

FPMA GAC Update

December 29, 2025

The latest news, views, and announcements

INSIDE

Ongoing

D2D Sales

Rulemaking

Huge Rulemaking session for fumigation

Legislative Session

Florida's 2026 Legislative Session

Florida Farm Bill

FDACS Bill



D2D Sales

The pest control world continues to reshape itself. Door-to-door sales is one of the latest big changes to the industry and it doesn't come without controversy.

When it comes to growing your company, there are certainly a lot of novel approaches. A trend recently has included mass door-to-door (D2D) sales. Going door-to-door and having the personal interaction with potential customers is a great way to pick up new customers. While many companies do it right, some just do not. Those that do not follow Florida's laws and rules subject themselves to significant actions from DACS. Case in point is the one we have been following for a little while and communicated to you about previously. It is so big that it has grabbed the attention of the Commissioner of Agriculture himself, who in turn has now added language to the Florida Farm Bill to combat illegal and fraudulent D2D activity in the way of no-soliciting signage.

The State of Florida, Department of Agriculture and Consumer Services, has alleged the following:

Counts 1-35: Mira Home obtained Identification Cards for 35 individuals who did not meet the statutory definition of an employee. FDACS alleges that these were independent contractors directed by and supervised by Grit Marketing and that none of them were employed by Mira Home when soliciting pest control, initiating contracts.

Counts 36-43: A Mira Home employee solicited pest control contracts and did not have a pest control ID card.

Count 44: Mira Home had a COIC from another licensed location perform pest control at a licensed location he was not working from.

FDACS has issued a fine of \$606,000.00. Mira Home/Grit has exercised its Chapter 120 rights and moved for a formal hearing. The issue is now before DOAH (Department of Administrative Hearings) with an assigned docket. The case is scheduled to be heard on February 9th through 11th.

We will keep you apprised of the situation as it evolves. Suffice it to say that there appears to be lots of evidence for the Judge to review.





Rulemaking Update

Rulemaking Package for fumigation label changes underway.

As a result of the EPA's Interim Decision, registrants for sulfuryl fluoride, Douglas Products and Ensystex, have new label requirements. These new labels are in the wild with many, if not all, fumigators already using them. These new requirements are the result of the EPA's previous administration and I will leave it at that until we meet at the bar. Suffice it to say, these label changes are very significant to fumigators and therefore, by extension, to prime contractors who subcontract fumigation services to fumigation experts.

Beginning July 11, 2025, all cylinders sold were required to have the new labels. There is no deadline to use the old labels. Strategically, some fumigators have retained inventory of old label product to use on smaller jobs while using the new label on larger jobs (more to come on that later).

Florida fumigators are already used to Stewardship training. EPA added some requirements to Stewardship that include posting Stewardship Plan required elements on the EPA website as well as defining who must attend Stewardship training. Just like we have been doing in Florida all along, all personnel who perform application functions must attend Stewardship. Training must be performed at specific intervals, as an annual or initial style of training, and must contain specific content. This is being cleaned up in Rule.

Clearance device language now appears on the labeling differently than before. We used to use the terms "label approved clearance device" but EPA doesn't like that anymore after decades and wanted to put it on a webpage that people would have to refer to in order to know which device is ok to use. Well that backfired after they got into

2026 Legislative Session

The Florida 2026 Legislative Session is scheduled to commence on January 13, 2026. As of today, it has the makings of any pre-session with about 900-1000 bills filed so far and a massive dump ready to file right at the start of who knows what. So we might have 1800, might have 3500, who knows! Key priorities seem to be:

- **Property Tax Relief:** This is expected to be the dominant focus of the session. Rising property taxes, driven by increasing home values, insurance costs, and population growth, have prompted significant proposals. Multiple House joint resolutions have been pre-filed to place constitutional amendments on the November 2026 ballot. These include options for phased elimination of non-school property taxes on homesteads, expanded exemptions (particularly for seniors and long-term residents), and new relief tied to property insurance coverage. Governor DeSantis has strongly advocated for substantial homeowner relief, emphasizing the need to address affordability challenges.
- **Property and Auto Insurance Reforms:** Ongoing concerns with Florida's property insurance market persist, despite recent reforms. Pre-filed bills address claims resolution, attorney fees, insurer accountability, and potential permanent sales tax

