care facility” means a facility licensed under chapter 395.

(c) “Health care provider” means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, or a podiatric physician licensed under chapter 461.

(d) “Primary care provider” means a health care provider licensed under chapter 458, chapter 459, or chapter 464 who provides medical services to patients which are commonly provided without referral from another health care provider, including family and general practice, general pediatrics, and general internal medicine.

(e) “Responsible provider” means a health care provider who is primarily responsible for patient care in a health care facility or provider's office.

(3) PURPOSE.—It is the purpose of this section to promote the interests and well-being of the patients of health care providers and health care facilities and to promote better communication between the patient and the health care provider. It is the intent of the Legislature that health care providers understand their responsibility to give their patients a general understanding of the procedures to be performed on them and to provide information pertaining to their health care so that they may make decisions in an informed manner after considering the information relating to their condition, the available treatment alternatives, and substantial risks and hazards inherent in the treatments. It is the intent of the Legislature that patients have a general understanding of their responsibilities toward health care providers and health care facilities. It is the intent of the Legislature that the provision of such information to a patient eliminate potential misunderstandings between patients and health care providers. It is a public policy of the state that the interests of patients be recognized in a patient's bill of rights and responsibilities and that a health care facility or health care provider may not require a patient to waive his or her rights as a condition of treatment. This section shall not be used for any purpose in any civil or administrative action and neither expands nor limits any rights or remedies provided under any other law.

(4) RIGHTS OF PATIENTS.—Each health care facility or provider shall observe the following standards:

(a) *Individual dignity.*—

- The individual dignity of a patient must be respected at all times and upon all occasions.
- Every patient who is provided health care services retains certain rights to privacy, which must be respected without regard to the patient's economic status or source of payment for his or her care. The patient's rights to privacy must be respected to the extent consistent with providing adequate medical care to the patient and with the efficient administration of the health care facility or provider's office. However, this subparagraph does not preclude necessary and discreet discussion of a patient's case or examination by appropriate medical personnel.
- A patient has the right to a prompt and reasonable response to a question or request. A health care facility shall respond in a reasonable manner to the request of a patient's health care provider for medical services to the patient. The health care facility shall also respond in a reasonable manner to the patient's request for other services customarily rendered by the health care facility to the extent such services do not require the approval of the patient's health care provider or are not inconsistent with the patient's treatment.
- A patient in a health care facility has the right to retain and use personal clothing or possessions as space permits, unless for him or her to do so would infringe upon the right of another patient or is medically or programmatically contraindicated for documented medical, safety, or programmatic reasons.
- A patient receiving care in a health care facility or in a provider's office has the right to bring any person of his or her choosing to the patient-accessible areas of the health care facility or provider's office to accompany the patient while the patient is receiving inpatient or outpatient treatment or is consulting with his or her health care provider, unless doing so would risk the safety or health of the patient, other patients, or staff of the facility or office or cannot be reasonably accommodated by the facility or provider.

(b) *Information.*—

- A patient has the right to know the name, function, and qualifications of each health care provider who is providing medical services to the patient. A patient may request such information from his or her responsible provider or the health care facility in which he or she is receiving medical services.
- A patient in a health care facility has the right to know what patient support services are available in the facility.
- A patient has the right to be given by his or her health care provider information concerning diagnosis, planned course of treatment, alternatives, risks, and prognosis, unless it is medically inadvisable or impossible to give this information to the patient, in which case the information must be given to the patient's guardian or a person designated as the patient's representative. A patient has the right to refuse this information.
- A patient has the right to refuse any treatment based on information required by this paragraph, except as otherwise provided by law. The responsible provider shall document any such refusal.
- A patient in a health care facility has the right to know what facility rules and regulations apply to patient conduct.
- A patient has the right to express grievances to a health care provider, a health care facility, or the appropriate state licensing agency regarding alleged violations of patients' rights. A patient has the right to know the health care provider's or health care facility's procedures for expressing a grievance.
- A patient in a health care facility who does not speak English has the right to be provided an interpreter when receiving medical services if the facility has a person readily available who can interpret on behalf of the patient.
- A health care provider or health care facility shall respect a patient's right to privacy and should refrain from making a written inquiry or asking questions concerning the ownership of a firearm or ammunition by the patient or by a family member of the patient, or the presence of a firearm in a private home or other domicile of the patient or a family member of the patient. Notwithstanding this provision, a health care provider or health care facility that in good faith believes that this information is relevant to the patient's medical care or safety, or safety of others, may make such a verbal or written inquiry.
- A patient may decline to answer or provide any information regarding ownership of a firearm by the patient or a family member of the patient, or the presence of a firearm in the domicile of the patient or a family member of the patient. A patient's decision not to answer a question relating to the presence or ownership of a firearm does not alter existing law regarding a physician's authorization to choose his or her patients.
- A health care provider or health care facility may not discriminate against a patient based solely upon the patient's exercise of the constitutional right to own and possess firearms or ammunition.
- A health care provider or health care facility shall respect a patient's legal right to own or possess a firearm and should refrain from unnecessarily harassing a patient about firearm ownership during an examination.

(c) *Financial information and disclosure.*—

- A patient has the right to be given, upon request, by the responsible provider, his or her designee, or a representative of the health care facility full information and necessary counseling on the availability of known financial resources for the patient's health care.
- A health care provider or a health care facility shall, upon request, disclose to each patient who is eligible for Medicare, before treatment, whether the health care provider or the health care facility in which the patient is receiving medical services accepts assignment under Medicare reimbursement as payment in full for medical services and treatment rendered in the health care provider's office or health care facility.
- A primary care provider may publish a schedule of charges for the medical services that the provider offers to patients. The schedule must include the prices charged to an uninsured person paying for such services by cash, check, credit card, or debit card. The schedule must be posted in a conspicuous place in the reception area of the provider's office and must include, but is not limited to, the 50 services most frequently provided by the primary care provider. The schedule may group services by three price levels, listing services in each price level. The posting must be at least 15 square feet in size. A primary care provider who publishes and maintains a schedule of charges for medical services is exempt from the license fee requirements for a single period of renewal of a professional license under chapter 456 for that licensure term and is exempt from the continuing education requirements of chapter 456 and the rules implementing those requirements for a single 2-year period.
- If a primary care provider publishes a schedule of charges pursuant to subparagraph 3., he or she must continually post it at all times for the duration of active licensure in this state when primary care services are provided to patients. If a primary care provider fails to post the schedule of charges in accordance with this subparagraph, the provider shall be required to pay any license fee and comply with any continuing education requirements for which an exemption was received.
- A health care provider or a health care facility shall, upon request, furnish a person, before the provision of medical services, a reasonable estimate of charges for such services. The health care provider or the health care facility shall provide an uninsured person, before the provision of a planned nonemergency medical service, a reasonable estimate of charges for such service and information regarding the provider's or facility's discount or charity policies for which the uninsured person may be eligible. Such estimates by a primary care provider must be consistent with the schedule posted under subparagraph 3. Estimates shall, to the extent possible, be written in language comprehensible to an ordinary layperson. Such reasonable estimate does not preclude the health care provider or health care facility from exceeding the estimate or making additional charges based on changes in the patient's condition or treatment needs.
- Each licensed facility, except a facility operating exclusively as a state facility, shall make available to the public on its website or by other electronic means a description of and a hyperlink to the health information that is disseminated by the agency pursuant to s. [408.05](#)(3). The facility shall place a notice in the reception area that such information is available electronically and the website address. The licensed facility may indicate that the pricing information is based on a compilation of charges for the average patient and that each patient's statement or bill may vary from the average depending upon the severity of illness and individual resources consumed. The licensed facility may also indicate that the price of service is negotiable for eligible patients based upon the patient's ability to pay.
- A patient has the right to receive a copy of an itemized statement or bill upon request. A patient has a right to be given an explanation of charges upon request.

(d) *Access to health care.*—

- A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, handicap, or source of payment.
- A patient has the right to treatment for any emergency medical condition that will deteriorate from failure to provide such treatment.
- A patient has the right to access any mode of treatment that is, in his or her own judgment and the judgment of his or her health care practitioner, in the best interests of the patient, including complementary or alternative health care treatments, in accordance with the provisions of s. [456.41](#).

(e) *Experimental research.*—In addition to the provisions of s. [766.103](#), a patient has the right to know if medical treatment is for purposes of experimental research and to consent prior to participation in such experimental research. For any patient, regardless of ability to pay or source of payment for his or her care, participation must be a voluntary matter; and a patient has the right to refuse to participate. The patient's consent or refusal must be documented in the patient's care record.

(f) *Patient's knowledge of rights and responsibilities.*—In receiving health care, patients have the right to know what their rights and responsibilities are.

(5) RESPONSIBILITIES OF PATIENTS.—Each patient of a health care provider or health care facility shall respect the health care provider's and health care facility's right to expect behavior on the part of patients which, considering the nature of their illness, is reasonable and responsible. Each patient shall observe the responsibilities described in the following summary.

(6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health care provider who treats a patient in an office or any health care facility licensed under chapter 395 that provides emergency services and care or outpatient services and care to a patient, or admits and treats a patient, shall adopt and make available to the patient, in writing, a statement of the rights and responsibilities of patients, including the following:

SUMMARY OF THE FLORIDA PATIENT'S BILL
OF RIGHTS AND RESPONSIBILITIES

Florida law requires that your health care provider or health care facility recognize your rights while you are receiving medical care and that you respect the health care provider's or health care facility's right to expect certain behavior on the part of patients. You may request a copy of the full text of this law from your health care provider or health care facility. A summary of your rights and responsibilities follows:

A patient has the right to be treated with courtesy and respect, with appreciation of his or her individual dignity, and with protection of his or her need for privacy.

A patient has the right to a prompt and reasonable response to questions and requests.

A patient has the right to know who is providing medical services and who is responsible for his or her care.

A patient has the right to know what patient support services are available, including whether an interpreter is available if he or she does not speak English.

A patient has the right to bring any person of his or her choosing to the patient-accessible areas of the health care facility or provider's office to accompany the patient while the patient is receiving inpatient or outpatient treatment or is consulting with his or her health care provider, unless doing so would risk the safety or health of the patient, other patients, or staff of the facility or office or cannot be reasonably accommodated by the facility or provider.

A patient has the right to know what rules and regulations apply to his or her conduct.

A patient has the right to be given by the health care provider information concerning diagnosis, planned course of treatment, alternatives, risks, and prognosis.

A patient has the right to refuse any treatment, except as otherwise provided by law.

A patient has the right to be given, upon request, full information and necessary counseling on the availability of known financial resources for his or her care.

A patient who is eligible for Medicare has the right to know, upon request and in advance of treatment, whether the health care provider or health care facility accepts the Medicare assignment rate.

A patient has the right to receive, upon request, prior to treatment, a reasonable estimate of charges for medical care.

A patient has the right to receive a copy of a reasonably clear and understandable, itemized bill and, upon request, to have the charges explained.

A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, handicap, or source of payment.

A patient has the right to treatment for any emergency medical condition that will deteriorate from failure to provide treatment.

A patient has the right to know if medical treatment is for purposes of experimental research and to give his or her consent or refusal to participate in such experimental research.

A patient has the right to express grievances regarding any violation of his or her rights, as stated in Florida law, through the grievance procedure of the health care provider or health care facility which served him or her and to the appropriate state licensing agency.

A patient is responsible for providing to the health care provider, to the best of his or her knowledge, accurate and complete information about present complaints, past illnesses, hospitalizations, medications, and other matters relating to his or her health.

A patient is responsible for reporting unexpected changes in his or her condition to the health care provider.

A patient is responsible for reporting to the health care provider whether he or she comprehends a contemplated course of action and what is expected of him or her.

A patient is responsible for following the treatment plan recommended by the health care provider.

A patient is responsible for keeping appointments and, when he or she is unable to do so for any reason, for notifying the health care provider or health care facility.

A patient is responsible for his or her actions if he or she refuses treatment or does not follow the health care provider's instructions.

A patient is responsible for assuring that the financial obligations of his or her health care are fulfilled as promptly as possible.

A patient is responsible for following health care facility rules and regulations affecting patient care and conduct.

History.—s. 1, ch. 91-127; s. 65, ch. 92-289; s. 656, ch. 95-148; s. 21, ch. 98-89; s. 178, ch. 98-166; s. 64, ch. 99-397; s. 7, ch. 2001-53; s. 2, ch. 2001-116; s. 3, ch. 2004-297; s. 12, ch. 2006-261; s. 3, ch. 2008-47; s. 2, ch. 2011-112; s. 1, ch. 2011-122; s. 48, ch. 2012-5; s. 11, ch. 2016-234; s. 1, ch. 2017-152.



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Resolution 202_-_____

A RESOLUTION OF THE CITY OF _____, FLORIDA, DIRECTING THE CITY MANAGER TO DISCONTINUE THE FLUORIDATION OF THE CITY WATER SUPPLY SYSTEM AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the addition of fluoride to public water supplies is intended to provide a health benefit by reducing dental decay, which aligns with the definition of a medical intervention; and

WHEREAS, Florida Statute [381.026](#), the “Patient's Bill of Rights and Responsibilities,” establishes the right of individuals to make informed decisions about medical treatment, including the right to refuse such treatment; and

WHEREAS, water fluoridation does not allow for individualized consent or dosage control, resulting in the public being exposed to a health intervention without their explicit informed consent; and

WHEREAS, fluoride for dental health purposes is readily accessible through alternative means, such as toothpaste, mouthwash, and professional treatments, allowing individuals to make informed and voluntary choices regarding their fluoride exposure; and

WHEREAS, water fluoridation has historically been credited with reducing the prevalence of dental caries and has been recognized by public health agencies, such as the Centers for Disease Control and Prevention (CDC), as a significant public health achievement; and

WHEREAS, emerging research, including findings from recent legal and scientific reviews, raises concerns about adverse health effects associated with fluoride exposure, particularly neurodevelopmental risks in children, prompting reconsideration of its safety and efficacy; and

WHEREAS, on September 24, 2024, in the federal lawsuit Food and Water Watch, et al. v. United States Environmental Protection Agency (Case No. [7-cv-20162-EMC](#)), the United States District Court for the Northern District of California ruled against the Environmental Protection Agency (EPA), finding that fluoridation of water at a concentration of 0.7 milligrams per liter (mg/L)—the level currently deemed "optimal" by the EPA —poses an unreasonable risk of reduced IQ in children; and

WHEREAS, the court further determined that there is "substantial and scientifically credible evidence establishing that fluoride poses a risk to human health," including associations with reductions in children's IQ and hazardous effects at levels too close to those present in U.S. drinking water; and

WHEREAS, the hazard identification step of the hazard assessment is satisfied, showing that exposure to the chemical fluoride is associated with the adverse effect of reduced IQ in children, particularly in boys; and

WHEREAS, the City has a duty to protect the public from this public health risk, especially

those most vulnerable, such as pregnant mothers, breastfeeding mothers, and formula-fed infants;
and

WHEREAS, the fluoridation of the City’s water supply system is not mandated by any applicable federal or state law, rule, or regulation and is subject to the discretion of the City’s elected governing bodies; and

WHEREAS, on November 22, 2024, Surgeon General Joseph Ladapo put Florida’s municipalities on notice, stating in a [press conference](#): “It is public health malpractice, with the information we have now, to continue adding fluoride to water”; and

WHEREAS, the Surgeon General’s office has issued written [guidance](#) indicating that recent research shows exposure to fluoridated water can lead to neurodevelopmental issues in children;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF _____, FLORIDA:

Section 1. That the above “Whereas” clauses are incorporated herein as findings.

Section 2. That the City Council hereby directs the City Manager to take all necessary actions to implement the discontinuance of the fluoridation of the City water supply system on or before January 1, 2025, or as soon as reasonably practicable thereafter, taking into consideration operational efficiencies and the objectives of the City’s utility system.







Section 3. That this Resolution shall take effect immediately upon adoption.

Fluorosilicic Acid



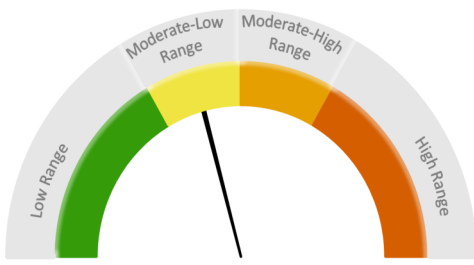
Direct Use Chemical

(liquid) 

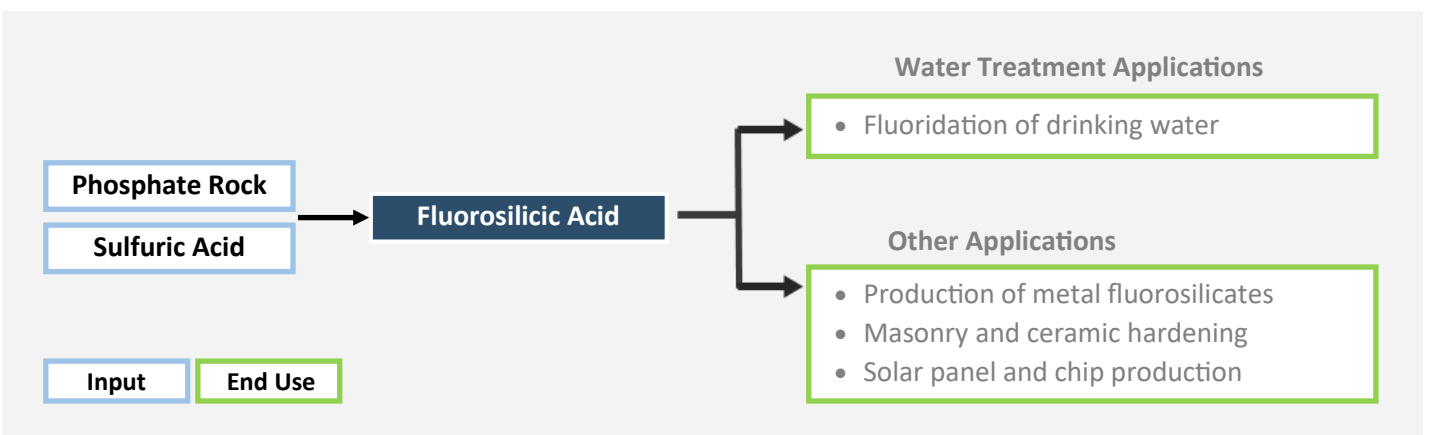
<p> Inputs to Manufacturing Process: Phosphate Rock Sulfuric Acid</p>	<p> % of Total Domestic Consumption Attributed to Water Sector: Approximately 63%</p>	<p> Product Family: Phosphate</p>
<p> Derivative Water Treatment Chemicals: None</p>	<p> Understanding Chemical Supply Chains Map of Suppliers & Manufacturers</p>	<p>CAS No.: 16961-83-4</p> <p> Shelf Life: 1 Month</p>

RISK OF SUPPLY DISRUPTION (Assessed in 2022)


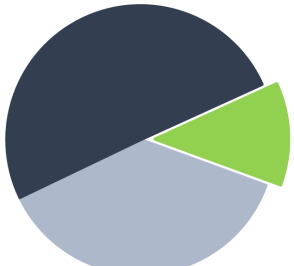
<p>RISK RATING: Moderate-Low</p>	<p>RISK DRIVERS Production of fluorosilicic acid depends on the production of phosphate rock and manufacturing of sulfuric acid. Planned facility downtime at the limited number of domestic manufacturing facilities has resulted in recurring volatility in the supply of fluorosilicic acid.</p>	<p>RISK PARAMETERS Criticality: Low. Used widely but in discretionary application. Likelihood: High. Previous widespread disruptions in supply that impacted the water sector. Vulnerability: Moderate-High. Limited domestic manufacturing concentrated in select geographic areas and strong reliance on imports.</p>
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MANUFACTURING PROCESS



DOMESTIC PRODUCTION AND CONSUMPTION, AND INTERNATIONAL TRADE

<p>Domestic Manufacturing Locations (2017):  5, in Florida, North Carolina, Louisiana, and Wyoming</p>		<p>Domestic Consumption (2019): 58 M kg</p> <ul style="list-style-type: none"> Domestic Production (29 M kg) Imports for Consumption (39 M kg) Export of Domestic Production (10 M kg)
<p>International Trade (2019) Primary Trading Partner (Imports): China Primary Trading Partner (Exports): China</p>		

Product Description

Fluorosilicic acid (FSA) (H_2SiF_6), a halogenated inorganic acid, is the water fluoridation compound most widely used in community water systems in the U.S. as it yields free fluoride rapidly when mixed with water. The majority of FSA produced is used for municipal water fluoridation, and the remainder is mostly consumed by the aluminum industry to produce aluminum fluoride.

Use in Water Treatment

FSA is used in water treatment for drinking water fluoridation (AWWA, 2011).

Use as a Precursor to Other Water Treatment Chemicals

None.

Other Applications

FSA is used in aluminum fluoride and other metal fluorosilicate manufacturing, hardening masonry and ceramics, metal surface treatment, and solar panel and silicon chip production. It is also used in hydrofluoric acid production (ATSDR, 2003; USGS, 2020a).

Primary Industrial Consumers

Water fluoridation is the primary use of FSA. In 2001, it is estimated that approximately 63% of FSA was consumed for water fluoridation (ATSDR, 2003).

Manufacturing, Transport, & Storage

Manufacturing Process

Production of FSA for water fluoridation takes place as a byproduct of the reaction to produce wet-process phosphoric acid. The majority of phosphate rock, represented in Figure 1 as fluorapatite ($\text{Ca}_5(\text{PO}_4)_3\text{F}$), contains approximately 3-4% fluoride. The primary reaction, which involves digestion of phosphate rock with sulfuric acid to produce phosphoric acid, is shown in Figure 1. During this reaction, sulfuric acid reacts with other elements in phosphate rock and through these reactions fluoride and silicon are mobilized to form silicon tetrafluoride and hydrogen fluoride, as shown in the secondary reaction in Figure 1. The hydrogen fluoride and silicon tetrafluoride vapors can be recovered through filtration and evaporation. When the gases are scrubbed with water, FSA is formed as a waste stream (Solvay, 2013). FSA is not a discrete compound, but rather an aqueous mixture of fluorosilicated compounds (AWWA, 2011).

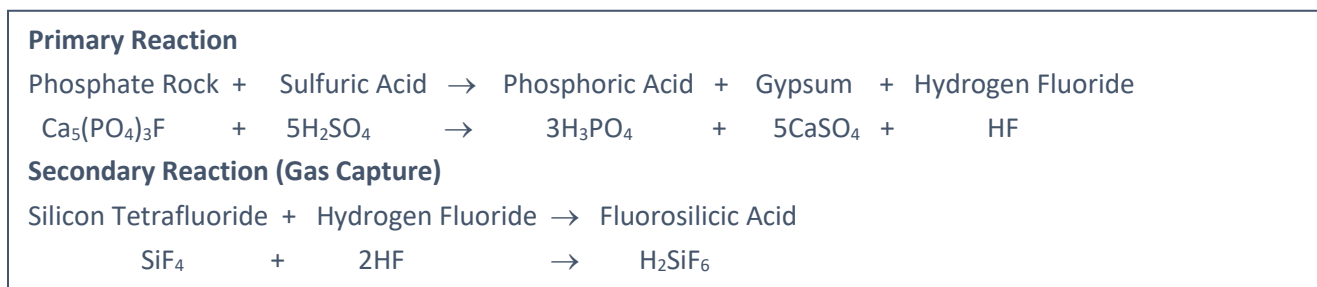


Figure 1. Chemical Equation for the Reaction to Manufacture Fluorosilicic Acid

Product Transport

FSA is considered a strong, corrosive acid, but is commonly transported by rail and tanker truck (OxyChem, 2018). Given the limited number of domestic production facilities which are concentrated in Florida, Louisiana, North Carolina and Wyoming, long-distance transport may be required to deliver FSA throughout the U.S.

Storage and Shelf Life

FSA should be stored in cool, well-ventilated areas and under these conditions has a shelf life of one month. It is highly corrosive, and exposure to strong oxidizers or elevated temperatures can lead to the release of hydrogen fluoride and hydrogen gas through decomposition (Simplot, 2021; Solvay, 2013).

Domestic Production & Consumption

Domestic Production

Production data was collected from the U.S. Geological Survey (USGS), while trade data was collected from the U.S. International Trade Commission (USITC) Dataweb, as shown in Table 1. While production data is specific to fluorosilicic acid, trade data represents import and export of inorganic acids, ‘not elsewhere specified’ (NES).

Table 1. FSA Production and Trade Data Sources

Production and Trade Data			
Category	Data Source	Identifier	Description
Domestic Production	U.S. Geological Survey	2019 Fluorspar Data Sheet ¹ CAS No.: 16961-83-4	Fluorosilicic Acid
Imports and Exports	International Trade Statistics	HS Code: 2811.19	Inorganic Acids Other than Hydrogen Fluoride
	U.S. International Trade Commission	HTS Code: 2811.19.60	Inorganic acids, NES

Total U.S. domestic production of FSA from phosphate rock was approximately 29 million kilograms (M kg) in 2019 (USGS, 2021). The vast majority of domestic commercial manufacture of FSA is integrated with manufacturing of phosphoric acid from phosphate rock (USGS, 2020a). Domestic commercial manufacturing of FSA as a co-product of phosphoric acid production has historically taken place in Florida, Louisiana, North Carolina, and Wyoming by *J.R. Simplot*, *Mosaic Company*, and *PCS Phosphate Company* (USGS, 2020a). The number of domestic manufacturing locations has fluctuated between 2010 and 2019, varying between four and six facilities. The number of domestic manufacturing locations shown in Figure 2 represents operating facilities as of 2017 (USGS, 2020a). Supply of NSF/ANSI Standard 60 certified fluorosilicic acid for use in drinking water treatment is widely distributed throughout the U.S. (NSF International, 2021). For a more current listing of manufacturing locations and supplier locations, visit the U.S. Environmental Protection Agency’s (EPA’s) [Chemical Locator Tool](#) (EPA, 2022a).

¹FSA production, as sourced from phosphate rock, is included in the USGS profile for fluorspar (U.S. Geological Survey. 2020. 2017 *Minerals Yearbook: Fluorspar*, <https://www.usgs.gov/centers/national-minerals-information-center/fluorspar-statistics-and-information>)

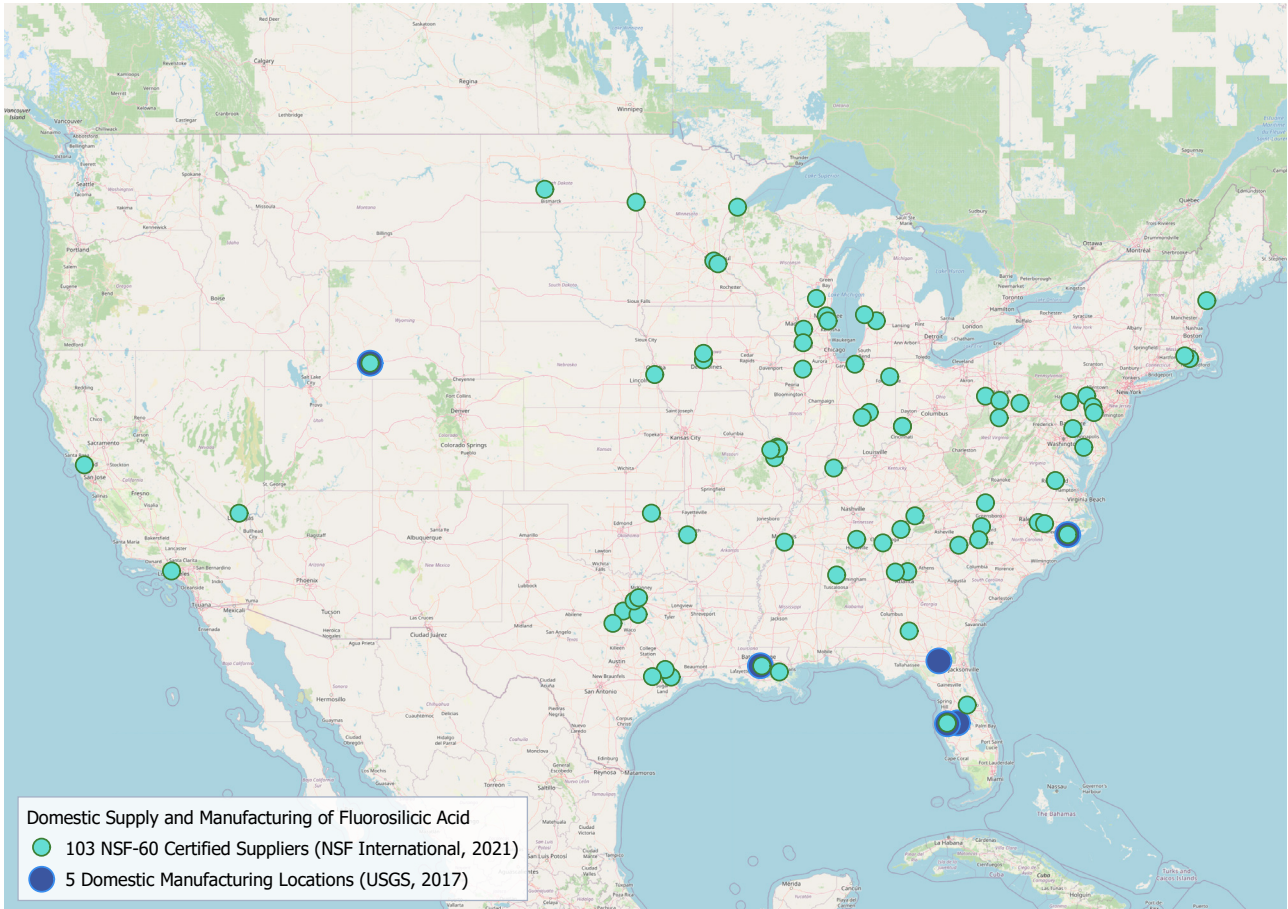


Figure 2. Domestic Supply and Manufacturing of Fluorosilicic Acid

Domestic Consumption

U.S. consumption of FSA in 2019 is estimated at 58 M kg. This estimate includes production of 29 M kg, import of 39 M kg, minus export of 10 M kg (USGS, 2021; USITC, 2021), as shown in Figure 3. Imports and exports represent trade of inorganic acids, NES (HTS Code 2811.19.61), while production data is specific to FSA.

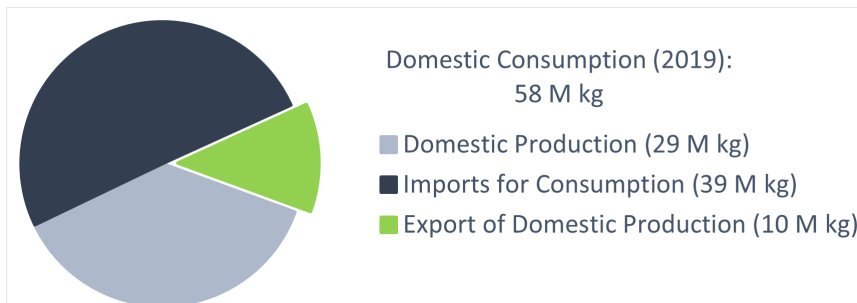


Figure 3. Domestic Production and Consumption of Fluorosilicic Acid in 2019

Trade & Tariffs

Worldwide Trade

Worldwide import and export data for FSA is reported through the World Bank’s World Integrated Trade Solutions (WITS) software, as a category representing a class of inorganic acids other than hydrogen fluoride. In

2021, the U.S. ranked ninth worldwide in total exports and fourth in total imports of inorganic acids other than hydrogen fluoride. In 2021, China ranked first worldwide in total exports and total imports (WITS, 2022), as shown in Table 2. Import and export data specific to FSA is unavailable from the referenced sources.

Table 2. WITS Worldwide Export and Import of Inorganic Acids Other than Hydrogen Fluoride, including Fluorosilicic Acid, in 2021

2021 Worldwide Trade Inorganic Acids Other than Hydrogen Fluoride (HS Code 2811.19)			
Top 5 Worldwide Exporters		Top 5 Worldwide Importers	
China	92 M kg	China	71 M kg
Israel	40 M kg	Sweden	67 M kg
Poland	27 M kg	Germany	33 M kg
Germany	15 M kg	United States	31 M kg
Malaysia	14 M kg	Brazil	17 M kg

Domestic Imports and Exports

Domestic imports and export data are reported by USITC in categories for inorganic acids, NES. Figure 4 summarizes imports for consumption² and domestic exports³ between 2015 and 2020. During this period, the overall quantity of exports and imports remained relatively steady, with imports for consumption exceeding domestic exports. Over this five-year period, China was the primary recipient of domestic exports and the primary source of imports (USITC, 2021).

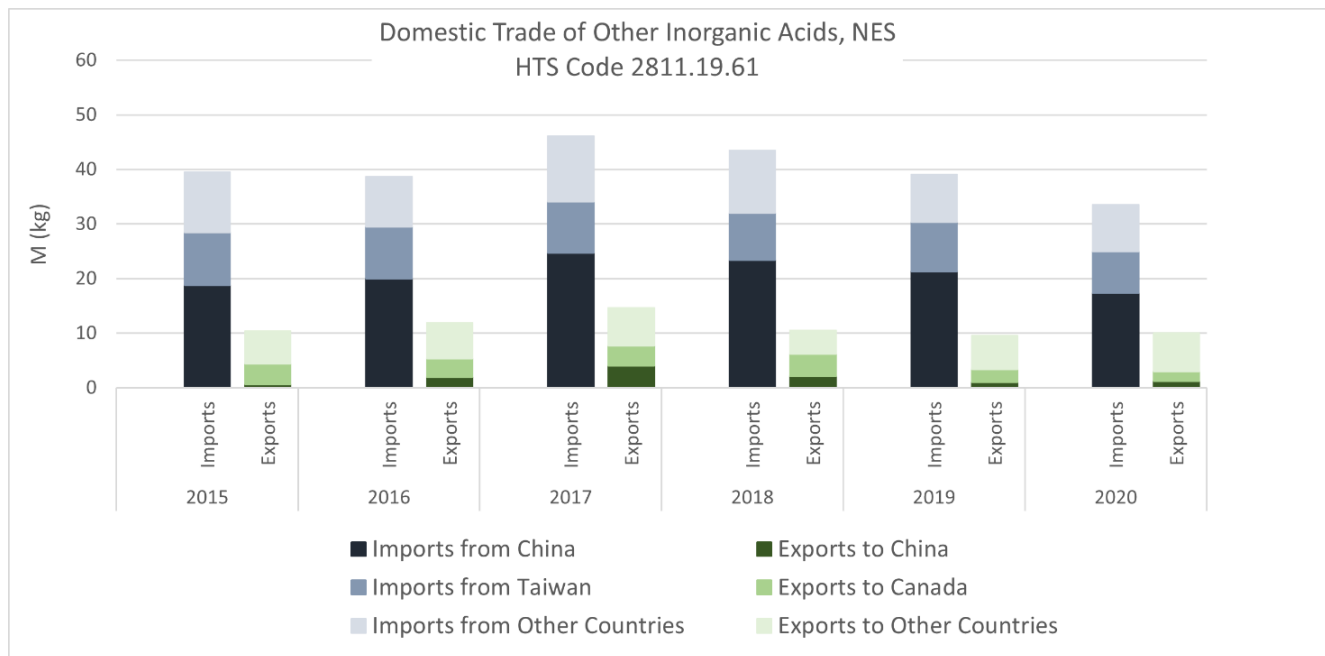


Figure 4. USITC Domestic Import and Export of Inorganic Acids, NES, including Fluorosilicic Acid, between 2015 and 2020

² Imports for consumption are a subset of general imports, representing the total amount cleared through customs and entering consumption channels, not anticipated to be reshipped to foreign points, but may include some reexports.

³ Domestic exports are a subset of total exports, representing export of domestic merchandise which are produced or manufactured in the U.S. and commodities of foreign origin which have been changed in the U.S.

Tariffs

There is a 4.2% general duty for import of FSA, and an additional 25% duty on imports from China (USITC, 2022), as summarized in Table 3.

Table 3. 2020 Domestic Tariff Schedule for Inorganic Acids, NES, including Fluorosilicic Acid

HS Code	General Duty	Additional Duty – China (Section 301 Tariff List)	Special Duty
2811.19.61	4.2%	25%	Free (A, AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG) ⁴

Market History & Risk Evaluation

History of Shortages

As noted, FSA is most commonly produced by capturing and processing the offgas from the wet method of phosphoric acid production. However, the infrastructure necessary to capture and process the offgas is not present at all phosphoric acid manufacturing locations, both domestic and worldwide. Disruptions in the supply chains for phosphate rock and phosphoric acid at the facilities that can capture and process the offgas can therefore have a significant impact on availability of FSA.

Phosphate rock is mined in large quantity in a limited number of countries worldwide. In 2017, Morocco, China, and the United States were the leading producers of phosphate rock (USGS, 2020b). The Hubei Province of China, which experienced a prolonged lockdown in 2020 due to the COVID-19 pandemic, is the location of 30% of the country's phosphate production. Similar supply chain disruptions, impacting shipping and transport activities have occurred elsewhere. Though the supply shocks resulting from COVID-19 lockdowns appear to have been temporary, other supply challenges to the phosphate rock market were ongoing in 2022.

In 2020, *Mosaic*, a leading domestic manufacturer of phosphate-based products, petitioned the US Department of Commerce to investigate alleged unfair government subsidies of phosphate fertilizers produced by Russia and Morocco. *Mosaic* alleged the unfair subsidies increased prices for phosphate in the US, which affected the prices of phosphate-based products such as phosphoric acid. Initial action in 2020 by the Department of Commerce led to a shift in trade flow and an increase in the domestic price for phosphate, a trend that continued through 2021 (INN, 2021).

The American Water Works Association (AWWA) released a memo in 2012 remarking on ongoing shortages of FSA supplied to water utilities. AWWA noted that FSA shortages were cyclical and typically seen after June, and recommended utilities ensure full storage by June each year and prepare for increased lead times during warmer months (AWWA, 2012).

⁴ Symbols used to designate the various preference programs and trade agreements. A full list of special trade agreements and associated acronyms can be found at https://help.cbp.gov/s/article/Article-310?language=en_US and the General Notes Section of the Harmonized Tariff Schedule <https://hts.usitc.gov/current>

Risk Evaluation

The complete risk evaluation methodology is described in *Understanding Water Treatment Chemical Supply Chains and the Risk of Disruptions* (EPA, 2022b). The risk rating is calculated as the product of the following three risk parameters:

Risk = Criticality x Likelihood x Vulnerability	
Criticality	Measure of the importance of a chemical to the water sector
Likelihood	Measure of the probability that the chemical will experience a supply disruption in the future, which is estimated based on past occurrence of supply disruptions
Vulnerability	Measure of the market dynamics that make a chemical market more or less resilient to supply disruptions

The individual parameter rating is based on evaluation of one or more attributes of the chemical or its supply chain. The ratings and drivers for these three risk parameters are shown below in Table 4.

Table 4. Supply Chain Risk Evaluation for Fluorosilicic Acid

Risk Parameter Ratings and Drivers		
Criticality	Low	Likelihood
FSA has widespread but discretionary application for fluoridation and is not used as a precursor to manufacture other water treatment chemicals.		High
		Vulnerability
		Moderate-High
		Limited domestic manufacturing concentrated in select geographic areas, strong reliance on imports with high tariffs, and limited shelf life lead to an elevated vulnerability. The lack of considerable competing uses for FSA slightly reduces the vulnerability.
Risk Rating: Moderate-Low		

References

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City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **Native Municipal Tree, Canopy, and Landscape Management Trust Fund**
Department/Office: Community Development

Recommended Action:

Discuss the Native Municipal Tree, Canopy, and Landscape Management Trust Fund concept.

Summary Explanation & Background:

Member Young made a motion to table the Native Municipal Tree, Canopy, and Landscape Management Trust Fund item until the April 9, 2025 meeting.

This item was originally introduced during the May 15, 2024, TEC meeting.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Native Municipal Tree, Canopy, and Landscape Management Trust Fund (Native Landscape Trust Fund)
2. Burdette_TEC_NLFT_04.09.25

Native Municipal Tree, Canopy, and Landscape Management Trust Fund
or simply,
the Native Landscape Trust Fund

Summary

There is a growing loss of native Florida due to human development.

Our environment, the natural life-giving habitat, is being consumed by concrete, impervious surfaces and compaction. If this continues, it will squeeze “the Nature” right out of Titusville’s Motto.

So we must prepare for the future. What will our city look like? Every citizen wants professional police protection, a high-quality fire department, and the best possible administrators the city can offer. But how many people insist that the welfare of their community’s treasure of trees be entrusted to professional management?

One university study indicates that only 39 percent of our municipalities systematically care for their publicly owned trees, and fewer than 15 percent hire foresters. The result is that many of our urban forests are in trouble. Throughout America’s cities, more shade trees are dying than are being replaced. Scarce financial resources are being wasted on plantings that are doomed from the start, and life-extending practices such soil improvements, pruning and disease control are often neglected.

By contrast, communities that employ a professional to manage their trees are the big winners. In our community, native plants, trees and shrubs win big! They have lived here for thousands of years, without fertilizers, insecticides or watering (once established.) They survive drought, fire, heavy rains and all manner of bugs because natives are naturally resistant to them. These are features of our land.

Development is not likely to stop. So proper resource management should be key.

Better practices are needed –

- **Pocket Rain Gardens**
- **Structured Wetlands**
- **A Managed Urban Forest (yes, from Canopy to Mycelium, maintenance too)**
- **Employ alternative and creative stormwater practices**
- **In summary, lets do some engineering *with* nature.**

Outline of the NLTF plan

1. **Assess Mitigation fees**
2. **Assess Development Incentives using mitigation reimbursement to incentivize:**
 - **LID in any development**
 - **Contributions toward advancing Titusville's Urban Forest.**
 - **Promoting native habitats and conservation subdivision planning**
 - **Others?**
3. **Remainder of funds => a sustainable Urban Forest Management Program**
 - **Its what the Trust Fund funds with the remainder of the mitigation fees.**

➤ **Native Plant Mitigation Assessment – some considerations:**

- **Value of existing habitat and soil types**
 - Consider Environmental Value of existing Habitat(s) and Soil Types vs post development impacts
 - Consider the scenic heritage and natural beauty of Natural vs. Disturbed vs. Redeveloped lands
- **Hydrological services rendered -**
 - stormwater absorption
 - groundwater recharge
 - carbon capture
 - disturbance of the topology/mycelium
- **Endemic threatened or endangered Wildlife**
 - Can be inferred by soil/habitat type/loss
- **Nutrient load increases due to:**
 - Loss of vegetation => less transeporation => increased stormwater
 - Introduction of fertilizers, pesticides, herbicides, or *any* chemical available for retail
 - New Sanitary Sewers means increased black water processing, potential effluent releases, and biosolid production
 - Increased freshwater flow into the estuary
- **Groundwater Resource Impacts**
 - Groundwater recharge is diminished due to impervious surface
 - Future groundwater reserves will be diminished due to this loss.
 - Increased potable water demands with population growth

Native Plant Trust Fund Incentives

- **LID Development**
 - Recovers up to 50% of mitigation fee based on post development environment
- **Vouchered Brevard County Native Plants**
 - Recovers 0-25% of the mitigation fee when planting 30% to 80%, respectively of Brevard County Native plants vouchered in the Atlas of Florida Native Plants.
- **Florida Regional Native Plants**
 - Recovers 0-12.5% of the mitigation fee when planting 30% to 80% respectively, Florida Regionally Native Plants as vouchered in the Atlas of FNP
- **Non-Native or Exotic Plants not found in the following:**
 - **Federal Noxious Weed List** managed by USDA APHIS PP
 - **Florida Noxious Weed List** by the Florida Department of Agriculture and Consumer Services (FDACS)
 - **Florida Prohibited Aquatic Plant List** currently under the jurisdiction of FDACS (according to FDACS Rule 5B-64)
 - **Florida Exotic Pest Plant Council** ([FLEPPC](#)) [Plant List](#).
 - Recovers 0% of the mitigation fee.
- **Urban Forest Management**
 - Recovers the remainder of the Native Plant Trust Fund
 - Applies to:
 - Funding a year-round Urban Forest Management Program, which
 - Pays for a full time Urban Forester
 - Reports to the Tree Board
 - Oversees Community Tree Awareness Programs
 - Ensures fund resources are spent wisely
 - Initiates and Assists Volunteer Groups
 - e.g., TGC, FNPS, Forest Friends, etc.
 - Provides valuable, localized tree care
 - Train/Supervise city crews & contractors on ordinance compliance
 - Champions Tree Plantings and preservation of existing trees throughout the City
 - Works with engineers to protect trees during highway construction and road widening
 - Provides budget for Tree Board support of Community plantings
 - Funds Tree Board Activities, workshops, plan development, etc.
 - Implements the Tree Board's Urban Forest Plan

Other Considerations?