if deeper and now we have language on the label that says: "Confirm concentration of sulfuryl fluoride of 1 ppm or less. Refer to EPA's website at Sulfuryl Fluoride | US EPA <https://www.epa.gov/ingredients-used-pesticide-products/sulfuryl-fluoride> for more information and a list of effective clearance devices." So then you go to the EPA webpage and it says, "The Agency does not approve use of, or otherwise regulate the use of, specific clearance devices..." This leaves a circular argument of what device can be used to clear a structure. The registrants have pivoted and inserted a list of permissible clearance devices within their Stewardship Agreements. This list now is part of labeling so it is enforceable. All of that because the EPA is malfeasant regarding pseudoscience from a flawed lab study to confound what was not a problem previously into a problem currently. Again, a drink at the bar for the full version, no edits. There is clarity in the registrant's list of permissible devices and if a fumigator were to fail to use a permissible device or not using said device as required by labeling that a stop sale will happen poste haste. As far as the Rule goes, references to "label approved clearance devices" are removed and "registrant permissible clearance devices" are being added. Wow, thanks EPA.

The Fumigation Log Form is getting more edits thanks to this new label change. The inclusion of the CO or SpId's signature is now incorporated at each step. Requirements now exist for certain information to be completed before the fumigation starts (address, target pest, basic stuff). The number of fans must be listed now (new requirement is 1 18" fan per 22,500 ft³ of space). There is a new requirement for emergency response information to be on the Fumigation Log Form as required by the label, however, contracts, site graphs, dose reports, DOT forms, and/or other documents prepared for or used during the fumigation can be used as documentation for the Fumigation Log requirements. So the label already has the emergency response stuff, so should your DOT shipping paperwork.

Definitions have been added. These include defining residential and non-residential sites as those categories have vastly different aeration schemes. You will also notice some clean-up and bringing into modern times as you glance through the whole section.

FPMA spent a lot of time working on the 2-hour active aeration dilemma presented by the EPA's bloviation without facts or science. The label reads that you are to conduct a 2-hour active aeration on residential structures and that reads like it sounds---terrible. We have come to some compromise on some common sense language. When do you need 2 trained persons? When the concentration is unknown or known to be above 1 ppm. Why do you need 2 trained persons? Because to use an SCBA you must have a backup person and SCBA. That leads to the following new language that will help keep crews moving in a productive way while leaving a single CO or SpId behind to conclude active aeration (instead of the whole crew playing on Facebook with the truck running for 90 minutes): "When fumigating a residential structure, after the first hour of active aeration, a certified operator in fumigation or a special identification cardholder may test the fumigant concentration level with a permissible clearance device

exemptions on impact-resistant home features. Efforts to repeal the no-fault auto insurance system and transition to a fault-based model are also likely to resurface.

- Immigration Enforcement: Legislation is anticipated to strengthen state-level measures, including mandatory E-Verify for all employers and enhanced penalties related to undocumented individuals.
- Education and School Choice: Debates over voucher programs, teacher compensation, public school funding, and related policies are expected to continue.
- Housing and Growth Management: Proposals may include measures to promote affordable housing, such as requirements for accessory dwelling units and reusable tenant screening reports.
- Other Areas: Additional topics likely to arise include environmental conservation, water quality, healthcare access, and various claims bills.

The Budget is where the rubber meets the road and that one is going to be a major push and shove. How to pay for stuff is always part of the puzzle. Governor DeSantis has already released his "Floridians First" budget recommendation totaling \$117.4 billion. Key highlights:

- K-12 education investments (over \$30 billion projected)
- Funding for teacher pay, workforce development, cancer research, mental health services, Everglades and water quality
- Support for law enforcement, military personnel and infrastructure

within the breathing zone of a residential structure and if determined to be 1 ppm or less, a second trained fumigation employee would not be required to be onsite for the remaining active aeration period. However, the active aeration period shall not be shortened under any circumstances, and at least one trained fumigation employee must remain onsite for the entire duration of active aeration. The date and time, the clearance device reading (ppm), the permissible clearance device's model and serial number used and name of certified operator or special identification card holder who conducted the fumigant concentration level test must be documented on the Fumigation Log, FDACS-13000, Rev. XX/XX, as adopted in subsection 5E-14.142(3), F.A.C."

- Provisions for reserves (\$16.75 billion) and debt reduction.

FPMA at this point is not seeing major issues, but we are tracking numerous bills, gossip, and amendments. Stay tuned!