Outline of the plan

1. Assess Mitigation fees
2. Assess Development incentives
3. Remainder of funds => Urban Forest Management Trust Fund
4. Repeat

➤ Native Plant Mitigation Fees assessment – some considerations:

- **Value of existing habitat and soil types**
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 - Increased freshwater flow into the estuary
- **Groundwater Resource Impacts**
 - Groundwater recharge is diminished due to impervious surface
 - Future groundwater reserves will be diminished due to this loss.
 - Increased potable water demands with population growth

Native Plant Trust Fund Incentives

- **LID Development**
 - Recovers up to 50% of mitigation fee based on post development environment
- **Vouchered Brevard County Native Plants**
 - Recovers 0-25% of the mitigation fee when planting 30% to 80%, respectively of Brevard County Native plants vouchered in the Atlas of Florida Native Plants.
- **Florida Regional Native Plants**
 - Recovers 0-12.5% of the mitigation fee when planting 30% to 80% respectively, Florida Regionally Native Plants as vouchered in the Atlas of FNP
- **Non-Native or Exotic Plants not found in the following:**
 - **Federal Noxious Weed List** managed by USDA APHIS PP
 - **Florida Noxious Weed List** by the Florida Department of Agriculture and Consumer Services (FDACS)
 - **Florida Prohibited Aquatic Plant List** currently under the jurisdiction of FDACS (according to FDACS Rule 5B-64)
 - **Florida Exotic Pest Plant Council (FLEPPC) Plant List.**
 - Recovers 0% of the mitigation fee.
- **Urban Forest Management**
 - Recovers the remainder of the Native Plant Trust Fund
 - Applies to:
 - Funding a year-round Urban Forest Management Program, which
 - Pays for a full time Urban Forester
 - Reports to the Tree Board
 - Oversees Community Tree Awareness Programs
 - Ensures fund resources are spent wisely
 - Initiates and Assists Volunteer Groups
 - e.g., TGC, FNPS, Forest Friends, etc.
 - Provides valuable, localized tree care
 - Train/Supervise city crews & contractors on ordinance compliance
 - Champions Tree Plantings and preservation of existing trees throughout the City
 - Works with engineers to protect trees during highway construction and road widening
 - Provides budget for Tree Board support of Community plantings
 - Funds Tree Board Activities, workshops, plan development, etc.
 - Implements the Tree Board's Urban Forest Plan

Other Considerations?

Jonathan Burdette

TEC 4-09-2025 Meeting

Native Landscape Trust Fund Ideas & Implementation

These integrations echo practices from leading sustainable cities:

- **GIS Systems:** New York City actively cares for more than 800,000 mapped trees using an extensive tree mapping system for urban forest planning. It includes a classification of the kind of tree, trunk diameter, location, and assigns it a “Tree ID Number” to use for inspection/care logs. It also calculates the benefits of each tree by yearly estimates of stormwater intercepted, energy conserved, air pollutants removed, and total annual value.
<https://www.nycgovparks.org/news/press-releases?id=22036>
<https://tree-map.nycgovparks.org/tree-map>
- **Miyawaki Forests:** The UK’s Creating Tomorrow’s Forests initiative applies the Miyawaki method to establish dense, native forests rapidly. This approach plants diverse species closely together, accelerating growth and boosting biodiversity, with sites showing improved soil health, carbon sequestration, and wildlife habitats within years. Cities like Utrecht, Netherlands, also adopt this planting method for rapid greening.
<https://www.creatingtomorrowsforests.co.uk/blog/the-miyawaki-method-for-creating-forests>
- **Tree Boxes:** Philadelphia’s “Green City, Clean Waters” program uses tree boxes to manage stormwater sustainably. These systems integrate trees with engineered soil and drainage structures along streets, capturing runoff, reducing flooding, and filtering pollutants, while supporting urban tree growth and improving water quality.
<https://water.phila.gov/green-city/>
- **Public-Private Partnerships:** Singapore’s National Parks Board (NParks) fosters public-private collaborations to expand green spaces. Businesses sponsor projects like park enhancements and tree plantings, gaining visibility through signage, which funds biodiversity efforts and strengthens community ties to nature.
<https://www.nparks.gov.sg/>

For Titusville, they enhance the NLTF’s mission to preserve native ecosystems, manage stormwater, and engage the public—positioning the city as a sustainability leader.

1. GIS-Based Tree Inventory and Mapping System

Titusville Application: In Titusville, the GIS app/website system will feature tiered access: An Urban Forester (Admin) with full control; Volunteer Groups (e.g., FNPS, Forest Friends) as editors with admin approval required; and citizens with limited accounts for submitting photos, requesting tree care, or asking for mapping of private trees within city limits. Like NYC’s system, it will classify tree type, trunk diameter, and location, assigning a “Tree ID Number” for inspection/care logs, and calculate annual benefits (stormwater intercepted, energy conserved, air pollutants removed, total value). Mapping will include individual trees, whole forest areas as

single entities (based on square footage), and parks/sparsely forested areas as single entities (based upon countable trees). NLTF projects like Tree Boxes and Miyawaki Mini Forests could also be monitored. Implementation starts with newly planted trees, expands to city-owned trees and parks (public land), and lastly includes private land upon homeowner request. *Additionally, mapping private trees can support a citizen stormwater discount program—proposed by a TEC member—where residents granting yard access for tree mapping enable estimates of stormwater absorption (via calculated benefits), informing tailored discounts on stormwater fees to incentivize green infrastructure like trees and rain gardens.*

Integration Opportunity:

This system fits naturally into the "Urban Forest Management" section of the NLTF (Pages 76 and 78), where funding supports a year-round program with a full-time Urban Forester overseeing tree care, community awareness, and resource allocation. It aligns with Sustainability Action Plan (SAP) 2.1.1: "Manage a database of natural resources and collaborate with local agencies to promote environmental stewardship".

HOW TO INTEGRATE

- **Enhance Existing Text:** Add to the "Urban Forest Management" bullet points under "Applies to" (Page 76):
 - "Develops and maintains a GIS-Based Tree Inventory and Mapping System to track tree locations, health, and planting needs, using crowd-sourced data via a mobile app, supplemented by City GIS team and Urban Forester-verified updates."
- **Tie to Incentives:** Under "Native Plant Trust Fund Incentives" (Pages 76 and 78), include a new incentive:
 - "Community Tree Mapping Participation: Residents or developers logging trees into the GIS system can recover 5-10% of mitigation fees, encouraging public involvement in canopy expansion."
- **Strategic Fit:** Supports professional management (Page 74) and better resource allocation via precise data. Leverages existing City GIS team capabilities (titusville.maps.arcgis.com).

Stakeholders & Roles:

- Responsible: City GIS Team (data management), Urban Forester (verifies data).
- Oversight: Titusville Environmental Commission (TEC) conducts annual reviews.
- Informed: Public Works, local nurseries (e.g., Titusville Tree Farm).
- Checks & Balances: TEC and GIS Team audit data annually to ensure accuracy beyond 2025.

IMPACT: Modernizes NLTF, ensuring reliable data for decision-making (SAP 2.1.1). Addresses aging data concerns with forester oversight and TEC audits, fostering community engagement.

2. Miyawaki Mini Forests for Urban Green Spaces

Titusville Application: In Titusville, Miyawaki Mini Forests can be a key tool in the Green Building Toolkit (SAP 6.1.2), promoting sustainable development. Site selection will rely on the Urban Forestry Plan and a Natural Resources Database (e.g., GIS Tree Map) to identify priority areas: those with high stormwater runoff to absorb excess phosphorus, nitrogen (from fertilizers, pet waste, yard debris), and other pollutants, as well as vacant lots, unused city-owned land,

and roadside buffers. Partners like Titusville Tree Farm and local nurseries can supply middle-aged trees not sold as saplings, relocated by volunteers and gardeners, reducing costs and waste. These forests can be tracked via the GIS system for growth and environmental impact. Additional applications include enhancing Titusville's Indian River Lagoon watershed by reducing nutrient loads into this impaired estuary, and creating educational mini forests at schools or parks (SAP 2.4.3), showcasing native species like live oak and sabal palm to residents and visitors near the Kennedy Space Center.

Integration Opportunity:

The Miyawaki method complements the document's focus on native plants and habitat restoration (Pages 74-75) and its call for "Pocket Rain Gardens" and "A Managed Urban Forest" (Page 74). It aligns with SAP 6.1.2 (Green Building Toolkit), 6.1.3 (green standards), and 2.4.3 (native plant education sites).

HOW TO INTEGRATE

- **Add to Practices:** In the "Better practices are needed" section (Page 74), include:
 - "Miyawaki Mini Forests: Rapidly restore native tree cover in small urban spaces using dense, diverse native plantings, targeting low-canopy, high-runoff areas identified via GIS."
- **Funding Allocation:** Under "Remainder of funds => a sustainable Urban Forest Management Program" (Page 75), specify:
 - "Funds the creation of Miyawaki Mini Forests in vacant lots, roadside buffers, and parks, using Titusville Tree Farm stock, with maintenance via partnerships."
- **Incentive Boost:** In "Native Plant Trust Fund Incentives" (Page 76), adjust the "Vouchered Brevard County Native Plants" bullet:
 - "Recovers 0-30% of the mitigation fee when planting 30% to 80% Brevard County native plants, with an additional 5% bonus for Miyawaki-style mini forest projects."

Stakeholders & Roles:

- Responsible: Urban Forester (site selection), Titusville Tree Farm (plant supply).
- Managers: Volunteer groups (e.g., FNPS, Forest Friends).
- Oversight: TEC ensures alignment with Urban Forestry Plan.
- Checks & Balances: Public Works monitors maintenance costs annually.

IMPACT: Quickly restores ecosystems, addressing stormwater and carbon capture (Page 75). Supports SAP goals with low-maintenance native species.

3. Tree Boxes for Stormwater Management

Titusville Application: In Titusville, Tree Boxes build on Public Works' existing bioretention projects for stormwater runoff management (titusville.com/322/Indian-River-Lagoon-Stormwater-Projects). Tree Boxes, a specific type of bioretention practice, are vegetated, engineered systems designed to filter or infiltrate stormwater runoff, adaptable to urban and ultra-urban landscapes like streets, sidewalks, and parking lots. Integrating native trees into these systems leverages existing site elements—trees and soils—to reduce nutrient loads (phosphorus, nitrogen) into the Indian River Lagoon, a critical local waterway. These projects can be monitored via the GIS Tree Map, tracking tree health, runoff reduction, and water quality

improvements. Additional applications include retrofitting high-traffic areas near the Space Coast Regional Airport and Titusville's historic downtown to mitigate urban heat islands, and pairing Tree Boxes with new developments along the U.S. 1 corridor to meet green infrastructure goals while enhancing aesthetics for tourists visiting the Kennedy Space Center area.

Integration Opportunity:

Tree Boxes enhance the "Pocket Rain Gardens" and "Structured Wetlands" concepts (Page 74) and tie into hydrological services like stormwater absorption (Pages 75, 77).

HOW TO INTEGRATE

- **Expand Practices:** In the "Better practices are needed" list (Page 74), add:
 - "Tree Boxes: Engineered systems combining native trees with underground soil and water retention to capture and filter stormwater runoff, improving water quality and tree health."
- **Incentive Inclusion:** Under "Native Plant Trust Fund Incentives" (Page 76), add a new category:
 - "Tree Box Implementation: Recovers up to 40% of mitigation fees for developments incorporating tree boxes with deep-rooted native species, reducing runoff and enhancing groundwater recharge."
- **Forester Role:** In "Urban Forest Management" (Page 76), include under the Urban Forester's duties:
 - "Coordinates with Public Works to design and oversee Tree Box projects."

Stakeholders & Roles:

- Responsible: Public Works (installation), Urban Forester (tree selection).
- Oversight: TEC tracks water quality impacts.
- Checks & Balances: Public Works audits runoff reduction annually.

IMPACT: Offers a scalable stormwater solution (Page 74), enhancing existing bioretention efforts and supporting the Water Resources Plan.

4. Public-Private Partnerships and Sponsorships

Titusville Application: In Titusville, this model can tap into the city's robust space industry—home to companies like Lockheed Martin, Boeing, and SpaceX near the Kennedy Space Center. These firms could sponsor NLTF projects (e.g., Miyawaki Mini Forests along U.S. 1, Tree Boxes near space facilities) with signage like "This forest is sponsored by SpaceX," boosting their eco-friendly image while funding stormwater and habitat initiatives. Developers and builders, key to Titusville's growth, can also participate—partnering with sponsors or directly funding green infrastructure in new subdivisions (e.g., Tree Boxes along streets) to offset mitigation fees and ensure responsible development that preserves natural resources. Additional applications include partnering with tourism-focused businesses (e.g., hotels, restaurants) to sponsor pocket parks or tree plantings near downtown or the Space Coast Regional Airport, enhancing visitor appeal and aligning with Titusville's "Gateway to Nature and Space" motto. Sponsorships could also fund educational signage in parks, tracked via the GIS Tree Map, promoting space-tech innovation alongside environmental stewardship.

Integration Opportunity:

Bolsters funding beyond mitigation fees (Pages 75, 77), fits under "Other Considerations?" (Pages 76, 78), and supports SAP's community engagement goals.

HOW TO INTEGRATE

- **New Section:** Add under "Other Considerations?" (Page 76):
 - "Public-Private Partnerships and Sponsorships: Encourage businesses to fund green infrastructure projects (e.g., mini forests, tree boxes, pocket parks) in exchange for branding opportunities, such as signage reading, 'This green space is sponsored by [Company Name].' Proceeds supplement NLTF resources."
- **Forester Oversight:** In "Urban Forest Management" (Page 76), add to the Urban Forester's role:
 - "Coordinates with private sponsors to implement and maintain funded projects, with TEC oversight."
- **Incentive Tie-In:** Under "Assess Development Incentives" (Page 75), include:
 - "Corporate Sponsorship Credits: Developers partnering with businesses for sponsorships can recover 10-20% of mitigation fees, promoting collaborative investment."

Stakeholders & Roles:

- Responsible: Urban Forester (project lead), Businesses (funders).
- Oversight: TEC ensures alignment with NLTF goals.
- Checks & Balances: Finance Dept. tracks sponsorship revenue.

IMPACT: Addresses funding gaps (Page 74), leveraging Titusville's space industry ties for recurring revenue.

Revised Outline with Integrations

Here's how the NLTF's "Outline of the plan" (Page 77) could look with these additions:

1. **Assess Mitigation Fees**
 - Incorporate GIS data on tree inventories to refine fee assessments based on canopy coverage and runoff potential.
2. **Assess Development Incentives**
 - Add GIS participation, Miyawaki mini forests, tree boxes, and sponsorship credits to the incentive structure.
3. **Remainder of Funds => Urban Forest Management Trust Fund**
 - Fund GIS system development, Miyawaki planting projects, tree box installations, and partnership coordination.
4. **Repeat**
 - Use GIS data and TEC audits to evaluate outcomes and adjust strategies annually.

****Funding Sustainability**

Per Code Sec. 30-34, mitigation fees are one-time. To support ongoing costs:

- Recurring Revenue: Business sponsorships and grants (e.g., Florida DEP).
- Fee Adjustment: Propose amending Sec. 30-34 for annual maintenance assessments (Council approval needed).
- Efficiency: Prioritize low-maintenance natives and volunteers.

****Alignment with Adopted Plans**

- GIS: SAP 2.1.1 (natural resources database).
- Miyawaki: SAP 6.1.2, 6.1.3, 2.4.3 (green building, native education).
- Tree Boxes: Water Resources Plan, Public Works stormwater efforts.
- Partnerships: SAP community engagement goals.

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **TEC By-laws**
Department/Office: Planning

Recommended Action:

Approve a specific election month.

Summary Explanation & Background:

At the January meeting, Chair Myjack requested an opportunity to amend the order of business in the By-Laws. Amendments to the By-laws must be presented for discussion, in writing, at one meeting and voted upon at the next meeting [Article XV. Amendment of the By-Laws].

At the February meeting Chairman Myjak said he would like to have "Future Agenda Items" be added to the Order of Business. Vice Chairman Thompson made a motion to add Future Agenda Items to Article IX. Order of Business as the new number eleven. Member Tucker seconded. There was a unanimous voice vote in favor.

At the March meeting Member Delgado made a motion to amend the Titusville Environmental Commission By-laws Article IV. Election of Officers and Vacancies to as follows: The Chairman and Vice Chairman will not be elected until such a time that the entire Commission has been selected for the next term by City Council.

The staff does not recommend approving the proposed change to the by-laws. Section 31-122 of the Code describes the TEC appointments and terms of office. Specifically Section 31-122(c) states, *"The terms of the members appointed shall commence in January. The terms of the members shall be staggered so that three (3) members are appointed in November of the first and second consecutive year after the effective date of this section [April 27, 1999], and one (1) member is appointed on the third consecutive year after the effective date of this section."* The Commission and staff will not be able to determine the specific election meeting date. It is recommended that a fixed date be selected for the TEC's annual election of officers.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. TEC Bylaws Current Proposed 04-09-2025
2. ARTICLE_IX.____TITUSVILLE_ENVIRONMENTAL_WATER_RESOURCES_COMMISSION (1)

By-Laws

Of

The Titusville Environmental Commission

Article I. Duties and Powers

The duties and powers of the Titusville Environmental Commission shall be those set forth in Section 31-121, Land Development Regulations, of the City of Titusville, as amended April 27, 1999.

Article II. Membership

Any member of the Commission who fails to attend three or more consecutive regular meetings (not including special or workshop meetings) shall automatically forfeit membership in the Commission and the Chairman shall so inform the City Council. Any member of the Commission who fails to attend more than fifty percent (50%) of the regular, special or workshop meetings of the Commission within a six (6) month period shall automatically forfeit membership on the Commission and the Chairman shall so inform the City Council. Upon the approval of the City Council, the Council may authorize a member to miss more than three (3) consecutive meetings or more than fifty percent (50%) of the regular, special or workshop meetings during a six (6) month period. All members shall abide by the Standards of Conduct set forth in Article III, Sections 2-51 and 2-53 of the Code of Ordinances.

Membership shall be in accord with the provisions of Section 31-122, Land Development Regulations, City of Titusville.

Article III. Officers and their Duties

A Chairman, who shall preside at all meetings and public hearings and shall have other duties as further prescribed in these By-laws.

A Vice-Chairman, who shall, in the absence of the Chairman or his inability to act, have the powers to function in the same capacity as the Chairman.

In the absence of the Chairman and Vice Chairman, the most senior regular member present shall preside over the meeting where a quorum is present.

Article IV. Election of Officers and Vacancies

In accordance with Section 31-122, Land Development Regulations of the City of Titusville, the Chairman and Vice-Chairman shall be elected by the Commission from its membership. Terms of office shall be for one (1) year. Elections shall be held annually at the regular meeting ~~in November.~~ The Chairman and Vice Chairman will not be elected until such a time that the entire Commission has been

selected for the next term by City Council. The Commission shall, from its membership, fill any vacancy in these offices by election.

Article V. Meetings

Section 1. Regular Titusville Environmental Commission meetings shall be held on the Wednesday following the second Tuesday of each month at 5:30p.m in the City Council Chambers. Any regular meeting may be adjourned to a definite date and time as established by four (4) concurring votes of Commission members.

Section 2. Adjourned, called, or special meetings may be held at any time, as required, subject to the call of the Chairman, or in his absence, by the Vice-Chairman. Upon written request of four (4) members, a special called meeting shall be held by the Chairman, or in his absence, by the Vice- Chairman, or in his absence, the most senior regular member shall have the authority to call a special meeting.

Section 3. Each member shall be notified of the date and time of each meeting by written notice or by telephone at least one week prior to the meeting. In cases where a meeting is cancelled, Commission members shall be notified at least 24 hours prior to the scheduled meeting.

Section 4. All meetings shall be open to the public. All agendas for the present meeting shall be posted on the bulletin board in the City Hall lobby.

Article VI. Quorum

As set forth in Section 31-123 (b), Land Development Regulations, four (4) members shall constitute a quorum; and concurring vote of at least four (4) members shall be required to pass on any matter.

Article VII. Voting

Section 1. Voting on all matters of business shall be by roll call or general consent. However, if the Commission is to make a recommendation to City Council, or other boards and commissions, the vote will be by roll call with the Recording Secretary recording the vote of each member in rotating order. The first roll call vote will begin with the Chairman followed by the Vice- Chairman, followed by the members (in alphabetical order) and rotating the order for each roll call vote following.

Section 2. No member present shall abstain from voting unless it is established that such member has a conflict of interest in the matter being voted upon.

Article VIII. Alternate Members

The alternate members may serve on the commission in lieu of a regular member when said regular member is unable to attend an official meeting of the commission; or, when a regular member has a conflict of interest on any item, said

alternate member shall serve for the entire meeting or for the particular item that is the subject matter of the said conflict. The Chairman shall designate which alternate member shall serve. Alternate members may serve on standing or special committees.

Article IX. Order of Business

Section 1. At regular meetings, the general order of business shall be as follows:

1. Call to order;
2. Roll call;
3. Determination of a quorum;
4. Pledge of Allegiance
5. Approval of minutes;
6. Petitions and requests from the public present (non-agenda items)
7. Old Business;
8. New Business;
9. Petitions and requests from the public present
10. Reports;
- 10.11. Future Agenda Items; and
- 11.12. Adjournment

Section 2. In order to provide an opportunity for discussion of business before the Commission, prior to the making of a motion the Chairman shall state the matter of business and then provide a period of discussion of the relevant facts. After a motion is made and seconded, the Chairman may ask for additional discussion prior to the vote.

Section 3. Citizens having business before the Commission shall be invited to speak immediately prior to discussion by the Commission on the matter with which they are concerned. If in the opinion of the Chairman time limitations are necessary in order to complete the agenda, the Chairman may place time limits for each speaker.

Section 4. The first and second petitions and requests from the public present will be an open forum. Citizens desiring to be heard under petitions and requests from the public present shall be limited to five (5) minutes unless extended by a majority vote of the commission.

Section 5. The order of business for called or special meeting shall be as follows:

1. Call to order;
2. Roll call;
3. Determination of a quorum;
4. Business that is the subject of the meeting; and
5. Adjournment;

Article X. Minutes

Minutes of all meetings shall be recorded by the Recording Secretary or designated representative; certified by the Recording Secretary after approval by the Commission; and become a public record of the proceedings of the meeting.

Article XII. Committees

The Chairman may appoint such committees as deemed necessary from time to time. The chairman shall be an ex-officio member on all committees but shall have no vote on the committee, unless he is an active member of that committee.

Article XII. Hearings

The Titusville Environmental Commission may hold public hearings when deemed expedient and necessary. Notice of such hearings shall be in accordance with the provisions of the City Charter and Code of Ordinances of the City of Titusville.

Article XIII. Parliamentary Authority and Organization Procedure

The rules contained in the latest available edition of Roberts Rules of Order are hereby adopted by the reference and shall apply at all meetings of the Commission and its committees, to the extent that such rules are not in conflict with these By-laws.

Article XIV. Correspondence and Communications

Section 1. Official communications of the Commission to the City Council shall be in writing. All original records, recommendations and reports shall be kept in the Commission files in City Hall.

Section 2. Any correspondence, notices (other than administrative procedures), communications, reports, studies, and plans originating from the Commission shall be authorized by the Commission members and signed by the Chairman.

Article XV. Amendment

Amendment to these By-laws must be presented for discussion, in writing, at one meeting and voted upon at the next meeting

ARTICLE IX. TITUSVILLE ENVIRONMENTAL/WATER RESOURCES COMMISSION

Sec. 31-121. Powers and duties.

- (a) *Goals and objectives:* The Titusville Environmental/Water Resources Commission shall study general environmental conditions in and surrounding the City of Titusville and make specific recommendations to the City Council regarding the environmental effects of existing conditions, future public and private development projects, subjects of particular environmental/water resource concern, and issues regarding environmental sustainability in order to improve information available to the City Council in their decision making role.

The Commission may study any subject of environmental/water resources interest or concern and report its finding and recommendations to the City Council, City staff, Titusville Planning and Zoning Commission, or any other duly authorized City committee. The Commission may also devote its efforts to encouraging the public toward conservation of resources and any aspect that affects the Titusville citizens' ability to safe, pleasant and productive use of the environment. The Titusville Environmental/Water Resources Commission strategies are available for review in the Planning Department and are subject to annual revisions and review by the City Council.

- (b) *Specific responsibilities:*

- (1) To respond to requests for comments on subjects of environmental/water resources and environmental sustainability issues from the City Council, City Manager, or other appropriate City committees.
- (2) To review waterfront issues throughout the City, and make recommendations to the City Council, Community Redevelopment Agency, City Manager, and appropriate City committees.
- (3) To review environmental/water resources issues as selected by staff and submit to the Planning and Zoning Commission as a part of applications for rezoning, conditional use permits, etc., and make recommendations to the Planning and Zoning Commission on said environmental issues.
- (4) To review and make recommendations to the City Council on issues of environmental sustainability such as:
 - i. Identifying affordable strategies associated with conservation, renewable energy, and energy efficiency;
 - ii. Recommending incentives for residents, businesses, developers and organizations to practice environmental conservation and sustainable building practices;
 - iii. Provide recommendations on the adoption, prioritization and implementation of initiatives, actions, policies and programs to support and promote all aspects of environmental sustainability.
 - iv. To review and make recommendations to the Planning and Zoning Commission and City Council on environmental/water resources and environmental sustainability issues pertaining to the adopted Comprehensive Plan of the City of Titusville.
- (5) Establish Titusville as a "Tree City, USA" and act as the Tree Board. It shall be the responsibility of the Tree Board to study, investigate, counsel, and develop and update annually, and administer a plan for the care preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in

parcs, along streets, and in all other public areas. The Tree Board shall provide recommendations to the City Council on meeting the following Tree city USA standards:

- i. Maintaining a Tree Board.
 - ii. Having a tree ordinance.
 - iii. A community forestry program with an annual budget of two dollars (\$2.00) per capita.
 - iv. Arbor Day observance and proclamation.
- (6) The Titusville Environmental/Water Resources Commission may conduct public hearings, to implement the duties specified above. Public hearings shall be provided by publication in a newspaper of general circulation within the City of Titusville at least seven (7) days prior to said hearing.
- (7) The City Council reserves the right to determine the projects or issues to be reviewed by the Titusville Environmental/Water Resources Commission.
- (8) The failure of any project to be reviewed by the TEC will not void any approvals issued by the City Council, Community Redevelopment Agency or the Administrator.

(Ord. No. 31-2018, § 1, 7-24-18; Ord. No. 23-2024, § 2, 9-10-24)

Sec. 31-122. Appointment and terms of office.

- (a) The Titusville Environmental Commission shall be composed of seven (7) members, appointed by the City Council of the City of Titusville. In making appointments, Council will give preference to those residents whose applications demonstrate an educational background or professional experience in environmental or sustainability issues. To be eligible for appointment, each member must be a registered voter and resident of the City of Titusville for a period of one (1) year immediately prior to his appointment. To the extent the City Council is unable to appoint members that meet the above qualifications, the City Council may appoint up to three (3) non-residents of the City who reside within the boundaries of North Brevard District I, who are registered voters and whose application demonstrates an educational background or professional experience in environmental or sustainability issues. At least one (1) of the members of the commission may also be a member of the City of Titusville Planning and Zoning Commission; however, the Environmental Commission member(s) must be a resident of the City of Titusville. In addition to the seven (7) members, the council may appoint two (2) alternate members who may serve in the absence of a regular member. The alternate members may serve on the commission in lieu of a regular member when said regular member is unable to attend an official meeting of the commission; or, when a regular member has a conflict of interest on any item, said alternate member shall serve for the entire meeting or for the particular item that is the subject matter of the said conflict and be entitled to participate and vote as a regular member.
- (b) Members shall be appointed for terms of three (3) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. The alternate members authorized to be appointed pursuant to section (a), above shall be appointed for a term of three (3) years.
- (c) The terms of the members appointed shall commence in January. The terms of the members shall be staggered so that three (3) members are appointed in November of the first and second consecutive year after the effective date of this section [April 27, 1999], and one (1) member is appointed on the third consecutive year after the effective date of this section.
- (d) One (1) alternate member shall be appointed each year, as stated above.
- (e) Members may be appointed and reappointed to successive terms without limitation.

(Ord. No. 31-2018, § 2, 7-24-18; Ord. No. 37-2019, § 1, 10-8-19; Ord. No. 5-2020, § 1, 7-28-20)

Sec. 31-123. Organization and meetings.

- (a) The Commission, as soon as practicable after its appointment and annually thereafter, shall meet and organize by electing a Chair and a Vice-Chair who shall be members of such Commission and shall meet thereafter at some designated place upon some designated date in each month for the transaction of its business and more often if deemed necessary by the Commission. The Commission shall prescribe such rules of procedure and adopt such bylaws as may be necessary to carry into effect and operation its duties and powers hereby granted. The Administrator of the City of Titusville shall be a nonvoting ex officio member of the Commission.
- (b) Four (4) members of the Commission shall constitute a quorum in taking any official action while exercising the powers hereby delegated to the Commission, the concurring votes of a majority of the members of the Commission present and voting shall be required; provided, however in no event shall any action be taken by the Commission without the concurring vote of at least four (4) members.
- (c) Minutes shall be kept of all Commission meetings.
- (d) All Commission members, as well as all Commission meetings shall be subject to the requirements of Chapter 286, Florida Statutes, the Open Meeting or "Sunshine Law."
- (e) Agendas for each meeting shall be available to the public at least twenty-four (24) hours prior to any meeting of the Commission.

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From:
Subject: Minimum criteria for urban trees and green space: 3-30-300 Rule.
Department/Office: Planning

Recommended Action:

Discuss the rule. No action.

Summary Explanation & Background:

Vice Chairwoman Thompson said she really likes the 3-30-300 Rule that Ms. St. Onge provided and likes the recommendations that it makes.

Chairman Myjak said that he would like for the 3-30-300 Rule be on the April 9, 2025 agenda for discussion.

The rule sets three minimum criteria for urban trees and green space:

- At least 3 trees in sight from every home, school, and workplace
- At least 30% tree canopy in every neighborhood
- No more than 300 meters between every home and the nearest park or green space

Enclosed is the scope of work for the urban forest planning grant that the City was recently awarded.

Alternatives:

Item Budgeted:


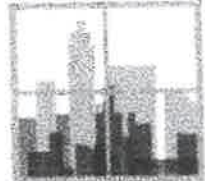


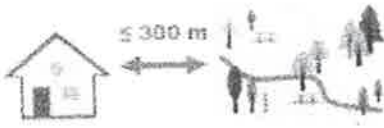

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. 3-30-300
2. Signed Agreement 4.2.25

3	 Trees visible ≥ 3	 Trees visible < 3
30	 Canopy coverage $\geq 30\%$	 Canopy coverage $< 30\%$
300	 From green space ≤ 300 m	 From green space > 300 m
	Met	Not met

3-30-300 recommends that everyone should be able to see at least 3 trees from their residence, workplace, or place of learning; have at least 30% tree canopy cover in their neighborhood; and live within 300-m of a high-quality public green space (at least 0.5 ha in size) (Konijnendijk, 2021)

Kay St. Orge
 March 12, 2025
 Item 7A.

Memorandum



TO: Scott Laresse
City Manager

FROM: Lily Galleo
Community Development

DATE: March 28, 2025

RE: Item Approved at March 27, 2025 City Council Meeting

Attached please find the Assistance Agreement for Council agenda item number:

8.E. Urban and Community Forestry Grant

Please assist us by obtaining the City Mayor's signature.

Thank you for your assistance.

Attachment.



WILTON SIMPSON
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Administration

**FEDERAL FINANCIAL ASSISTANCE
SUBRECIPIENT AGREEMENT**

This Federal Financial Assistance Subrecipient Agreement (Agreement) made and entered into on _____, by and between the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, the Recipient, and the City of Titusville, the Subrecipient. The Subrecipient's Application package for federal financial assistance, dated July 19, 2024, (Application) is incorporated by reference. The Subrecipient shall perform the Scope of Work contained in the Subrecipient's Application.

The Department of Management Services' designated United Nations Standard Products and Services Code (UNSPSC) is 70151500.

A. SUBAWARD AMOUNT

1. The total award amount for satisfactorily completing the Scope of Work is \$50,000.00. In no event shall the Recipient be liable for payment of any amount, which exceeds the total award amount.
 - a. The Subrecipient may expend funds only for allowable costs resulting from obligations incurred during the agreement period.
 - b. The balance of unobligated funds which have been advanced or paid must be refunded to the Recipient.
 - c. Funds paid in excess of the amount to which the Subrecipient is entitled under the terms and conditions of the agreement must be refunded to the Recipient.

B. TERM

1. The agreement period of this Subrecipient agreement shall commence upon execution and, unless sooner terminated or canceled, shall end on the 31st day of January, 2026 (Term).
2. No-cost extensions require the prior written approval of the Recipient and must be submitted not less than sixty (60) days prior to the end of the Term. Extension requests, which exceed the federal agency award period, will not be granted.

C. UNIVERSAL IDENTIFIER AND SYSTEM OF AWARD MANAGEMENT

1. The Subrecipient shall comply with 2 CFR, Part 25, "Financial Assistance Use of Universal Identifier and System of Award Management" (SAM). The Subrecipient must register and maintain a registration in SAM until submittal of the final financial report. A unique entity identifier is a 12-character alphanumeric ID assigned to an entity by SAM.gov.
2. Compliance with 2 CFR, Part 25 is not required for individuals.

D. FINANCIAL AND PROGRAM MANAGEMENT

1. Statutory and National Policy Requirements
 - a. All expenditures of federal financial assistance under the Agreement shall be in compliance with all applicable laws, rules, and regulations applicable to expenditures of federal funds.

- b. The Subrecipient shall implement applicable National Policy Requirements.

2. Deliverables

- a. The Subrecipient must provide quantifiable, measurable, and verifiable units of Deliverables which must be received and accepted in writing by the Recipient before payment. Deliverables must be directly related to the Scope of Work; specify minimum levels of service to be performed; and contain criteria for evaluating the successful completion of each Deliverable. The Deliverables are set forth in the Scope of Work contained in the Subrecipient Application.
- b. The Subrecipient shall perform all deliverables within the time frame established in this Agreement. Unless otherwise set forth in the Scope of Work, failure to meet the Deliverables of this Agreement shall result in a financial consequence up to 100% of the final payment request unless the failure to perform the deliverable is corrected or prohibited by the federal agency awarding the grant.

3. Financial Management

- a. The Subrecipient shall maintain an accounting system and a set of accounting records, which allow for the identification of revenues and expenditures related to this Agreement.
- b. The Subrecipient shall comply with 2 CFR, Part 200, as currently in effect and as may be amended from time to time and adhere to the accounting principles and procedures required therein, use adequate internal controls, and maintain necessary source documentation for all costs incurred.

4. Reimbursement Requests

- a. The allowability of costs shall be in accordance with the federal financial assistance cost principles applicable to the Subrecipient and terms of this Agreement.
- b. The Subrecipient shall submit the payment request packet to the Recipient's Grant Manager not more often than monthly, but not less often than quarterly. To be eligible for reimbursement, costs shall be allowable, necessary, and reasonable, and must be submitted by budget category consistent with the budget plan submitted with the Subrecipient's Application.
- c. All reimbursement requests must be submitted using the Recipient's standard payment request packet and provide supporting documentation for each cost. An authorized Subrecipient representative shall sign the certifications on the payment request packet submitted.
- d. The payment request packet is downloadable from <https://forms.fdacs.gov/02019.pdf>.
- e. A Subrecipient whose federal financial assistance grant provides an online reimbursement system for reporting reimbursement details shall use the online reimbursement system instead of the payment request packet.
- f. Travel Expenses. Justified and reasonable travel expenses which are directly and exclusively related to the services rendered under this Agreement will be reimbursed in

accordance with Section 112.061, F.S. Authorization for travel expenses must be specified in this Agreement.

- g. \$50,000.00 for one year based on invoices submitted for expenses incurred during the quarterly periods ending March 31, June 30, September 30 and December 31 of each year. Each quarter, The SUBRECIPIENT shall submit detailed quarterly reports using the format and content shown on the RECIPIENT'S performance progress report. Invoices must be received within 30 calendar days of the conclusion of each quarter. Bills will be in the form of an invoice by major categories and will include local funding information detailing staff salaries, benefits, indirect costs (at 10% of Total Direct Costs) and other approved expenses, if accrued.
- h. Travel and per diem costs are not allowable under this contract.

5. Payment of Reimbursement Requests

- a. Payment for allowable, necessary, and reasonable costs shall be made within thirty (30) days after acceptance by the Recipient. Payment request packets returned to the Subrecipient due to omissions or preparation errors will result in a payment delay.
- b. Payment requests for a percentage of work completed on each task deliverable are allowed.
- c. Payment is contingent upon the availability of funding from the federal agency and the Subrecipient's compliance with the terms and conditions of this Agreement.
- d. The final payment under this Agreement shall be made upon completion of the Scope of Work including all Deliverables and the receipt and approval of all reports required hereunder.
 - (1) Reimbursement Request Form with required backup documentation.
 - (2) Final Report - brief paragraph on letterhead summarizing what was accomplished with the grant funding.
 - (3) Copy of a news release that will be submitted to a local publication crediting the U.S. Forest Service for providing funding.
 - (4) Copy of Congressional thank you letter - Thank you letter addressed to your federal congressional representatives for the grant funding. Include a brief description of what you were able to accomplish with the funding.
 - (5) Certification of Acceptance executed by a Florida Forest Service official.
- e. Disallowance or adjustments due to audit findings may require the Subrecipient to return funds to the Recipient. The Subrecipient is solely responsible for reimbursing the Recipient for amounts incorrectly paid to the Subrecipient.

6. Program Income

- a. "Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal award funds". 2 CFR 200.80
- b. The Subrecipient must report to the Recipient any program income received or anticipated from the activities performed under this Agreement.

7. Revision of Budget Plan

- a. The Budget Plan contained in the Subrecipient Application lists costs and budget categories to fund the Subrecipient's performance of the Scope of Work, including the completion of Deliverables.
- b. The Subrecipient is required to report any transfers from one approved budget category to another approved budget category. If the cumulative budget transfers meet or exceed ten percent (10%), prior approval, evidenced by contract amendment, is required.
- c. Prior approval, evidenced by contract amendment, is required for:
 - (1) Any transfers from an approved budget category to an unapproved budget category. An unapproved budget category is defined as having no funds allocated in the original Budget Plan.
 - (2) Any equipment purchases not noted in the original Budget Plan and/or Scope of Work.
 - (3) Any subawarding or contracting out of any work not noted in the original Budget Plan and/or Scope of Work.

8. Revision of Scope of Work

- a. The Subrecipient shall report any changes to the Scope of Work including but not limited to changes in the objectives, changes in key personnel, reduction of work effort by key personnel, and delays in completion of the work.

9. Acknowledgements

- a. The Subrecipient shall have an acknowledgement of the U.S.D.A. Forest Service support placed on any publication written or published or audiovisual produced with grant support and, if feasible, on any publication reporting the results of, or describing, a grant-supported activity, or audiovisuals produced with grant support. This requirement does not apply to audiovisuals produced as research instruments or for documenting experimentations or findings and not intended for presentation or distribution to the public.

Minimum verbiage requirement is as follows: "This publication made possible through a grant from the USDA Forest Service in cooperation with the Florida Forest Service."

- b. Publication means a published book, periodical, pamphlet, brochure, flier, or similar item.
- c. Audiovisual means a product containing visual imagery or sound or both.
- d. The Subrecipient acknowledgement must contain a disclaimer which states: "Any opinions, findings, conclusions, or recommendations expressed in this publication or audiovisual are those of the author(s) and do not necessarily reflect the view of the U.S.D.A. Forest Service".
- e. Language shall read:

The work upon which this (insert publication or audiovisual or both) is based was funded, in whole or in part through a subrecipient grant awarded by the U.S.D.A. Forest Service through the Florida Department of Agriculture and Consumer Services. The contents do not necessarily reflect the views or policies of the U.S.D.A. Forest Service nor does mention of trade names, commercial productions, services, or organizations imply endorsement by the U.S. Government.

E. PROPERTY STANDARDS

1. Equipment and Real Property

- a. Equipment must be used in the project for which the federal funds are derived.
- b. The federal agency has a vested interest in equipment and/or real property which, when purchased, exceeds \$5,000 in value. If a title is issued for the equipment and/or real property, the federal agency must be listed on the title.
- c. The Subrecipient must maintain property records, which include, but are not limited to, the description, serial number or other identification number, acquisition date, cost, location, percentage of federal participation in the cost of the property, use and condition of the property. When the property is disposed of, the property records must be updated with the date of disposal and sale price of the property.
- d. A physical inventory is required at least once every two years.
- e. If the equipment and/or real property are to be sold or used as a trade-in, approval of the Recipient is required.
- f. At the end of the award period, the Subrecipient is required to request from the Recipient disposal instructions and is required to notify the Recipient of the fair market value of the equipment and/or real property.

2. Insurance Coverage

- a. The Subrecipient will carry sufficient insurance coverage to protect all assets required under the Agreement from loss due to theft, fraud, and/or undue physical damage. The Subrecipient shall carry insurance on its own assets in commercially reasonable amounts and all statutorily required insurance, including without limitation Workers' Compensation insurance.

3. Intellectual Property

- a. Anything by whatsoever designation it may be known, that is produced by, or developed in connection with this Agreement shall become the exclusive property of the Recipient and may be copyrighted, patented, or otherwise restricted as provided by Florida or federal law. Neither the Subrecipient nor any individual employed under this Agreement shall have any proprietary interest in such property.
- b. With respect to each Deliverable that constitutes a work of authorship within the subject matter and scope of U.S. Copyright Law, 17 U.S.C. Sections 102-105, such work shall be a "work for hire" as defined in 17 U.S.C. Section 101 and all copyrights subsisting in such work for hire shall be owned exclusively by the Recipient.

- c. In the event it is determined as a matter of law that any such work is not a "work for hire," the Subrecipient shall immediately assign to the Recipient all copyrights subsisting therein for the consideration set forth in the Agreement and with no additional compensation.
- d. The foregoing shall not apply to any preexisting software, or other work of authorship used by the Subrecipient to create a Deliverable but which exists as work independent of the Deliverable, unless the preexisting software or work was developed by the Subrecipient pursuant to a previous Agreement with the Recipient or by a purchase by the Recipient under a state term contract.

F. MATCHING OR COST SHARE (IF APPLICABLE)

1. The matching or cost share portion must be tracked using a unique identifier in the Subrecipient accounting system.
2. If the matching or cost share portion is not met, the Recipient may disallow costs paid with federal funds in proportion to the reduction in the matching or cost share amount.
3. The matching or cost share portion must be incurred in direct proportion to the amount of federal funds used.
4. The matching or cost share portion must be reported based upon the Budget Plan submitted with the Application.
5. Records for in-kind contributions, which are based upon volunteer hours, must have timesheets or a sign-in/sign-out logs and must explicitly state the method for valuation of the hours. The value must be reasonable.
6. Records for in-kind contributions, which are based upon goods or services provided, must have an invoice, if available, or must explicitly state the method for the valuation. The value must be reasonable.
7. In-kind contributions must be provided by a third party during the period for which they are being claimed.
8. The matching or cost share portion must not be counted towards other cost sharing requirements. Neither costs nor values of third-party in-kind contributions may count if they have been used towards other cost sharing requirements.

G. GENERAL PROCUREMENT STANDARDS

1. The Subrecipient will follow the same policies and procedures it uses for procurements from other funding sources.
2. The Subrecipient must have documented procurement procedures.
3. The Subrecipient must have written policies on standards of conduct covering conflicts of interest. No employee, officer, or agency may participate in the selection, award or administration of a contract supported by federal funds if he or she has a real or apparent conflict of interest.