This whole Rulemaking package is attached for review. The Rule Workshop is virtual on January 8th from 8:30-11:30 am.

<https://meet.goto.com/217692109>

You can also dial in using your phone United States: [+1 \(571\) 317-3122](tel:+15713173122) Access Code: 217-692-109

FPMA will be participating.



Commissioner Meetings

Commissioner Simpson met with me regarding the Rulemaking package and specifically the clearance device/EPA informational page. To provide clarity and context, the FPMA Fumigation Advisory Committee, supported by Douglas Products, Ensystex, Spectros Instruments and Mark Ruff Attorney-at-Law, submitted a white paper (attached) as well as discussed the nuances of the rule package, labeling and industry challenges. Further than the rule package, Commissioner Simpson has requested his folks to look into heavier fines within the Rule for certain fumigation incidents regarding human health and also to increase insurance requirements in the statute for fumigation operations to \$1 million per occurrence/\$2 million aggregate. The Rule item is not part of the current Rule package. I have not seen an amendment to the Florida Farm Bill regarding the insurance requirements. It seems like FPMA fumigators are likely already at this insurance level, however, we want to hear from you if this is an issue within your operation. This wasn't part of a negotiation; the Commissioner just ordered it done. We are waiting to hear back from DACS on the drafting of these pieces and for opportunity to hear from our members as well.

Florida Farm Bill

The 2026 Florida Farm Bill is a comprehensive omnibus legislative package sponsored by the Florida Department of Agriculture and Consumer Services (FDACS) under Commissioner Wilton Simpson. It focuses on supporting Florida's agricultural sector, enhancing public safety, and limiting certain local government regulations.

The primary bill is Senate Bill 290 (CS/SB 290), titled "Department of Agriculture and Consumer Services," sponsored by Senator Keith Truenow (R-Tavares). The companion bill in the House is HB 433, sponsored by Representative Danny Alvarez (R-Riverview) and others.

Current Status (as of late December 2025):

- SB 290 has passed its first committee (Agriculture) as a committee substitute on December 2, 2025, and is now referred to the Fiscal Policy committee.
- The bill is pre-filed and advancing ahead of the 2026 Regular Session, which begins January 13, 2026.
- If enacted, most provisions would take effect July 1, 2026.

Key Provisions

The legislation addresses a wide range of issues within FDACS's responsibilities, including agriculture support, workforce development, conservation, and public safety. Notable elements include:

- Protection of Gasoline-Powered Equipment: Prohibits counties and municipalities from enacting or enforcing ordinances that restrict or ban the use of gasoline- or diesel-powered farm equipment, lawn mowers, leaf blowers, chainsaws, or similar landscape tools. This is highly supported by FPMA.
- Food Animal Veterinarian Loan Repayment Program: Establishes a new program to provide up to \$25,000 per year in student loan forgiveness for veterinarians who treat food animals (e.g., livestock) and commit to practicing in Florida, addressing shortages in large-animal veterinary care.
- Land Conservation and Agricultural Use: Requires evaluation of certain surplus state conservation lands for suitability as bona fide agricultural operations, prioritizing farming where appropriate.
- Florida Forest Service Enhancements: Revises authorities and duties, including management of the Welaka Training Center and other operational improvements.
- Farmers Feeding Florida Program: Expands initiatives to support food insecurity relief using locally produced agricultural products.
- State Fair Associations: Limits the number of incorporated state fair associations to one per county.
- Prohibition on Signal Jamming Devices: Criminalizes the possession, manufacture, sale, importation, distribution, or use of devices that interfere with communications signals, citing risks to public safety, first responders, and agricultural operations (e.g., drone use).
- Other Measures: Includes enhancements to combat fraud in commercial driver's license testing, revisions to contractor payment accountability, enforcement of "No Solicitation" signs for residential properties, and various administrative updates to FDACS programs.
 - Homeowners can post a specific sign stating: "THIS DWELLING IS DESIGNATED PRIVATE PROPERTY. NO COMMERCIAL SOLICITATION IS PERMITTED PURSUANT TO SECTION 501.062, FLORIDA STATUTES."
 - If the sign is properly displayed, commercial solicitors (e.g., door-to-door salespeople) are prohibited from approaching the property.
 - Violations are treated as a noncriminal infraction, with a \$500 fine for first-time offenders, goes to criminal after that
 - The provision establishes a uniform statewide standard, overriding varying local rules.