H. PERFORMANCE MONITORING AND REPORTING

1. The Subrecipient shall submit detailed quarterly reports using the format and content shown on the Recipient's performance progress report. The performance progress report is downloadable from <https://forms.fdacs.gov/02018.pdf>.
2. In the event the Agreement is terminated, the Subrecipient shall furnish a report detailing progress made under this Agreement through the date of termination within twenty (20) days of termination.
3. The Subrecipient shall cooperate in all on-site reviews from the Recipient, its authorized representatives, or federal government personnel.
4. The review personnel will be given full and complete access during normal business hours to all information related to the performance of this Agreement to ensure compliance with project activities and statutes, regulations, and rules.
5. The Recipient will give 48 hours' notice of any on site review.
6. The Subrecipient shall make available all personnel involved in the performance of work on this Agreement.
7. Failure to correct substandard performance within thirty (30) days after written notice from the Recipient shall result in suspension and/or termination of the Agreement.

I. RECORD RETENTION AND ACCESS

1. Retention Requirements for Records

- a. Upon reasonable notice, the Recipient shall have access to the Subrecipient's records during normal business hours.
- b. The Subrecipient shall maintain all records pertinent to the activities to be funded under this Agreement for a period of five (5) years after final payment is received and for such additional period as may be required until all claims, litigation and appeals pertaining or related to the Agreement have been completely resolved.

2. Access to Public Records

- a. The Subrecipient shall comply with all applicable requirements of Chapter 119, F.S.
- b. To the extent that Subrecipient meets the definition of "Contractor" under Section 119.0701, F.S., all documents, including papers, letters, or any other record or materials prepared pursuant to this Agreement are subject to Florida's Public Records Law. Subrecipient must:
 - (1) Keep and maintain public records required by the Recipient to perform the service.
 - (2) Upon request from the Recipient's custodian of public records, provide the Recipient with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at no cost to the Recipient.
 - (3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for

the duration of the contract period and following completion or termination of the contract if the Subrecipient does not transfer the records to the Recipient.

- (4) Upon completion or termination of the contract, transfer, at no cost, to the Recipient all public records in possession of the Subrecipient or keep and maintain public records required by the Recipient to perform the service. If the Subrecipient transfers all public records to the Recipient upon completion or termination of the contract, the Subrecipient shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Subrecipient keeps and maintains public records upon completion or termination of the contract, the Subrecipient shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Recipient, upon request from the Recipient's custodian of public records, in a format that is compatible with the information technology systems of the Recipient.
- c. The Recipient shall have the right of unilateral cancellation for refusal by the Subrecipient to allow public access to all documents, papers, letters, or other material made or received by the Recipient in conjunction with the contract, unless the records are exempt from s. 24(a) of Article I of the State Constitution and Section 119.07(1), F.S.
- d. Nothing in this article shall be considered a waiver of the provisions of Section 119.0701, F.S.

IF THE SUBRECIPIENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SUBRECIPIENT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS:

**OFFICE OF GENERAL COUNSEL
407 SOUTH CALHOUN STREET, SUITE 520
TALLAHASSEE, FL 32399
PHONE: (850) 245-1000
EMAIL: PRCUSTODIAN@FDACS.GOV**

J. REMEDIES FOR NONCOMPLIANCE

1. Prior to the exercise of any remedy provided for herein, the Recipient shall provide thirty (30) calendar days written notice of default and shall provide the Subrecipient the opportunity to cure such failure or default within said thirty (30) day period. Upon the failure or inability to cure, the Recipient shall have all rights and remedies provided at law or in equity, including without limitation the following:
 - a. Temporarily withhold cash payments pending correction of the deficiency by the Subrecipient.
 - b. Disallow all or part of the cost of the services not in compliance.
 - c. Wholly or partly suspend or terminate this Agreement.

2. Termination

- a. This Agreement may be terminated for convenience by either party upon giving not less than thirty (30) days advance written notice to the other party. The Subrecipient shall be paid for all work satisfactorily performed prior to the date of termination provided the Subrecipient has otherwise complied with the terms of this Agreement, including the submission of all reports.
- b. The Recipient may suspend or terminate this Agreement if the Subrecipient:
 - (1) Fails to comply with any applicable rules, regulations or provisions referred to herein, or any other applicable state or federal statutes, rules, regulations, executive orders, federal guidelines, policies or directives;
 - (2) Fails to timely fulfill its obligations under the Agreement;
 - (3) Improperly or illegally uses funds provided under this Agreement; or
 - (4) Submits reports that are incorrect in any material respect.

K. CLOSE OUT

1. Notwithstanding the termination of this Agreement, the Subrecipient's obligations to the Recipient shall survive until all close out requirements are completed. Close out activities shall include but are not limited to completing and submitting final reports, properly disposing of property, accounting for unspent cash advances and program income and transferring custodianship of records to Recipient or its designee.
2. Post-close Out Adjustments
 - a. Any funds paid in excess of the amount to which the Subrecipient is entitled under the Agreement must be refunded to the Recipient within thirty (30) days after demand therefore by Recipient.

L. AUDIT REQUIREMENTS

1. Audit Provisions
 - a. If the Subrecipient is a state or local government or a nonprofit organization, the audit provisions as defined in 2 CFR, Part 200 Subpart F are applicable.
 - b. If the Subrecipient is a commercial organization (for-profit), the organization will provide the Recipient with its annual audited financial statement or the annual tax return provided to the Internal Revenue Service.
 - c. Audit provisions are not required for a Subrecipient who is an individual.
 - d. In the event that the Subrecipient expends \$1,000,000 or more in federal awards in its fiscal year, the Subrecipient must have a single or program-specific audit conducted in accordance with the 2 CFR, Part 200 Subpart F.

- e. If the Subrecipient expends less than \$1,000,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR, Part 200 Subpart F is not required. Records must be available for audit or review if necessary.
- f. If the Subrecipient expends less than \$1,000,000 in federal awards in its fiscal year and elects to have an audit conducted, the cost of the audit must be paid from non-federal resources.

2. Basis for Determining Federal Awards Expended

- a. In determining the federal awards expended in its fiscal year, the Subrecipient shall consider all sources of federal awards, including federal resources received from the Recipient.
- b. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR, Part 200 Subpart F.

3. Relation to Other Audit Requirements

- a. If the Subrecipient has an audit conducted in relationship to any other federal regulation or statute, the Recipient may determine upon review if the audit reports meet the needs of the Recipient. If so, an additional audit will not be required.
- b. An audit of the Subrecipient conducted by the Auditor General in accordance with provisions of 2 CFR, Part 200 Subpart F will meet these requirements.
- c. These provisions do not limit the authority of the federal agency, Inspector General, General Accounting Office (GAO), or Recipient to conduct or arrange for the conduct of audits or evaluations of federal financial assistance awards.

4. Frequency of Audits

- a. Audits shall be performed annually to meet this requirement.

5. Sanctions

- a. If the Subrecipient is unwilling or has a continued inability to have an audit conducted, the provisions for noncompliance will be enforced.

6. Subrecipient Responsibilities

- a. The Subrecipient shall arrange for the audit to be conducted in a timely manner and submitted as required in 2 CFR 200.512.
- b. The Subrecipient shall prepare the financial statements in accordance with 2 CFR 200.510.
- c. The Subrecipient shall promptly follow up and take corrective action on audit findings.
- d. The Subrecipient will provide the auditor with access to records, personnel, documentation, and other information as needed by the auditor.

7. Audit Findings Follow-up

- a. At the completion of the audit, the Subrecipient must prepare, in a document separate from the auditor's findings a corrective action plan to address each audit finding included in the current year auditor's reports.
- b. The corrective action plan must provide the name(s) of the contact person(s) responsible for corrective action, the corrective action planned and the anticipated completion date.
- c. If the Subrecipient does not agree with the audit findings or believes corrective action is not required, then the corrective action plan must include an explanation and specific reasons.
- d. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within thirty (30) days after receipt by the Subrecipient.
- e. Failure of the Subrecipient to comply with the above requirement will constitute a violation of this Agreement and may result in the withholding of future payments.

8. Report Submission

- a. The audit must be completed and the data collection form and reporting package must be submitted within the earlier of thirty (30) calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day.
- b. The Subrecipient must submit required data elements described in Appendix X to 2 CFR, Part 200 – Data Collection Form (SF-SAC), which states whether the audit was completed in accordance with this part and provide information about the Subrecipient, its federal programs and the results of the audit.
- c. A senior representative of the Subrecipient must sign a statement to be included as part of the data collection that the Subrecipient has complied with the audit requirements, the data was prepared in accordance with 2 CFR 200.512, the reporting package does not include protected personally identifiable information, the information is accurate and complete, and the reporting package and form will be publicly available on the web.
- d. The Subrecipient shall also submit to the Recipient's Grant Manager one copy of the audit report, reporting package, any management letter issued by the auditor, and the data collection form described in Appendix X to 2 CFR, Part 200.
- e. The Subrecipient is required to use the internet submission form on the Federal Audit Clearinghouse (FAC) website. The FAC website is located at <https://www.fac.gov/>.
- f. The Subrecipient shall ensure that audit working papers are made available to the Recipient's Chief Financial Officer or Auditor General, or its designee, upon request for a period of five (5) years from the date the audit report is issued, unless extended in writing by the Recipient.

M. GENERAL CONDITIONS

1. Nothing contained in this Agreement is intended to, or will be construed in any manner, as creating or establishing the relationship of principal and agent or employer and employee

between the parties. The Subrecipient will at all times remain an independent contractor with respect to the services to be performed under this Agreement.

2. Indemnification. The Subrecipient shall be fully liable for the actions of its agents, employees, partners, or subcontractors and shall fully indemnify, defend, and hold harmless the Recipient, and their officers, agents, and employees, from suits, actions, damages, and costs of every name and description, including attorneys' fees, arising from or relating to personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by the Subrecipient, its agent, employees, partners, or subcontractors, provided, however that the Subrecipient shall not indemnify for that portion of any loss or damages proximately caused by the negligent act or omission of the Recipient. Nothing herein contained shall be construed or operate as a waiver of sovereign immunity to the extent sovereign immunity, as set forth in Section 786.28, F.S., may otherwise apply.
3. Liability. The Recipient shall not assume any liability for the acts, omissions to act or negligence of the Subrecipient, its agents, servants, and employees, nor shall the Subrecipient disclaim its own negligence to the Recipient or any third party.
4. The Subrecipient shall not discriminate on the basis of race, sex, religion, color, national origin, age, or disability and shall comply with all applicable state and federal laws and regulations related thereto, including without limitation, the Americans with Disabilities Act (42 USC 12101 et. Seq.); Section 504 of the Rehabilitation Act of 1973 (29 USC 795); and the Age Discrimination Act of 1975 (42 USC 6101-6107).
5. The Subrecipient acknowledges and agrees that the employment of unauthorized aliens by any person or entity is considered a violation of 8 U.S.C. § 1324a. If the Subrecipient knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement. The Subrecipient avers that it is registered in the E-Verify system and further agrees to comply with the provisions of Section 448.095(2), F.S., during the term of the contract, including receiving and maintaining required affidavits from subcontractors.
6. This Agreement is contingent upon the availability of funding from the federal agency. This Agreement may be terminated by Recipient if funding from the federal agency is reduced or terminated.
7. The Subrecipient represents and warrants that neither it, nor its principals, is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency; and, that the Subrecipient shall not knowingly enter into any lower tier contract, or other covered transaction, with a person who is similarly debarred or suspended from participating in this covered transaction. Any lower tier contract provider who receives funds as a result of this Agreement shall be verified by Subrecipient through the General Services Administration (GSA) Federal Excluded Parties List: <https://sam.gov/SAM/>.
8. The Subrecipient shall comply with the Federal Acquisition Regulation 52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment, as currently in effect and as may be amended from time to time. Failure to comply or if the Subrecipient knowingly provides funds to any entity prohibited from receiving a contract or award pursuant to the Federal Acquisition Regulation 52.204-25 shall be cause for unilateral cancellation of this Agreement.
9. The Subrecipient acknowledges it has completed the certification regarding lobbying.

10. If prior written authorization for subcontracting is granted by the Recipient, any work or services subcontracted by the Subrecipient shall be specifically by written contract or Agreement, and such subcontracts shall be subject to each provision of this Agreement and applicable Federal, State or County guidelines and regulations as currently in effect and as may be amended from time to time. Prior to execution by the Subrecipient of any subcontract hereunder, the Subrecipient must submit such subcontracts to the Recipient for its review and approval.
11. The Subrecipient will comply with section 20.055, F.S.
12. This Agreement may not be modified except by a written instrument executed by a duly authorized representative of each party hereto.
13. In the event that two or more documents combine to form this Agreement, and in the event that there is any contradictory or conflicting clause or requirement in these documents, the provisions of the document(s) prepared by the Recipient shall be controlling.
14. This Agreement shall be controlled by Florida law, without regard to any conflict of law provisions thereof with venue in Leon County, Florida.
15. Severability. In the event that any clause or requirement of this Agreement is contradictory to, or conflicts with the requirements of Florida or federal law, including, but not limited to requirements regarding contracts with Florida's governmental agencies, the offending clause or requirement shall be without force and effect and the requirements of the applicable Florida or federal law shall substitute for that clause or requirement and be binding on all parties hereto.
16. Paragraph Headings. Paragraph headings contained in this Agreement are for convenience or reference only. They shall not be deemed to modify, limit, define or describe in any respect the provisions of this Agreement.
17. Compliance. The Subrecipient shall, at its sole cost and expense, comply with all requirements of all Municipal, County, State and Federal rules and regulations, statutes and/or ordinances now in effect and as may be amended from time to time pertaining to the duties and obligations arising from this Agreement.
18. Survival. The termination of this Agreement (whether by expiry, completion, the exercise of a termination right hereunder, or otherwise) will not relieve either party of any obligation, nor impair the exercise of rights, accrued hereunder prior to such termination. Without limiting the foregoing, the terms of Article D (entitled "FINANCIAL AND PROGRAM MANAGEMENT"), Article I (entitled "RECORD RETENTION AND ACCESS"), Article K (entitled "CLOSE OUT"), and Article L (entitled "AUDIT REQUIREMENTS") hereof will survive the termination of this Agreement.
19. This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. Each person signing this Agreement warrants that he or she is duly authorized to do so and to bind the respective party to the Agreement.
20. The delay or failure by the Department to exercise or enforce any of its rights under this Agreement shall not constitute or be deemed a waiver of the Department's right thereafter to enforce those rights, nor shall any single or partial exercise of any such right preclude any other or further exercise thereof or the exercise of any other right.

21. Administration of Agreement.

The Grant Manager for the Recipient is Todd Little and is located at 3125 Conner Boulevard, Tallahassee, FL 32399.

The Grant Manager for the Subrecipient is Brad Parrish and is located at 555 S. Washington Ave, Titusville, FL 32796.

Substitution of a Grant Manager by any party after execution of this Agreement shall not require a formal amendment of this Agreement; however, the other Grant Manager shall be informed in writing within seven (7) business days of the substitution.

22. Notices. Any notice required or permitted under this Agreement shall be in writing and shall be sent via email to the contract manager and sent by a nationally recognized courier service which provides written proof of delivery (e.g., UPS, Federal Express) or mailed by registered or certified mail, postage prepaid, return receipt requested, addressed, in either event, to the contract manager set forth above.

23. Entire Agreement. The instrument, including any attachments or exhibits, embodies the Entire Agreement of the parties for the use of the funds received under this Agreement. This Agreement supersedes all previous oral or written communications, representations, or Agreements on this subject.

N. STATE FUNDS; REPORTING

1. Inspection and Reporting Requirements. Upon request, the Subrecipient shall comply with Section 216.1366(3), F.S., inspection requirements. Any records, papers, and documents requested by the Department must be provided for inspection within ten (10) business days after the request is made. If the Subrecipient is a non-profit organization as defined in Section 215.97(2), F.S., then the Subrecipient must provide documentation that indicates the amount of state funds (1) allocated to be used during the full term of the contract for remuneration of any member of the board of directors or an officer of the Subrecipient, and (2) allocated under each payment by the Recipient to be used for remuneration of any member of the board of directors or an officer of the Subrecipient. The documentation must indicate the amounts and receipts of remuneration.
2. The Subrecipient is not classified as a non-profit organization as defined in Section 215.97(2)(m), F.S.; therefore the Subrecipient is not required complete and return the [Total Compensation Paid to Non-Profit Personnel Using State Funds form \(FDACS-01324\)](#) located at <https://forms.fdacs.gov/01324.pdf> in accordance with Section 216.1366, F.S., no later than ten (10) business days from execution of this Agreement and with each invoice or reimbursement submission in accordance with Section D. If the non-profit Subrecipient maintains a website, the Subrecipient must post the information required by Section 216.1366(3), F.S., on its website.
3. Failure to comply with any of the requirements of Section 216.1336, F.S., may result in termination of the Agreement as prescribed in Section J.

NOTE: Articles O and P do not apply to Individuals or Private Citizens.

O. EXECUTIVE COMPENSATION

1. The Subrecipient shall complete and return the [Executive Compensation Attestation for Agreements Involving State Funds form \(FDACS-01317\)](https://forms.fdacs.gov/01317.pdf) located at <https://forms.fdacs.gov/01317.pdf> no later than ten (10) business days from execution of this Agreement. Executive Compensation Attestation is required pursuant to Executive Order 20-44. Governmental entities as defined in Section 287.012(14), F.S., are excluded from the executive compensation reporting.
2. In the event that the Subrecipient receives fifty (50) percent or more of its budget from funding provided by the State of Florida, or a combination of funding from the State of Florida and the United States Government, or this Agreement results from the Subrecipient being named in statute as the required Subrecipient of a sole-source, public-private Agreement, then the Subrecipient shall provide an annual report to the Recipient due on or before June 30th. An annual report shall be required for each year that this Agreement remains in existence. The report shall detail the total compensation of the Subrecipient's executive leadership team, to include salary, bonuses, cash-in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real property gifts, and any other payout. The annual report must also indicate what percent of compensation comes directly from State or Federal allocations, and the report shall contain the Subrecipient's IRS Form 990.
3. The Subrecipient understands and agrees that it must provide Recipient of written notice detail any change in executive compensation in the intervening period between annual reports.
4. The Subrecipient understands and agrees that failure to comply with any provision of this section constitutes a material breach for which Recipient may seek termination of this Agreement pursuant to Article 7 of this Agreement.
5. The final annual report shall be delivered to the Recipient as part of the close out process detailed in Article 8.

P. AFFIDAVIT FOR NONGOVERNMENTAL ENTITY

Pursuant to Section 787.06(13), F.S., when a contract is executed, renewed, or extended between a nongovernmental entity and a governmental entity, as defined in Section 287.138(1), F.S., an officer or representative of the nongovernmental entity must attest under penalty of perjury that the nongovernmental entity does not use coercion for labor or services as defined in Section 787.06, F.S. The [Non-Coercion for Labor or Services Affidavit \(FDACS-01364\)](https://forms.fdacs.gov/01364.pdf) located at <https://forms.fdacs.gov/01364.pdf> or a substantially similar affidavit must be completed and returned to the Recipient no later than ten (10) business days from the contract being executed, renewed, or extended. Email the completed affidavit to the Recipient's Grant Manager and reference the contract number in the subject line.

Federal resources awarded to the Subrecipient pursuant to this agreement are from U.S.D.A. Forest Service, federal financial assistance funding opportunity under FAIN 23-DG-11083112-001, and Assistance Listing Number (ALN) (formerly known as Catalog of Federal Domestic Assistance Number) 10.664, Cooperative Forestry Assistance.

***** Remainder of Page Left Intentionally Blank *****

IN WITNESS THEREOF, and in consideration of the mutual covenants set forth above and, in the attachments and exhibits hereto, the parties have caused to be executed this Agreement by the undersigned officials duly authorized:

FLORIDA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES

SUBRECIPIENT

Joey B. Hicks

Signature

Director of Administration

Title

3/11/2025

Date

[Handwritten Signature]

Signature

Mayor

Title

3/31/25

Date

Florida Department of Agriculture and Consumer Services
Division of Administration

SCOPE OF WORK
2 CFR 200

1. Federal Financial Assistance Funding Opportunity Number: 23-DG-11083112-001			2. Subrecipient FEIN: 59-6000440		
3. Subrecipient Legal Name: City of Titusville					
Please note section XII Public Records in the Notice of Federal Financial Assistance Funding Opportunity before including any proprietary or confidential information.					
Performance Measures					
Deliverable #	Tasks	Task Description	Indicator	Costs per Unit	Outcome Measures
1	Project Coordination & Planning	The project team will meet to develop an overall project management plan and address initial action items. The project scope, goals, schedule, key milestones, and deliverables will be established. The kick-off meeting will be hosted by the City. Potential stakeholders will be identified and dates for Public Workshops and Presentations will be identified.	<ul style="list-style-type: none"> I. Meeting agenda II. Summary report of the meeting III. List of stakeholders and community representatives for consideration IV. Specific goals for the project 	\$10,000	Project Coordination & Planning: A draft list of stakeholders/community representatives for consideration by the project team; a meeting agenda; summary report including attendee input and meeting outcomes defining motivations, and planning goals for the project.
2	Inventories and Assessments	The project team (GIS staff and consulting services) will utilize 2024 data to perform an update of the existing 2023 Urban Tree	<ul style="list-style-type: none"> I. Quantifiable data (i.e. calculations of existing canopy coverage/potential coverage) II. Determine the appropriate geographic scales of urban forest management units (land use, environmental justice areas, etc.) 	\$15,000	Inventories & Assessments: Inventory and Assessment will look at what the City's current canopy coverage is, what remaining data needs to be collected, and what has changed

		<p>Canopy (UTC) assessment. The update will identify key changes to the canopy coverage. The data collection will place an emphasis on disadvantaged communities within the City.</p>	<p>III. Aerial images depicting canopy coverage changes, utilities map, Future Land Use Map (FLUM), etc.</p> <p>IV. Any other applicable quantitative data needed to support the Urban Forest Management Plan</p>		<p>since the previous UTC assessment. An update to the 2023 UTC assessment utilizing most recent data will be drafted to support the needs of the Urban Forest Management Plan.</p>
3	<p>1st Stakeholder Coordination and Planning (Public Outreach and Stakeholder Input)</p>	<p>Public outreach will be conducted during the data collection stage of the project. The public outreach efforts will build upon the findings of the UTC assessment conducted in 2022-2023 funded by the Urban and Community Forestry grant, and the updated 2024 UTC assessment. This task will include a public survey, establishment of stakeholder focus groups, and an idea wall.</p>	<p>I. Meeting agenda</p> <p>II. Sign-in sheets</p> <p>III. Presentations for the meeting</p> <p>IV. Idea wall input</p> <p>V. Summary report of the public engagement meeting</p> <p>VI. Online survey deployment</p>	\$5,000	<p>1st Public Engagement Meeting: Meeting agenda and sign-in sheets indicating location, date, and time of meeting; Presentation(s) from the meeting; Summary report including public input and meeting outcomes; The outreach will consist of an online survey of values and idea wall, and input from stakeholders.</p>
4	<p>Develop the vision statement for the urban forest</p>	<p>Utilizing the findings from the public engagement meeting, online survey, and the 2023 and 2024 UTC assessments, the project team will develop the vision statement with goals the plan aims to achieve.</p>	<p>I. Quantifiable goals for urban canopy expansion & management</p> <p>II. Community driven goals that are measurable for the existing and future Urban Forest</p>	\$10,000	<p>Draft Vision Statement: The vision statement will be a product of public engagement and reflect the values of the citizens and prioritizations identified in the updated UTC assessment.</p>

5	Develop a draft strategic plan	The Urban Forest Management Plan will include a section focused on strategic goals to expand and maintain the City's Urban Forest. The strategic plan will identify quantifiable steps that guide the activities and resources to accomplish the vision of the Urban Forest Management Plan.	<ul style="list-style-type: none"> I. Measurable goals with an adaptive management approach II. Quantifiable steps that guide specific activities and resources needed to accomplish the vision of the Urban Forest III. Key areas of interest for the expansion of the Urban Forest 	\$15,000	<p>Draft Strategic Plan: The strategic plan will consist of goals and objectives that support the vision statement. The strategic plan will also identify areas of interest or priority for plantings.</p>
6	Develop a draft implementation plan	The Urban Forest Management Plan will include a section focused on the implementation of goals, objectives, and specific actions. The implementation plan will identify responsible parties in order to effectively and efficiently implement the vision and strategic plan of the Urban Forest Management Plan.	<ul style="list-style-type: none"> I. Implementation plan with actions and a feasible planning horizon (e.g. 5-year, 10-year, 15-year) II. Specific and detailed actions with the responsible department identified III. Determine budgetary needs for implementation 	\$15,000	<p>Draft Implementation Plan: The implementation plan will include performance indicators to effectively measure progress towards the achievement of objectives outlined in the strategic plan. This plan will outline a planning horizon defining a timeline for implementation of actions. The responsible departments will be identified to ensure effective governance of the Urban Forest Management Plan.</p>
7	Develop a draft monitoring plan	The Urban Forest Management Plan will include a monitoring plan. This section of the plan will guide how City staff can measure the effectiveness of the implementation plan.	<ul style="list-style-type: none"> I. Specific monitoring techniques II. Frequency of monitoring practices III. Responsible department/agency for monitoring 	\$15,000	<p>Draft Monitoring Plan: The monitoring plan will serve to measure progress and overall effectiveness of the plan. Monitoring practices will be identified along with responsible parties. The monitoring plan will ensure ongoing evaluation and adjustments as needed, supporting the long-term success and sustainability of the</p>

					urban forestry initiatives.
8	2nd Stakeholder Coordination and Planning (Draft Urban Forest Management Plan Stakeholder Input)	The second public engagement opportunity will build upon the draft sections of the plan. The vision statement, strategic plan, implementation plan, and monitoring plan will be presented and available for public comment and feedback.	<ul style="list-style-type: none"> I. Meeting agenda II. Sign-in sheets III. Presentations for the meeting IV. Idea wall and online survey results & incorporation into the plan V. Presentation of the draft Urban Forest Management Plan VI. Summary report of the public engagement meeting 	\$5,000	<p>2nd Public Engagement Meeting: Meeting agenda and sign-in sheets indicating location, date, and time of meeting; Presentation(s) from the meeting; Summary report including public input on the draft Urban Forest Management Plan and the results of the online survey of values and idea wall.</p>
9	Final Urban Forest Management Plan	The completed Urban Forest Management Plan will be presented to the City's Titusville Environmental Commission and City Council. Further action will be determined by the recommendations of the board.	<ul style="list-style-type: none"> I. Final Urban Forest Management Plan II. Presentation to City boards and commissions 	\$10,000	<p>Final Urban Forest Management Plan: The project team will present the final Urban Forest Management Plan to the appropriate boards and commissions. Direction will be determined by the City Council. Presentations and the final version of the plan will be provided.</p>
Describe in detail the activity or work to be conducted.					

The City of Titusville, with the assistance of a consultant, will establish an Urban Forest Management Plan. The need for this project arises from the City's commitment to enhancing its urban forest for environmental, social, and economic benefits. The 2023 Urban Tree Canopy (UTC) assessment highlighted the necessity of an organized approach to manage and expand the City's tree canopy. This project will address the need for a structured plan to manage the urban forest, ensuring sustainable growth and maintenance.

The Urban Forest Management Plan will be developed through a systematic process involving a series of tasks designed to ensure thorough assessment, inclusive community engagement, and effective implementation. Below is a narrative of the tasks and deliverables for this project. The desired plan will detail a holistic approach that provides equitable forest benefits for Titusville's community by maintaining and expanding the urban tree canopy. The proposed Urban Forest Management Plan will evolve as environmental factors are identified, research progresses, and the community's visions change.

The project team will include City department members and the external professional services. City department representatives will include but are not limited to Public Works, GIS, Community Development, and the City's arborist. Additional input during the project's duration will include community stakeholders and local organizations such as the University of Florida's Institute of Food and Agricultural Sciences (UF-IFAS). The Urban Forest Management Plan will serve as a foundational document guiding the City of Titusville's efforts to enhance and sustain its urban forest. The successful implementation of this plan will not only improve the quality of life for residents but also contribute to broader environmental goals, such as climate change mitigation and biodiversity conservation.

- I. Project coordination and planning with key stakeholders will be the first step in the process of establishing an Urban Forest Management Plan. The goal of the project team's initial kick-off meeting is to discuss the goals of the City's Urban Forest Management plan and identify key stakeholders who are integral to the establishment of this document. The kick-off meeting will set clear goals and strategies for the execution of the scope of work. Expectations of a consultant and City staff will be discussed to ensure efficient and effective project management.

- II. The inventories and assessments conducted will primarily entail the update to the City's UTC assessment and analysis of additional relevant data (e.g. National Land Cover Database, land use maps, utility lines map, flood zones, etc.). Taking into consideration topographical data, heat island maps, population density, and socio-economic data, watersheds/flood information, riparian areas, and soils, the inventories and assessment process is a comprehensive approach to identifying priority zones for tree canopy expansion and maintenance. The City's GIS department will work with the consultant to provide an updated UTC assessment that utilizes the most recent aeriels and available data. The inventory conducted is not limited to the defined parameters within this scope of work. Any additional input provided by the project team and stakeholders shall direct the focus of the inventories and assessments conducted and utilized to establish the Urban Forest Management Plan.

- III. Public outreach and stakeholder engagement is critical to the success of the Urban Forest Management Plan. The first public engagement opportunity will encourage participants to discuss topics that are most important to include in the management plan. Investigation of stakeholder attitudes, perceptions, and values concerning the existing and future urban forest will help direct the vision for the Urban Forest Management Plan. Gathering an understanding of the people's values will help determine which urban forest resources are conserved and how that will be accomplished. Engagement tools will include but are not limited to surveys, public engagement meetings, and an idea wall. The community meetings will offer an opportunity for the project team to listen and interact with the community to gain additional insight into the City's urban forest.

- IV. The development of the vision statement will define the future desired condition of the urban forest based upon the input and values of the citizens of Titusville. Utilizing the updated UTC, public survey, idea wall, and public input during the first public engagement meeting, the development of the vision statement will encompass the goals of the community. This guiding statement will set the desired outcomes for the implementation of the Urban Forest Management Plan. Each section of the plan that is drafted will be centered around achieving the vision statement to represent the values of the public.

- V. Drafting the Strategic Plan will include creating guiding principles for urban forest management. Specific, measurable, achievable, and relevant objectives will be established. The goals and objectives outlined will include key areas of interest for the expansion and maintenance of the urban forest. These areas will be identified

utilizing the findings from the updated UTC assessment, the vision statement, and public input for engagement opportunities. The strategic plan will provide a framework of supporting goals and objectives that will fulfill the vision statement.

- VI. The draft Implementation Plan will build upon the Vision Statement and Strategic Plan. The implementation plan will identify timelines for completion of the goals set forth in the Strategic Plan; describe the relationship of canopy goals to local ordinances, regulations, and the City's comprehensive plan; and outline specific strategies for achieving each goal, including a timeline and the responsible party or parties. An important aspect to this portion of the Urban Forest Management Plan is a defined budget for the implementation of each goal. Collaboration between the project team and appropriate stakeholders and City departments will be necessary to establish feasibility of implementation. Identifying capabilities and limitations to implementation will be essential to the successful implementation of the Urban Forest Management Plan.
- VII. The draft Monitoring Plan will guide how the City will ensure the efficacy of the Urban Forest Management Plan. Identifying performance indications to measure progress towards goals and objectives will aid in the monitoring process. Determination of how the performance indicators will be monitored is needed. Specific monitoring practices such as UTC assessments every two years must be defined to effectively track progress on each objective within the plan. Each monitoring method identified must include the responsible department and cost.
- VIII. The second public engagement opportunity will include the draft Urban Forest Management Plan. The results of the online survey, idea wall, and input collected at the first meeting will be covered along with how the project team incorporated the input from the public into the plan. The presentation of the draft Urban Forest Management Plan will be open to public comment for any final revisions and input. The project team will take into consideration the discussion that took place during this community meeting and will create a summary report.
- IX. The completed Urban Forest Management Plan is the final deliverable for this project. This plan will be presented to the City's Environmental Commission for thorough consideration. Recommendations from the Titusville Environmental Commission (TEC) and direction from City Council shall be considered by the project team to continue efficient and effective implementation of the plan beyond the funding period.

Florida Department of Agriculture and Consumer Services
Division of Administration

BUDGET PLAN
2 CFR 200

Federal Financial Assistance Funding Opportunity Number: 23-DG-11083112-001			Subrecipient FEIN: 59-6000440	
Subrecipient Legal Name: City of Titusville				
Category/Description	Cost per Unit	Number of Units	Grant Amount	Match Amount
Personnel -	Costs per unit is interpreted as the cost per deliverable in this application submission (e.g. Deliverable #1 costs \$10,000)	Deliverables 1 - 9	\$0.00	\$25,000
Fringe Benefits -	N/A	N/A	N/A	N/A
Travel (not authorized)	N/A	N/A	N/A	N/A
Equipment (not authorized)	N/A	N/A	N/A	N/A
Supplies -	N/A	N/A	N/A	N/A
Contractual (if authorized) -	Cost per deliverable	Deliverables 1 - 9	\$50,000	\$25,000
Trees -	N/A	N/A	N/A	N/A
Other Expenses -	N/A	N/A	N/A	N/A
Total Direct Charges			\$50,000	\$50,000
Indirect Charges -	N/A	N/A	N/A	N/A
Total Amount			\$50,000	\$50,000



WILTON SIMPSON
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Administration

**CERTIFICATION REGARDING LOBBYING;
DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS
FOR EXPENDITURE OF FEDERAL FUNDS**

LOBBYING

As required by 2 CFR 200, for persons entering into a contract, grant or cooperative agreement over **\$100,000** involving the expenditure of Federal funds, the undersigned certifies for itself and its principals that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress, in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Andrew Connors Mayor
PRINTED NAME/TITLE OF REPRESENTATIVE

FDACS# 32120
CONTRACT / PURCHASE ORDER NUMBER

[Signature] 3/31/25
SIGNATURE OF REPRESENTATIVE / DATE

DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

As required by 2 CFR 200, for persons entering into a contract, grant or cooperative agreement over **\$25,000** involving the expenditure of Federal funds, the undersigned certifies for itself and its principals that:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a Government entity (Federal, State, or local) with commission of any offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

Andrew Connors Mayor
PRINTED NAME/TITLE OF REPRESENTATIVE

FDACS# 32120
CONTRACT / PURCHASE ORDER NUMBER

[Signature] 4/1/25
SIGNATURE OF REPRESENTATIVE / DATE

Certificate Of Completion

Envelope Id: C095EFDE-E179-4F53-B662-721BFAEB2E44	Status: Sent
Subject: Please DocuSign: FDACS CONTRACT# 32120 CITY OF TITUSVILLE	
Source Envelope:	
Document Pages: 25	Signatures: 1
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	
Enveloped Stamping: Enabled	
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	
	Envelope Originator: Beverlie Bechette 407 South Calhoun Street Mayo Building, SB-8 Tallahassee, FL 32399-0800 Beverlie.Bechette@fdacs.gov IP Address: 164.51.45.242


Record Tracking

Status: Original	Holder: Beverlie Bechette	Location: DocuSign
March 11, 2025 10:32	Beverlie.Bechette@fdacs.gov	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Florida Department of Agriculture and Consumer Services	Location: DocuSign

Signer Events

Joey B. Hicks
joey.hicks@fdacs.gov
Director of ADministration
Security Level: Email, Account Authentication (None)

Signature


Signature Adoption: Pre-selected Style
Using IP Address: 164.51.45.242

Timestamp

Sent: March 11, 2025 | 10:36
Viewed: March 11, 2025 | 13:46
Signed: March 11, 2025 | 13:49

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Andrew Connors
andrew.connors@titusville.com
Security Level: Email, Account Authentication (None)

Sent: March 28, 2025 | 11:55

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

TODD LITTLE
Todd.Little@fdacs.gov
Security Level: Email, Account Authentication (None)



Sent: March 11, 2025 | 13:49
Viewed: March 12, 2025 | 09:02

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Carbon Copy Events	Status	Timestamp
<p>BRAD PARRISH BRAD.PARRISH@TITUSVILLE.COM Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Accepted: March 12, 2025 08:53 ID: a4324503-8957-4245-9964-2c06006968fd</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;">COPIED</div>	Sent: March 28, 2025 11:38
<p>Lily Galleo Lily.Galleo@Titusville.com Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Accepted: March 28, 2025 11:38 ID: 37de274e-f20b-4991-b4e4-8ad1c59f154f</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;">COPIED</div>	Sent: March 28, 2025 11:55 Viewed: March 28, 2025 11:56
<p>CONTRACTS Contracts@fdacs.gov Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Accepted: April 19, 2022 10:10 ID: 5695f407-15b9-4d70-aded-c5e1c7791665</p>		
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	March 11, 2025 10:36
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Crahsoft OBO Florida Department of Agriculture and Consumer Services (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Crahssoft OBO Florida Department of Agriculture and Consumer Services:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: salena.yarbrough@freshfromflorida.com

To advise Crahssoft OBO Florida Department of Agriculture and Consumer Services of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at salena.yarbrough@freshfromflorida.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Crahssoft OBO Florida Department of Agriculture and Consumer Services

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to salena.yarbrough@freshfromflorida.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Crahssoft OBO Florida Department of Agriculture and Consumer Services

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to salena.yarbrough@freshfromflorida.com and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Crahssoft OBO Florida Department of Agriculture and Consumer Services as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Crahssoft OBO Florida Department of Agriculture and Consumer Services during the course of your relationship with Crahssoft OBO Florida Department of Agriculture and Consumer Services.

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **Staff Report - Draft ordinances**
Department/Office: Community Development

Recommended Action:

Discuss and provide input on the report and findings.

Summary Explanation & Background:

Enclosed is a report and findings regarding the following three draft ordinances.

- CRZ ordinance.
- Canopy and Multifamily ordinance.
- Native landscaping ordinance.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. ASIL-Titusville Landscape Ordinance Report
2. CRZ Ord Ver4
3. Multifamily Canopy Ord Ver6
4. Native Plant Ord Ver4

March 17, 2024

Brad Parrish, AICP
Community Development Director
City of Titusville
555 South Washington Ave.
Titusville, FL 32796

Re: City of Titusville Land Development Ordinance Review Report

Introduction

This report provides an analysis of three proposed ordinances the City of Titusville is considering for implementation. As requested, Kimley Horn has reviewed these ordinances from a landscape architectural perspective, assessing their potential impact, benefits, and challenges. This report outlines:

- The overall intent of each ordinance
- Professional analysis and observations
- Impact assessment from a landscape architecture standpoint
- Potential repercussions upon implementation

Ordinance Analysis

Ordinance 1: [Multifamily Canopy Ordinance]

The overall objectives and intent of the Ordinance:

- To increase tree canopy coverage across multifamily developments with the inclusion of townhome developments.
- Aim to provide clear standards for tree preservation, mitigation, and replanting requirements.

Professional Analysis:

Upon review of the ordinance the overall intent is positive, however there are significant concerns and challenges.

- The ordinance reinforces trees preservation and ensures minimum canopy standards are met with new developers and development.
- There are clearer standards and additional incentives which does provide flexibility for developers to attempt to meet total canopy coverage requirements.
- There are areas for incorporating low impact development and stormwater areas for additional inclusion for preservation and coverage.

The challenges the ordinance creates are:

- Increased developmental cost regarding canopy preservation and mitigation requirements.

- The ordinance does not appear to adhere to density goals set forth by the city, the minimum preservation of 15% and the total canopy area of 25% may put a limit on buildable land, ensuring higher density projects are challenging to construct.
- The ordinances outlook on mitigation cost does not appear to fully compensate the total lost for canopy trees.
- The ordinance does not provide a breakdown of canopy preservation and total coverage requirements by individual development type. Instead, it applies a collective approach, which may limit clarity and adaptability for different development styles.

Impact Assessment:

The impact assessment is broken down into three categories, environmental, economic, and operational.

- The environmental impacts are an increase in total tree coverage. This could lead to land use conflicts if developers struggle to balance tree retention and preservation with efficient site layouts.
- The economic impacts could boost property values and improve the overall aesthetic of the city with the increase canopy coverage. However, developers may face higher implications to cost due to tree replacement requirements and mitigation fees.
- The operational impacts could provide greater flexibility to how developers and development could achieve compliance with the new direction.

Potential Repercussions:

The potential repercussions within the ordinance are related to the challenges for higher density developments while adhering to the 25% total canopy area and 15% minimum preservation area requirements. These two requirements may restrict site layout flexibility resulting in the reduction of number of allowable units, which could deter developers due to the increased cost of construction and lead to increased housing costs.

With the potential repercussions our recommendations for refinement of the ordinance are the following:

- Establish distinct canopy standards for each development type to enhance compliance flexibility and ensure more precise preservation goals.
- Reduce mitigation requirements for smaller infill projects.
- Offer additional mitigation credits for use of native, drought tolerant, low maintenance species for tree selections, shrubs, and groundcovers.
- Removal of the explicit dollar amount contribution into the City's Public Landscape Trust fund from the ordinance. Additionally, the fee should be raised to two hundred \$200 and shown and implemented on the tree removal application.
- Provide opportunities for developers to have pre-application meetings to better understand the ordinance, the cities approach to tree preservation and total canopy coverage.

Ordinance 2: [Critical Root Zone Ordinance]

The overall objectives and intent for this Ordinance:

- The ordinance aims to protect the root zones of significant and heritage trees from construction related damage.
- The ordinance provides better clarity pertaining to the critical root zone (CRZ) and how its calculated, aiming to prevent confusion from developers, engineers, and landscape architects.
- The ordinance incorporates additional enhancements requiring protective barriers and restrictions fully within the CRZ.

Professional Analysis:

The review of the ordinance provides for positive impacts and concerns and challenges.

- The ordinance focuses on the restriction of impervious surfaces impeding on the roots of specimen and heritage trees, focusing on reducing damage to significant trees for better longevity to the trees.
- The ordinance provides for clearer mandates to tree protection measures reducing accidental damage during development.

The challenges the ordinance creates are:

- There are increased limitations on overall site development and layout with the inclusion of language stating no disturbance can occur within the CRZ.
- The ordinance requires additional arborist review for disturbances that occur within the CRZ which adds additional regulatory review.
- The ordinance states the maximum encroachment may be up to thirty-three percent (33%), when the actual maximum encroachment limit is fifty percent (50%). The inclusion of this additional limitation adds undue pressure for development, when the survivability and longevity of the trees are able to withstand a greater disturbance.

Impact Assessment:

The impact assessment for this ordinance is significant both positively and negatively. The positives allow for the protection of trees to enhance overall environmental impacts, the negatives limit development in totality.

Potential Repercussions:

The potential repercussions of this ordinance are aimed at the overall challenges and inflexibility developers may face within certain development types. Dense urban areas with the stricter CRZ may reduce buildable land, increase compliance cost and permitting requirements, this may lead to developers' discouragement. Additionally, the stricter CRZ requirements may impact the greater compliance with additional sectors of development such as stormwater design and utility placements.

With the potential repercussions our recommendations for refinement of the ordinance are the following:

- Allow for the CRZ limits to be extended to a maximum of fifty percent (50%) to allow for greater flexibility in development and site layouts.
 - Consider the existing conditions of site layouts where existing trees are within restricted areas and implement greater flexibility in CRZ in those areas. Examples include if existing trees are placed within parking islands, or surrounded by impervious surfaces, the CRZ in those areas should be limited due to the maximum 50% encroachment due to the already impacted roots.
 - Consider flexibility in requirements for projects where stricter CRZ adherence is infeasible, while maintaining the overall goal of tree protection.
 - Implement pre application processes where developers and city officials can review challenges with CRZ earlier in the development process.
 - Offer additional mitigation credits for developers who are able to exceed the minimum CRZ requirements.
-

Ordinance 3: [Native Plant Ordinance]

The overall objectives and intent for this Ordinance:

- To increase the use of Brevard native vegetation within landscape plans and new development.
- To update the landscape standards by incorporating a 50% Brevard native tree and landscape species requirement.

Professional Analysis:

The review of the ordinance provides for positive impacts and concerns and challenges.

- The ordinance focuses on the inclusion of Brevard native species requirements up to fifty percent (50%) for all new developments.
- The ordinance provides clearer language to foster better standards and ensure compliance is met.

The challenges the ordinance creates are:

- Limitations on plant selection and diversifications within the native species. The requirement of 50% Brevard native is too specific and can lead to unavailable plant material and a limited understanding as to what is Brevard native.
- Within the ordinance there needs to be additional clarity within language related to residential development.
- The ordinance only identifies trees, and shrubs, however there is no mention of turf within the new requirements.
- There are no clear distinctions on how to calculate the total fifty percent (50%) for total groundcover and turf, which would lead to misinterpretations of the requirements.