We are following the whole bill and watching closely for amendments.

RULE NUMBER(S): RULE TITLE(S):

5E-14.102 Definitions

5E-14.1025 Inspections and Investigations

5E-14.108 Fumigation Requirements – General Fumigation

5E-14.110 Fumigation Requirements – Notices

5E-14.111 Fumigation Requirements – Application; Restrictions and Precautions

5E-14.112 Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities

5E-14.113 Fumigation Requirements – Final Post-fumigation Clearance Inspection

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications

5E-14.1421 Identification Card – Training Verification

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 5E-14.102 follows. See Florida Administrative Code for the present text.

5E-14.102 Definitions.

In addition to those terms contained in Section 482.021, F.S., the following terms shall apply:

(1) “Access device” as used in subsection 5E-14.108(5), F.A.C., is defined as a lockbox or other onsite device that stores the key or controls access, either physically or electronically, to the fumigated structure. This is not a secondary locking device.

(2) “Active aeration” is Step (1) of the aeration procedure on the label.

(3) “Aeration” – Breaking of the seal until the time required by the fumigant label to complete the aeration before the clearance is allowed.

(4) “Barricade and Barring” secures the entrances to a structure against unauthorized entry during the fumigation exposure period and must be demonstratively effective in preventing an exterior door or doorway from being opened from the exterior. For existing locking mechanisms that are electronic keycard and keyless locks and can be programmed to allow only the fumigator to gain access during a fumigation would be considered barricaded if allowed by the fumigant label.

(5) “Breathing Zone” is defined as the area of space in each room of a fumigated structure where persons typically stand, sit, or lie down.

(6) “Classroom” – A student or students studying a subject in a setting conducive to learning, other than field training as required by Section 482.091(3), F.S., with an instructor or other multimedia instructional tools, computer instruction, or correspondence courses.

(7) “Connected Structure” is defined as any structure physically connected with the structure to be fumigated by construction elements (e.g., pipes, conduits, drains, ducts, etc.), which may allow passage of fumigant between the structures.

(8) “Fumigation operation” – All details prior to the application of fumigant(s), the introduction of fumigant(s), fumigation period and post fumigation details as herein outlined.

(9) “Fumigation period” – Period of time from introduction of fumigant(s) until the ventilation of structure is completed, and the structure is declared safe for occupancy.

(10) “General fumigation” – Introduction of fumigant(s) to one (1) or more rooms or their contents in a structure or to entire structure; or to commodities under gas-tight sheets or tarpaulins.

(11) “Introduction of fumigant(s)” – Release of fumigant(s) into structure or enclosed space.

(12) “Multi-unit dwelling” is defined as a multi-unit structure whose primary function is to serve as living quarters for people, such as apartment buildings, condominiums, duplexes, and townhomes.

(13) “Multi-unit structure” – A structure, consisting of one or more stories, composed of functionally distinct units, such as stores, offices, in which units share a common wall of wood or metal studs or single masonry walls, including fire walls.

(14) “Permissible Clearance Device” – Devices listed in Registrant’s current Stewardship Policy designated for use during the structural fumigation process and post fumigation clearance inspection.

(15) “Preventive treatment” – Application of measures for the purpose of preventing infestation(s) or infection(s) of structures by wood-infesting organisms.

(16) “Residential area” – Any area other than an agricultural area or as otherwise specifically exempted by Chapter 482, F.S.

(17) “Residential Fumigant” means a registered pesticide labeled for structural fumigation including or encompassing a residential area in the state of Florida.

(18) “Residential structures” - Is where people typically live (temporarily or permanently) and sleep, such as single-family residences, mobile homes, apartments, townhouses, condominiums, hotels, motels, assisted care

facilities, nursing homes, hospitals, barracks, dormitories.

(19) “Secondary Locking Device” is defined as any device, method or barricade, in addition to existing locking mechanisms, that is demonstratively effective in preventing an exterior door or entrance from being opened or entered by normal means by anyone other than the certified operator in charge or his special fumigation identification cardholder.

(20) “Spot fumigation” – Introduction of fumigant to localized harborage or infestation within, on or under a structure or enclosed space, or to a lawn under tarpaulins.

(21) “Spot treatment” – Treatment restricted to specific area(s) of a structure to control or prevent pests.