Impact Assessment:

The overall impact of this ordinance has both positive and negative impacts. The positive impacts relate to the inclusion of additional regulations for native species within developments. However, the negative impacts are related to the specific nature of the Brevard native species requirements. Due to the specificity of Brevard native species, we believe there will be undue repercussions and additional challenges put upon developers and landscape architects.

Potential Repercussions:

The ordinance's requirement to use strictly "Brevard" native species may pose challenges in implementation. Based on our professional experience, this specificity could lead to confusion, as it differs from the standard guidelines in the Institute of Food and Agricultural Sciences (IFAS) Florida-Friendly Handbook. Additionally, sourcing plant material that is exclusively Brevard native may be difficult compared to obtaining species suited to the county's hardiness zones. While developers and landscape professionals are familiar with native plants that thrive in Brevard County, they may be less familiar with this narrower classification.

With the potential repercussions our recommendations for refinement of the ordinance are the following:

- Remove the strict requirement for "Brevard" native species and instead allow native species suited to the appropriate hardiness zones, following the IFAS Florida-Friendly Handbook.
- Clarify the calculation method for the 50% requirement for groundcover, shrubs, and turf, focusing on species count rather than total area for a more straightforward assessment.
- Exempt turf species from the 50% requirement, as no turf species are strictly "Brevard" native.

Summary and Recommendations

Based on our review, we have identified key considerations for each ordinance that the City of Titusville should carefully evaluate before implementation. Our recommendations are designed to promote compliance, align with the City's objectives, and facilitate responsible growth. By addressing these considerations, the City can ensure that the ordinances are both practical and effective, allowing all stakeholders, developers, landscape professionals, and environmental advocates to contribute to Titusville's expansion while responsibly managing its natural and environmental impact.

ORDINANCE NO. XX-2025

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS TO PROHIBIT IMPERVIOUS SURFACES WITHIN THE CRITICAL ROOT ZONE (CRZ) OF PROTECTED TREES, BY AMENDING CHAPTER 30 “DEVELOPMENT STANDARDS” SPECIFICALLY AMENDING SECTION 30-31 “INTENT”, AND THE DEVELOPMENT REVIEW PROCEDURE TECHNICAL MANUAL SECTION 2.5 “TREE PROTECTIONS DURING CONSTRUCTION”; PROVIDING FOR GRANDFATHER PROVISION, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND EFFECTIVE DATE.

WHEREAS, pursuant to Article VII, Section 2, The Florida Constitution, and Chapter 166, Florida Statutes, the City of Titusville is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid government purposes that are not inconsistent with general or special law; and

WHEREAS, the retention of trees and vegetation reduces erosion, provides natural water retention and filtration, provides shade, buffers incompatible uses, aids in urban temperature control, provides wildlife habitat, and improves the aesthetic quality of a community; and

WHEREAS, the preservation of trees and natural vegetation increases property values and contributes to human health; and

WHEREAS, the Conservation Element of the Titusville comprehensive plan states the City shall not allow the total removal of vegetation during land development, and;

WHEREAS, the comprehensive plan further recognizes the value of trees as an important community resource, and requires that land development regulations shall afford adequate protection of trees during development while allowing developers latitude in some cases to devise alternative strategies to save and preserve trees during development; and

WHEREAS, the establishment and implementation of policies, regulations and standards are necessary to ensure that the City of Titusville continues to realize benefits provided by trees as recognized through the “Tree City USA” designation by the Florida Department of Urban Forestry; and

WHEREAS, according to the United States Department of Agriculture Forest Service (USDA.gov), tree canopy has numerous benefits, includes reducing summer peak temperatures and air pollution, increasing property values, providing wildlife habitat, providing aesthetic benefits, and attracting businesses and residents to a community; and

WHEREAS, *Florida’s Urban Forest: A Valuation of Benefits* (University of Florida Institute of Food and Agricultural Sciences (IFAS) Publication #ENH1331, November 3, 2020) estimates that based upon 2019 leaf-on aerial imagery from National Agricultural Imagery Program in 2019, the Palm Bay-Melbourne-Titusville area had a canopy cover of 37.3% +/- 2.1% (95% confidence interval); and

WHEREAS, research published in the journal *Landscape and Urban Planning* found that the presence of a tree ordinance having some form of heritage or significant tree designation was associated with a 6.7% increase in urban tree canopy for municipalities in Florida (*Landscape and Urban Planning 190 (2019) 103630*), and

WHEREAS, the University of Florida Institute of Food and Agricultural Sciences (IFAS) advises that lowering or raising the soil grade around trees even by a few centimeters can

effectively kill the trees, particularly in the tree protection zone, and that paving over soil near a tree will smother the trees roots; and

WHEREAS, the Titusville Environmental Commission considered and made recommendations regarding this ordinance; and

WHEREAS, the Planning and Zoning Commission considered the recommendations of the Titusville Environmental Commission and made recommendations regarding this ordinance; and

WHEREAS, the City Council has considered the recommendations of the Titusville Environmental Commission, the Planning and Zoning Commission and interested members of the public during their review of the ordinance, and

WHEREAS, this ordinance is internally consistent with the goals, objectives and policies of the Titusville Comprehensive Plan; and

WHEREAS, the requirements of this ordinance generally maintain a balance between important environmental concerns and compatible development by allowing development while encouraging the establishment of an acceptable amount of tree coverage on public and private lands within the City while protecting property rights; and

WHEREAS, the City Council find this ordinance to be in the best interests of the public health, safety and welfare of the citizens of Titusville.

NOW, THEREFORE, BE IT ENACTED by the City of Titusville, Florida as follows:

Section 1. Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

Section 2: That Chapter 30 “Development Standards”, Article II “Environmental”, Division 2 “Trees and Vegetation (Preservation and Mitigation)”, Section 30-31 “Intent, general standards and definitions” of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

Sec. 30-31. Intent, general standards and definitions.

- (a) *Intent.* This article is intended to improve and protect the environment, character and value of surrounding properties. The provision of landscaping and the retention of natural plant growth reduces erosion, provides natural water retention and filtration, provides shade, buffers incompatible uses, aids in urban temperature control, provides wildlife habitat, and improves the aesthetic quality of a community, thereby promoting the public health, safety and general welfare.
- (b) *General standards.*
 - (1) Residential subdivisions are required to meet the minimum requirements of preserved and total tree canopy areas, and associated reduced tree mitigation requirements. Incentives are also provided for those developments that satisfy and exceed tree canopy requirements.
 - (2) Other developments described in Subsection 30-31.5(b), "Canopy area requirements", have the option to either meet the minimum requirements of preserved and planted tree canopy areas, and associated reduced tree mitigation requirements, or meet the full tree mitigation requirements. For those projects for which tree canopy requirements are optional, mitigation requirements are provided which are greater

than those required for residential subdivisions. The applicant can choose either option, but cannot mix the two (2) approaches. Incentives are also provided for developments exceeding tree canopy area requirements.

- (3) Except as described in this Article, all developments are required to meet the provisions related to heritage trees.

(c) *[Protected tree designation.]* Protected trees are designated as follows:

Tree Designation	Species	Size—Diameter at Breast Height
Significant	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than fourteen (14) inches and less than twenty (20) inches
Specimen	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than twenty (20) inches and less than forty-six (46) inches
Heritage	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than forty-six (46) inches

(d) *Canopy* means the area consisting of a tree's branches in all directions from its trunk, the outer edge of which is the dripline.

(e) *Canopy area* is the combined total area covered by tree canopy after the removal of invasive species, dead or diseased trees. The canopy area shall be set aside for the purpose of preserving and planting trees as identified on the site plan/plot.

(f) *Critical root zone (CRZ)* is ~~the area of soil immediately adjacent tree's trunk where roots essential to tree's health are located. also called the "tree protection zone" is often defined as an imaginary circle on the ground that corresponds with the "dripline" of the tree. However, the dripline is very irregular and misleading, so t~~he trunk diameter is referred to used to calculate CRZ.:

(1) ~~The length of the radius of a tree's CRZ (feet), extending from the center of the tree, shall be equivalent to the tree's diameter at breast height (inches). For example, a tree with a DBH measuring twenty-five (25) inches shall have a CRZ with a radius of twenty-five (25) feet (50 feet in diameter). To determine a CRZ:~~

~~a. Measure tree diameter four and one half (4.5) feet above grade.~~

~~b. Multiply this by twelve (12) inches.~~

~~c. The calculation gives the diameter radius of the CRZ centered on the tree. For example, a twenty five inch diameter tree would have a twenty five foot diameter radius CRZ.~~

~~(2) Limited development in the CRZ is allowed as follows:~~

~~a. Impervious surfaces are allowed in the CRZ if no more than twenty five (25) percent of the CRZ area is impervious. Additional impervious surface may be approved by the Development Review Committee when methods are utilized that would permit water to adequately penetrate the root zone to allow the continued~~

~~viability of the tree. Grade changes within the CRZ shall not exceed a difference of three (3) inches between the pre-development grade and the post-development grade.~~

~~b. If new development or a grade change occurs in the CRZ, except as described in (a) above, the tree shall be considered as being fully impacted and mitigation/replacement as required by code shall be applied; no mitigation credit shall be allowed.~~

~~c. The CRZ of a preserved tree may include existing impervious area(s) not adversely affecting the viability of the tree.~~

- (g) *Development area* is the total site area to be utilized in canopy area calculations as determined by the applicant. Land that may be excluded from the development area includes wetlands, drainage or utility easements, water bodies, or any other land which will not be altered. Only land included within the development area may be utilized to meet canopy area requirements.

Section 3: That Development Review Procedures Technical Manual, Section 2 “Environmental Protection”, Section 2.5 “Tree protection during construction” of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

2.5. TREE PROTECTION DURING CONSTRUCTION.

2.5.1. Measures for the protection of trees during construction shall adhere to the following provisions:

2.5.1.1. During construction, it shall be unlawful to place material, machinery, or soil deposits ~~so as to damage a living tree~~ within the CRZ.

2.5.1.2. During construction, it shall be unlawful to place attachments or wires other than those of a protective nature to any tree which is to be retained.

2.5.1.3. Protective barricades shall be installed outside the CRZ around all of protected trees ~~and canopy trees~~ prior to any construction activities on a development site.

~~2.5.1.3.1. Barricades shall be installed a minimum ten (10) feet from a protected tree or at the designated protective root zone.~~

~~2.5.1.3.2. Barricades shall be installed a minimum twenty (20) feet from a canopy tree or at the designated protective root zone.~~

2.5.1.4. Materials used for protective barricades shall be made of wood, fencing or other approved solid material.

2.5.1.5. No changes to the predevelopment conditions within the approved protective root zone during the construction process.

2.5.1.6. Protective barricades may be removed only to prepare the development site for final landscaping activities. During this activity only non-mechanical techniques may occur within the designated protective root zone.

~~2.5.1.7. No parking or storing of vehicles, equipment or materials is allowed within the protective root zone.~~

~~2.5.1.8. No site clearing is permitted within the protective root zone.~~

2.5.1.9. Pervious pavement, such as brick pavers, turf-block, interlocking pavers and pervious concrete, may be used in special circumstances within the CRZ as described below.

~~2.5.1.9.1. Impervious surfaces are allowed in the critical root zone (CRZ) as described in Section 30-31, Intent, general standards and definition. Pavement must be no closer than ten (10) feet from the trunk of a protected tree. If pervious pavement is used, the closest the edge of the pervious pavement is allowed is six (6) feet from the trunk, as long as the pavement is installed above the existing grade.~~

~~2.5.1.9.12. Encroachment may be a maximum of thirty-three percent (33%) and must be framed by tree protection fence to protect the rest of the CRZ, and not sever any structural roots. Certified arborist review and approval is required, and arborist must provide evidence that structural roots are not being severed. For canopy trees, impervious pavement must be no closer than twenty (20) feet from the trunk of a canopy tree regardless of the size of the critical root zone (CRZ). If pervious pavement is used, the closest the edge of the pervious pavement is allowed is fifteen (15) feet from the trunk, as long as the pavement is installed above the existing grade.~~

2.5.1.9.23. Trees and plants showing evidence of construction damage shall not be credited toward the vegetation requirements.

Section 4. GRANDFATHER PROVISION. All lawful existing development shall be entitled to complete development that has been previously authorized and the City recognizes the right of any person to complete the following development in compliance with the former regulations:

- (a) Building permits approved as of the effective date of this ordinance, which remains valid consistent with the Florida Building Code and requirements of this Code.
- (b) Development that has received final plat approval, site plan approval, sketch plat, preliminary plat approval which remains valid consistent with all Code requirements.
- (c) Development that has on file with the City a completed application for a building permit, site plan, sketch plat, preliminary plat or final plat, including acceptance of all required exhibits and payment of all applicable fees and the application continues to remain active and processed consistent with the requirements of the Code. Issuance of a permit from an outside agency is not required for compliance with this grandfathering provision.
- (d) The City may recognize other applications for vested rights consistent with Chapter 34 Procedures, Division 3 Vested Rights Determination, of this Code.

Any person who has a right to complete said development and has secured a building permit, final plat approval, final site plan approval, preliminary plat or sketch plat approval as provided above shall lose its right to complete said development if said development does not maintain a current building permit, or current site plan or development approval as provided for by the Code of Ordinances of the City. Once a development has lost its current approval, then in that event, future development shall comply with applicable regulations.

Section 5: SEVERABILITY. If any provisions of this Ordinance are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6: REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: INCORPORATION INTO CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

Section 8: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

PASSED AND ADOPTED this _____ day of _____ 2025.

Andrew Connors, Mayor

ATTEST:

Wanda F. Wells, City Clerk

ORDINANCE NO. XX-2025

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR STANDARDS OF TREE CREATION OF TOTAL CANOPY AND PRESERVED CANOPY REQUIREMENTS FOR MULTIFAMILY DEVELOPMENTS AND CLARIFYING THAT RESIDENTIAL SUBDIVISIONS INCLUDE THOSE CONTAINING TOWNHOMES, BY AMENDING CHAPTER 30 “DEVELOPMENT STANDARDS” SPECIFICALLY AMENDING SECTIONS 30-31 “INTENT”, 30-31.5 “CANOPY AREA REQUIREMENTS” AND 30-34 “MITIGATION PLAN, INCENTIVES”; PROVIDING FOR GRANDFATHER PROVISION, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND EFFECTIVE DATE.

WHEREAS, pursuant to Article VII, Section 2, The Florida Constitution, and Chapter 166, Florida Statutes, the City of Titusville is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid government purposes that are not inconsistent with general or special law; and

WHEREAS, the retention of trees and vegetation reduces erosion, provides natural water retention and filtration, provides shade, buffers incompatible uses, aids in urban temperature control, provides wildlife habitat, and improves the aesthetic quality of a community; and

WHEREAS, the preservation of trees and natural vegetation increases property values and contributes to human health; and

WHEREAS, the establishment and implementation of policies, regulations and standards are necessary to ensure that the City of Titusville continues to realize benefits provided by trees as recognized through the “Tree City USA” designation by the Florida Department of Urban Forestry; and

WHEREAS, *Florida’s Urban Forest: A Valuation of Benefits* (University of Florida Institute of Food and Agricultural Sciences (IFAS) Publication #ENH1331, November 3, 2020) estimates that based upon 2019 leaf-on aerial imagery from National Agricultural Imagery Program in 2019, the Palm Bay-Melbourne-Titusville area had a canopy cover of 37.3% +/- 2.1% (95% confidence interval); and

WHEREAS, the Titusville City Council desires to encourage development of infill lots to reduce urban sprawl, maximize efficient use of existing infrastructure, and reduce impacts to existing natural areas by decreasing setbacks for multi-family medium (R-2) and high (R-3) density residential properties two (2) acres or less consistent with Future Land Use Policy 1.7.7 defining infill development; and

WHEREAS, the requirements of this ordinance generally maintain a balance between important environmental concerns and compatible development by allowing development while encouraging the establishment of an acceptable amount of tree coverage on public and private lands within the City while protecting property rights; and

WHEREAS, the City Council has considered the recommendations of the Titusville Environmental Commission, the Planning and Zoning Commission and interested members of the public during their review of the ordinance, and

WHEREAS, Future Land Use Policy 1.7.9 states that the “City shall provide standards and administrative process to facilitate infill development. The Land Development Regulations shall be amended to provide flexibility in site development”; and

WHEREAS, the City Council find this ordinance to be in the best interests of the public health, safety and welfare of the citizens of Titusville by encouraging infill development and appropriate tree canopy standards.

NOW, THEREFORE, BE IT ENACTED by the City of Titusville, Florida as follows:

Section 1. Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

Section 2: That Chapter 30 "Development Standards", Article II "Environmental", Division 2 "Trees and Vegetation (Preservation and Mitigation)", Section 30-31 "Intent, general standards and definitions" of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

Sec. 30-31. Intent, general standards and definitions.

- (a) *Intent.* This article is intended to improve and protect the environment, character and value of surrounding properties. The provision of landscaping and the retention of natural plant growth reduces erosion, provides natural water retention and filtration, provides shade, buffers incompatible uses, aids in urban temperature control, provides wildlife habitat, and improves the aesthetic quality of a community, thereby promoting the public health, safety and general welfare.
- (b) *General standards.*
 - (1) ~~All residential developments with greater than fifty (50) units Residential subdivisions, including townhomes and multifamily projects on properties two (2) acres or less and multifamily projects on properties two (2) acres or less that satisfy~~ are required to meet the minimum requirements of preserved and total tree canopy areas, and associated reduced tree mitigation requirements. Incentives are also provided for those developments that satisfy and exceed tree canopy requirements.
 - (2) Other developments described in Subsection 30-31.5(b), "Canopy area requirements", have the option to either meet the minimum requirements of preserved and planted tree canopy areas, and associated reduced tree mitigation requirements, or meet the full tree mitigation requirements. For those projects for which tree canopy requirements are optional, mitigation requirements are provided which are greater than those required for residential ~~development with greater than fifty (50) unitssubdivisions including townhomes, and multifamily projects on properties two (2) acres or less and multifamily projects on properties two (2) acres or less that satisfy and properties meeting one of the specified characteristics described in~~. The applicant can choose either option, but cannot mix the two (2) approaches. Incentives are also provided for developments exceeding tree canopy area requirements.
 - (3) Except as described in this Article, all developments are required to meet the provisions related to heritage trees.

(c) *[Protected tree designation.]* Protected trees are designated as follows:

Tree Designation	Species	Size—Diameter at Breast Height
Significant	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than fourteen (14) inches and less than twenty (20) inches
Specimen	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than twenty (20) inches and less than forty-six (46) inches
Heritage	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than forty-six (46) inches

- (d) *Canopy* means the area consisting of a tree's branches in all directions from its trunk, the outer edge of which is the dripline.
- (e) *Canopy area* is the combined total area covered by tree canopy after the removal of invasive species, dead or diseased trees. The canopy area shall be set aside for the purpose of preserving and planting trees as identified on the site plan/plot.
- (f) *Critical root zone (CRZ)* is also called the "tree protection zone" is often defined as an imaginary circle on the ground that corresponds with the "dripline" of the tree. However, the dripline is very irregular and misleading, so the trunk diameter is referred to:
- (1) To determine a CRZ:
 - a. Measure tree diameter four and one-half (4.5) feet above grade.
 - b. Multiply this by twelve (12) inches.
 - c. The calculation gives the diameter of the CRZ centered on the tree. For example, a twenty-five-inch diameter tree would have a twenty-five-foot diameter CRZ.
 - (2) Limited development in the CRZ is allowed as follows:
 - a. Impervious surfaces are allowed in the CRZ if no more than twenty-five (25) percent of the CRZ area is impervious. Additional impervious surface may be approved by the Development Review Committee when methods are utilized that would permit water to adequately penetrate the root zone to allow the continued viability of the tree. Grade changes within the CRZ shall not exceed a difference of three (3) inches between the pre-development grade and the post-development grade.
 - b. If new development or a grade change occurs in the CRZ, except as described in (a) above, the tree shall be considered as being fully impacted and mitigation/replacement as required by code shall be applied; no mitigation credit shall be allowed.
 - c. The CRZ of a preserved tree may include existing impervious area(s) not adversely affecting the viability of the tree.

- (g) *Development area* is the total site area to be utilized in canopy area calculations as determined by the applicant. Land that may be excluded from the development area includes wetlands, drainage or utility easements, water bodies, or any other land which will not be altered. Only land included within the development area may be utilized to meet canopy area requirements.

Section 3: That Chapter 30 “Development Standards”, Article II “Environmental”, Division 2 “Trees and Vegetation (Preservation and Mitigation)”, Section 30-31.5 “Canopy area requirements” of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

Sec. 30-31.5. Canopy area requirements.

- (a) Residential ~~developments with greater than fifty (50) units subdivisions, including townhomes, and multifamily projects on properties two (2) acres or less and multifamily projects on properties two (2) acres or less that satisfy and properties meeting one of the specified characteristics described in~~ shall meet required tree canopy area as a percentage of the development area. Minimum canopy area requirements may be met through a combination of preserved and planted trees as provided below:
 - (1) In the event there is insufficient preserved canopy area to meet the required minimum preserved canopy area, the applicant shall be required to plant additional trees to meet the total tree canopy area requirement. Any trees planted to address a shortfall of preserved canopy area shall not receive mitigation credit.
 - (2) Within subdivisions, required canopy areas shall not include portions of individual residential lots.

Development Type	Total Canopy Area as a Percentage of Development Area	Minimum Preserved Canopy Area as a Percentage of Development Area
Residential development with greater than fifty (50) units subdivision, including townhomes, and multifamily project on properties two (2) acres or less and multifamily projects on properties two (2) acres or less that satisfy and properties meeting one of the specified characteristics described in	25%	15%
Developments listed in (b) below	20%	10%

- (b) Optional canopy area requirements. The following categories of development are not required to satisfy the canopy area requirements shown above, but may voluntarily satisfy the canopy area requirements to benefit from reduced mitigation requirements as set forth in Section 30-34, "Mitigation plan, incentives". In the event there is insufficient preserved

canopy area to meet the required minimum preserved canopy area, the applicant shall be required to plant additional trees to meet the total canopy area. Any trees planted to address a shortfall of preserved canopy area shall not receive mitigation credit.

- (1) Residential developments of fifty (50) units or less, not located in a subdivision and ~~single family lots located outside of a subdivision, on properties two (2) acres or less and multifamily projects on properties two (2) acres or less that satisfy and properties meeting one of the specified characteristics described in~~
 - (2) Commercial development.
 - (3) Industrial development.
 - (4) All development in the Downtown Mixed-Use zoning district.
- (c) An aerial photograph not more than one (1) year old may be utilized to determine the tree canopy area.
- (d) Canopy area requirements.
- (1) Canopy coverage is calculated by adding together the canopy area of single trees and tree clusters, which are defined as three (3) or more trees which canopies are within five (5) feet of each other. The entire area within tree clusters shall be considered within the canopy area calculation.
 - (2) Undisturbed vegetated scrub habitat consisting of, but not limited to, chapman oak, scrub oak and sand live oak, in excess of an average of thirty-six (36) inches in height may be considered as part of the tree canopy area.
 - (3) Category I invasive plant species as listed by the Florida Exotic Pest Plant Council shall not be counted toward canopy area requirements.
 - (4) All required tree canopy areas shall be permanently protected in a recorded plat condition, or declaration of covenants recorded in the official records of Brevard County, Florida, or with sufficient protective language, noted on the approved site plan as a condition of approval, in property records maintained by the City of Titusville.
 - (5) Loss of canopy area to a level below the required total canopy area requirements shall require replacement.
 - (6) Canopy areas may include portions of Low Impact Development (LID) stormwater management features incorporating existing and/or planted trees and native vegetation.
 - (7) Canopy areas may include areas of planted trees in stormwater retention or detention areas and other nutrient removal mechanisms when utilizing LID techniques.
 - (8) Canopy areas may be located in code required buffers, wetlands and wetland buffers, and any preservation areas or buffers required by zoning, conditional use permit, master plan, planned development or development agreement approval.
 - (9) Up to fifty (50) percent of canopy area containing preserved trees may be forested wetlands provided the wetlands are free of invasive species.
 - (10) Canopy areas may contain passive recreation areas, boardwalks, trails, decks and paths as long as these areas are pervious and will not cause damage to the CRZ required in Section 30-31, "Intent, general standards and definitions."
 - (11) Canopy from planted trees shall be calculated at fifty (50) percent of the size at maturity as referenced in Table 1-A, Tree Size Classifications and Expected Mature

Canopy Area, to the extent that the expected canopy coverage would be contained within the designated, legally-protected canopy area.

(12) Placement of canopy areas within the interior of the development is encouraged.

Section 4: That Chapter 30 “Development Standards”, Article II “Environmental”, Division 2 “Trees and Vegetation (Preservation and Mitigation)”, Section 30-34 “Mitigation plan, incentives” of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

Sec. 30-34. Mitigation plan, incentives.

- (a) As a condition of granting a permit, the applicant is required to prepare a Mitigation Plan for all protected trees designated for removal based on tree dbh being removed as provided below.
- (1) For residential ~~developments over fifty (50) units subdivisions, including townhomes multifamily projects on properties two (2) acres or less and multifamily projects on properties two (2) acres or less that satisfy and properties meeting one of the specified characteristics described in~~ and developments meeting the optional minimum preserved and total canopy area:
- a. Significant tree: Fifty (50) percent mitigation replacement based on trunk dbh.
 - b. Specimen tree: One hundred (100) percent replacement based on trunk dbh.
 - c. Heritage tree: Two hundred (200) percent mitigation replacement based on trunk dbh.
- (2) For developments that do not meet minimum preserved and total canopy area, required mitigation shall be a two-to-one replacement based on tree dbh of specimen and heritage trees being removed. No mitigation is required for significant trees.
- (b) All replacement mitigation trees shall be depicted on the mitigation plan with identification of the type of tree. The replacement mitigation tree plantings on site shall be in addition to any landscape planting required by the land development regulations.
- (c) Mitigation plantings are permitted within preserved and planted canopy areas if there is sufficient room to ensure viability of canopy and mitigation plantings. Caliper inches planted above the minimum size for canopy areas and required landscape areas may be credited toward mitigation planting requirements.
- (d) The mitigation plan shall include a list (including species and size) of all protected trees proposed for removal, a list of all protected trees to be preserved, and the location of any required canopy areas.
- (e) For residential ~~development greater than fifty (50) units subdivisions, including townhomes, multifamily projects on properties two (2) acres or less and multifamily projects on properties two (2) acres or less that satisfy and properties meeting one of the specified characteristics described in~~ and those projects meeting the minimum canopy requirements established in Section 30-31.5 "Canopy area requirements", the applicant may in lieu of replanting, preserve native vegetation on the site consisting of at least one hundred (100) square feet per tree dbh-inch lost. The preservation of native vegetation shall be in addition to any required landscaping or preservation required by the land development regulations, with the exception of preserved wetlands and natural buffer areas which may be counted as part of preserved area credited toward mitigation. Native vegetation preservation credit

may be allowed in preserved wetlands not to exceed a maximum of fifty (50) percent of the total required mitigation inches. The mitigation plan shall include designation of proposed areas to be preserved and specifications of the kind of existing vegetation in such areas.

- (f) For those projects choosing not to meet optional canopy area requirements (described in Section 30-31.5(b) "Canopy area requirements"), the applicant may in lieu of replanting preserve native upland vegetation on the site consisting of at least of one hundred (100) square feet per tree dbh-inch lost. The preservation of native vegetation shall be in addition to any required landscaping or preservation required by any other regulation.
- (g) As a last resort for sites which cannot accommodate the plantings required by this section (as determined by the Administrator), the applicant shall contribute to the City's Public Landscaping Trust Fund an amount equal to seventy-five dollars (\$75.00) per net dbh-inch lost where canopy requirements are met. For those developments which do not choose to fulfill the optional tree canopy requirements established in Section 30-31.5, Canopy area requirements, the contribution shall be one hundred dollars (\$100.00) per net dbh inch lost.
- (h) When mitigation trees are removed to address requirements established by floodplain compensatory storage regulations (Section 30-103(f)(3)), the mitigation criteria for that portion of the development shall be enforced as shown below:
 - (1) The replacement ratio shall be one-to-one replacement based on tree caliper.
 - (2) The contribution to the City's Public Landscape Trust Fund shall be an amount equal to one hundred dollars (\$100.00) per net dbh-inch lost for those developments which do not choose to fulfill the optional tree canopy area requirements established in Section 30-31.5, Canopy area requirements. For residential subdivisions, the contribution to the City's Public Landscape Trust Fund shall be an amount equal to seventy-five dollars (\$75.00) per net dbh-inch lost.
- (i) The provision of payment into the City's Public Landscaping Trust Fund shall not be eligible for a variance before the Board of Adjustment and Appeals.
- (j) Appeals. Appeals of the Administrator's determination as to the practicality of installing required mitigation trees shall be processed as described in Section 34-248(b), Appeals of site plan. If the appeal is granted by the Board of Adjustment and Appeals, the applicant shall make the required payment as stipulated by Section 30-34, "Mitigation plan, incentives", into the City's Public Landscaping Trust Fund.
- (k) Incentives to preserve canopy areas and reduce mitigation are shown below.
 - (1) *Incentive 1.* Developments satisfying all requirements for minimum preserved canopy area and total canopy area are exempt from further mitigation for significant trees that are removed. In addition, a fifty-percent reduction in mitigation of specimen trees shall be granted. On developments where this is achieved, a tree survey of significant trees is not required outside of the total canopy area.
 - (2) *Incentive 2.* If a site plan or subdivision plan provides for a total canopy area increase of five (5) percent of the site in accordance with the table below, then no further tree mitigation or payment in lieu of mitigation is required, with the exception of heritage trees.

	Total Canopy Area
Residential developments greater than fifty (50) units subdivisions, townhomes, and multifamily projects on properties two (2) acres or less and multifamily projects on properties two (2) acres or less that satisfy and properties meeting one of the specified characteristics described in	30% or greater
Development described in Section 30.31.5 choosing to meet canopy requirements	25% or greater

- (l) If trees four (4) inches dbh or larger are used to satisfy required landscape requirements of Division 10 of the Land Development Regulations, one hundred (100) percent of the tree caliper shall be eligible for mitigation credits.

Section 5. GRANDFATHER PROVISION. All lawful existing development shall be entitled to complete development that has been previously authorized and the City recognizes the right of any person to complete the following development in compliance with the former regulations:

- (a) Building permits approved as of the effective date of this ordinance, which remains valid consistent with the Florida Building Code and requirements of this Code.
- (b) Development that has received final plat approval, site plan approval, sketch plat, preliminary plat approval which remains valid consistent with all Code requirements.
- (c) Development that has on file with the City a completed application for a building permit, site plan, sketch plat, preliminary plat or final plat, including acceptance of all required exhibits and payment of all applicable fees and the application continues to remain active and processed consistent with the requirements of the Code. Issuance of a permit from an outside agency is not required for compliance with this grandfathering provision.
- (d) The City may recognize other applications for vested rights consistent with Chapter 34 Procedures, Division 3 Vested Rights Determination, of this Code.

Any person who has a right to complete said development and has secured a building permit, final plat approval, final site plan approval, preliminary plat or sketch plat approval as provided above shall lose its right to complete said development if said development does not maintain a current building permit, or current site plan or development approval as provided for by the Code of Ordinances of the City. Once a development has lost its current approval, then in that event, future development shall comply with applicable regulations.

Section 6: SEVERABILITY. If any provisions of this Ordinance are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7: REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: INCORPORATION INTO CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

Section 9: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

PASSED AND ADOPTED this _____ day of _____ 2025.

Andrew Connors, Mayor

ATTEST:

Wanda F. Wells, City Clerk

ORDINANCE NO. XX-2025

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES TO REQUIRE A MINIMUM PERCENTAGE OF REQUIRED TREES AND VEGETATION PLANTED IN LANDSCAPE AREAS BE BREVARD NATIVE SPECIES BY AMENDING SECTIONS 30-303 “STANDARDS”, 30-372 “PLANTING STANDARDS” AND 37-1 “DEFINITIONS”, PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE.

WHEREAS, the establishment and implementation of policies, regulations and standards are necessary to ensure that the City of Titusville continues to realize benefits provided by trees and other landscaping as recognized through the “Tree City USA” designation by the Florida Department of Urban Forestry;

WHEREAS, appropriate native vegetation is defined as vegetation found in the natural community that is suited to the soil, topography, and hydrology of a particular site; and

WHEREAS, native vegetation provides important habitat for native species, reduces the need for use of fertilizers and water utilized to maintain established vegetation; and

WHEREAS, current city landscape requirements encourage, but do not require, the use of native tree species in landscape areas; and

WHEREAS, the Titusville City Council desires to require the use of native vegetation within the city in keeping with the “Tree City USA” designation.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TITUSVILLE, FLORIDA as follows:

SECTION 1: Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2: That Chapter 30 “Development Standards”, Article III “Improvements”, Division 10 “Landscaping”, Section 30-303 “Standards” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 30-303. Standards.

(a) Landscape areas include buffers (Subdivision 3, Buffers and screening), streetscape landscaping (Subdivision 4, Streetscape landscaping), building landscaping (Subdivision 5, Building landscaping), and parking lot landscaping (Subdivision 7, Parking lot landscaping) of this article. This article applies to the applications described in the applicability of standards table. To ensure that the landscaping provided is adequate to meet the intent of this article, the following items shall be addressed with labels and notation on the landscaping plan where appropriate:

- (1) Native vegetation is preferred and encouraged to be drought tolerant. A minimum of fifty (50) percent of all vegetation and -trees shall be species native to Brevard County. Newly installed plant materials are encouraged to be drought tolerant species. Areas to be preserved in their natural state shall meet the requirements of the regulations for

other areas. A listing of said species is available for reference in the Landscape Technical Manual.

- (2) All other areas. All property, except for land utilized for principal structures, accessory structures, off-street parking areas, other vehicular use areas and required landscaped areas shall be landscaped with grass, ground cover, shrubs, or trees. Other areas.
- (3) Clearing. Clearing of development sites, shall not be allowed prior to the issuance of a site clearing permit and shall be consistent with these regulations. Within the area of critical concern (see Chapter 29, Special districts and overlays, Article X, Area of critical concern overlay), an approved phased clearing plan, showing cut and fill quantities to be moved on-site, is required.
- (4) Installation. All landscaping shall be installed in a sound, workmanlike manner and according to accepted good planting practice (including mulched areas around appropriate species so as to protect and present a finished appearance) with the quality of plant materials as hereinafter described. In areas that have import fill soils or have been impacted by paving, soil amendment may be required for plant viability as determined by a qualified representative of the City. A qualified representative of the City of Titusville or designated qualified agent shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements provided herein.
- (5) Materials (Subdivision 2, of this division).
- (6) Yards (Subdivision 3, of this division).
- (7) Streetscape where applicable (Subdivision 4, [of this division]).
- (8) Building landscaping (Subdivision 5, of this division).
- (9) Maintenance (Subdivision 6, of this division).
- (10) Parking area landscaping (Subdivision 7, of this division).

Table 30-4 Applicability of Standards							
Type of Development	Green space Areas	Landscape Material	Landscape Yard	Street scape Lands	Building Lands	Plant Area Maintenance	Parking Lot Landsc
Single-Family Residential Subdivision (SFR)	x	x	x	x	2		2
Multifamily Residential (MFR)	x	x	x	x	x		x
Commercial Development (CD)	x	x	x	x	x		x
Industrial Development (ID)	x	x	x	x	x		x
Arterial Buffer (Exhibit A)		3	3	3			
I-95 buffer (Exhibit A)		3	3				

¹ Nonresidential buildings within a subdivision must meet the criterion set forth in this article.

² Additional requirements for major arterials and Interstate 95 per Exhibit A of Division 3, Landscape yard, (buffer/screening).

Sec. 30-321. Plant materials.

- (a) *Quality:* Plant material used in conformance with the provisions of this article shall be good, healthy and sturdy plants. All plant material shall be Florida #1 grade or better. Plant materials which are known to be intolerant of paving environments or whose physical characteristics may be injurious to the public or which produce a quantity and/or quality of debris so as to present maintenance difficulties shall not be specified for use under this article.
- (b) *Native vegetation:* The applicant is ~~encouraged~~required to utilize plant material native to Brevard County in meeting at least fifty percent (50%) of these landscaping requirements. The existing vegetation that is native to Brevard County with the exception of that listed in Section 30-4(d) shall be preserved and utilized except when removal is justified and determined to be acceptable by the enforcement official (see Landscape Technical Manual).
- (c) Native trees: In order to meet the canopy requirements, a minimum of fifty (50) percent of all trees shall be Brevard native species. This requirement can be met through preservation of existing vegetation. If this requirement is not met, additional plantings are required.
- (de) *Ground cover:* Ground covers, other than grass, shall be planted in such a manner so as to present a finished appearance and reasonably complete coverage within six (6) months after planting (see Landscape Technical Manual).

- (ed) *Lawn grass*: Grass areas shall be planted in species normally grown as permanent lawns in Brevard County. Seeding and sprigging may be used if grass cover is complete within six (6) months, or sodding will be required (see Landscape Technical Manual).
- (fe) *Hedges*: Hedges, where required, shall be planted in sufficient number and maintained so as to form a continuous, unbroken, solid screen within a maximum of six (6) months after time of planting (see Landscape Technical Manual).
- (gf) *Synthetic plants prohibited*: Synthetic or artificial material in the form of trees, shrubs, ground covers, vines or artificial turf shall not be used in lieu of the plant requirements in this section.
- (ig) *[Overstory trees:]* Overstory trees shall be species having an average mature spread of crown of greater than twenty (20) feet and reach a mature height of at least sixty (60) feet, and having a trunk which can be maintained in a clean condition with over five (5) feet of clear wood (no branches). Trees, including palms, having an average mature spread of crown less than twenty (20) feet may be arranged in groupings so as to create the equivalent of twenty-foot crown spread and shall count as one (1) required tree. A minimum of fifty (50) percent of required trees shall be Brevard native species. Invasives shall not be used to fulfill the requirements of this article (see Landscape Technical Manual).
- (ih) *Caliper*: Plant materials required by this section shall comply with the minimum size requirements of Table 30-5, Minimum landscape planting specifications at the time of installation. Plant height shall be measured from the average grade level of the immediate planting area to the top horizontal plane of the shrub at planting; for single-trunk trees, the measurement shall be taken six (6) inches above grade level; for multitrunk trees, the tree shall be measured from the average grade level of the immediate planting area.
- (ki) *Planting areas and shrubs*: Planting areas shall consist of permeable surface areas only. The permeable surface areas for shrubs may be included with permeable surface areas required for trees.
- (lj) *Pavement edges*: Each overstory, coniferous, understory [tree] or shrub shall be planted at least twelve (12) inches from the edge of any paved surface.
- (mk) *Irrigation*: Irrigation must be indicated on the landscape plan. Any landscape area must be shown by water tolerant usage area.

Sec. 30-324. Landscape.

(a) *Residential development.*

- (1) All residential subdivision developments shall meet the canopy area requirements of Section 30.31.5, "Canopy area requirements". Residential developments that are not within subdivisions shall preserve an area of approved low and moderate tolerant water usage mixed vegetation (native ~~trees and~~ shrubs are preferred) equal to at least ten (10) percent of the total lot or development area. A minimum of fifty (50) percent of required trees shall be Brevard native species. In the event there is no approved low and moderate tolerant water usage mixed vegetation on a lot or development, the applicant shall be required to establish an area of approved low and moderate tolerant water usage mixed vegetation equal to ten (10) percent of the lot or development. Required landscaping may be credited as established in the Landscape Credits Table, 30-7 of this section.

- (2) At a minimum, fifty (50) percent of newly installed vegetation must be Brevard native species shrubs.
 - (3) The front yard tree requirement may be waived by the Administrator if the residential lot(s) preserves trees and underlying vegetation in the front yard setback area.
- (b) *Commercial development.*
- (1) Ten (10) percent of the required landscape area for a commercial development shall utilize low and moderate tolerant water usage mixed vegetation (native ~~trees and~~ shrubs are preferred). A minimum of fifty (50) percent of required trees and vegetation shall be Brevard native species. The City can supply the applicant with a list of approved mixed low and moderate tolerant water usage vegetation upon request (see Landscape Technical Manual). Required landscaping may be credited as established in the Landscape Credits Table, 30-7 of this section.
- (c) *Industrial development.*
- (1) Ten (10) percent of the required landscape area for an industrial development shall utilize low and moderate tolerant water usage mixed vegetation (native ~~trees and~~ shrubs are preferred). A minimum of fifty (50) percent of required trees and vegetation shall be Brevard native species. The City can supply the applicant with a list of approved mixed low and moderate tolerant water usage vegetation upon request (see Landscape Technical Manual). Required landscaping may be credited as established in the Landscape Credits Table, 30-7 of this section.
 - (2) Industrial development may consolidate all required landscaping between the public right-of-way and the building. For example, the required planting materials in a building perimeter landscape strip for the entire perimeter of the proposed structure may be consolidated along the front edge of the building. As the minimum plant materials will be consolidated along the front of the building, the remainder of the perimeter will not require a building perimeter landscape strip. This consolidation can be applied to required building perimeter landscape strips, and required landscape yards except as noted below. This regulation shall not be construed to not require landscaping between the building and any public right-of-way.
 - (3) Required landscape yards may only be consolidated between the building and public right-of-way for property lines that abut other industrial development or zoning districts. Industrial development that abuts non-industrial development or zoning districts shall provide the required buffer along those property lines abutting non-industrial development or zoning districts.
 - (4) Industrial development which is adjacent to two (2) public rights-of-way (ex: a corner lot) may consolidate the required landscaping between the building and the two (2) rights-of-way.
- [(d)] *[Reserved.]*
- (e) *Downtown Mixed-Use (DMU) zoning district.* The DMU landscape standards can be found in Division 7 of this chapter.
 - (f) *[Landscape credits.]* Required landscaping may be credited as established in the landscape credits table below.

Table 30-7: Landscape Credits		
Plant Material	Minimum Size	Equivalency
Preserved tree	Minimum 4-inch caliper	Equals 200 square feet of approved mixed vegetation
Newly installed tree	Minimum 2½—3-inch caliper	Equals 200 square feet of approved mixed vegetation
Existing or newly installed shrub	Minimum 18 inches in height	Equals nine (9) square feet of approved mixed vegetation
Low Impact Development (LID) Best Management Practice (BMP) area (Sec. 11.6)	None	100% of the LID BMP area shall be credited as approved mixed vegetation

Note(s)—Irregular shaped lots—It is the intent that by following the above-outlined performance standards, each newly planted tree (palms not included) will have an average two hundred (200) square foot rooting area. If a conflict occurs between newly planted trees, trees preserved, and the number of trees required because of lot size, the Administrator may make the determination to ensure the required rooting area of two hundred (200) square feet for each tree.

Sec. 30-362. Standards.

- (a) Building landscaping shall abut the building and shall be used or installed in such a manner as to screen mechanical equipment attached to or adjacent to the building, provide direction to and enhance entrances, and enhance walkways and provide visual breaks along blank building facades. Building landscaping is required on all building sides except those sides facing an alley, openings for overhead or loading-area doors, motor vehicle bays or entrances to the building, or the perimeter of attached or detached canopies. Landscaping, buffering, and screening for loading areas, vehicle bays, service areas are set forth in Section 30-340, Visual buffer and screening requirements.
- (b) All development except residential: All buildings shall have a five-foot wide perimeter landscape strip adjacent to the building, clear of all doors and accessways.
- (c) This area shall be planted with shrubs three (3) feet on center, grass and/or ground cover.
- (d) Variations to this requirement may be approved by the Administrator, providing that the original intent and purpose of this section is met and there are unusual circumstances provided to the Administrator. At a minimum an equal area shall be set aside within the development for any building perimeter landscape reduction.
- (e) NOTE: Native vegetation is preferred and encouraged to be drought tolerant. A minimum of fifty (50) percent of required trees and vegetation shall be Brevard native species. A listing of said species is available for reference in the Landscape Technical Manual, as updated regularly by the Administrator. (See Section 30-6(k), Irrigation.)

SECTION 5. SEVERABILITY. If any provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. INCORPORATION INTO THE CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing: Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

PASSED AND ADOPTED, this ___th day of _____, 2025.

Andrew Connors, Mayor

ATTEST:

Wanda F. Wells, City Clerk