(22) “Stewardship Policy” means a written plan that addresses the education and training of all fumigation employees and includes requirements for continued sale and use of the registrant’s residential fumigant, instructions to follow the residential fumigant’s label requirements and submission to quality assurance inspections conducted by the registrant or designated representative such as distributors and contractors.

(23) “Trained Fumigation Employee” means any of the following persons who is an employee of a licensee conducting fumigation at the direction of a licensee and Certified Operator in Charge of fumigation and is in compliance with a Stewardship Policy:

(a) Certified Operators in the fumigation category;

(b) Special Identification Cardholders;

(c) Employee Identification Cardholders with the Fumigation Identification Card endorsement.

Rulemaking Authority 482.051, 570.07(23) FS. Law Implemented 482.021, 482.051 FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93, 6-12-02, 4-17-03, 9-17-08, 5-7-17,

_____.

5E-14.1025 Inspections and Investigations.

(1) No change.

(2) The following forms will be used in department inspections and investigations. Copies of these forms may be obtained from the department’s Bureau of Inspection and Incident Response, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650 or online as provided below.

(a) ~~Fumigation Inspection Report, FDACS 13629, Rev. 05/21, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref 13516>.~~

(b) through (h) relabeled (a) through (g) No change.

~~(h)(i)~~ Licensee Inspection Fumigation Category, FDACS-13674, Rev. ~~XX/XX~~ 09/16, which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref 07616>~~.

~~(j)~~ Notice of Noncompliance, FDACS 13675, Rev. 07/21, which is hereby adopted and incorporated by reference and available online at ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref 13522>~~.

~~(k)~~ Request for Investigation, FDACS 13621, Rev. 10/15, which is hereby adopted and incorporated by reference and available online at ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref 07297>~~.

~~(l)~~ Report of Investigation, FDACS 13640, Rev. 10/15, which is hereby adopted and incorporated by reference and available online at ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref 07298>~~.

(m) through (n) relabeled (i) through (j) No change.

~~(o)~~ Illegal/Unlicensed Pest Control Operations Report Form, FDACS 13687, Rev. 10/15, which is hereby adopted and incorporated by reference and available online at ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref 07302>~~.

(p) through (q) relabeled (k) through (l) No change.

~~(m)~~ Request for Investigation, FDACS-13701, XX/XX which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

Rulemaking Authority 482.051, 570.07(22), 570.07(23) FS. Law Implemented 482.032, 482.051, 482.061 FS. History—New 1-9-17, Amended 9-21-21, _____.

PART I PUBLIC HEALTH AND SAFETY

5E-14.108 Fumigation Requirements – General Fumigation.

(1) Each general fumigation (~~subsection 5E 14.102(4), F.A.C.~~) shall be personally directed, supervised and performed by a certified operator in fumigation ~~operator~~ or personally by a special fumigation identification card holder authorized by the Department and designated by and under the direction and supervision of the certified fumigation operator in charge (~~Section 482.151, F.S.~~). Such certified operator in fumigation ~~operator~~ or ~~this~~ designated special fumigation identification card holder shall be available and on call at all times during the fumigation period (~~subsection 5E 14.102(3), F.A.C.~~) of each general fumigation (~~subsection 5E 14.102(4), F.A.C.~~) job in progress.

(2) Whenever the presence of two (2) persons trained in the use of the fumigant is required by the fumigant label, at least one of these persons must be either a certified operator ~~in~~ of fumigation or a designated special identification fumigation cardholder. The second person shall be a certified operator in fumigation ~~operator~~, a special identification cardholder, or an identification cardholder with a Fumigation Identification Card endorsement on the employee identification card, which may be obtained as provided in subsection 5E-14.1421(7)(5), F.A.C. Two (2) trained persons shall be present at each fumigation site for the introduction of the fumigant, entry during fumigation, and from the start of aeration (first opening of the seal) until the active aeration period with all operable doors and windows open, if required by the fumigant label, is completed and the structure is secured for the remaining aeration period. When fumigating a residential structure, after the first hour of active aeration, a certified operator in fumigation or a special identification cardholder may test the fumigant concentration level with a permissible clearance device within the breathing zone of a residential structure and if determined to be 1 ppm or less, a second trained fumigation employee would not be required to be onsite for the remaining active aeration period. However, the active aeration period shall not be shortened under any circumstances, and at least one trained fumigation employee must remain onsite for the entire duration of active aeration. The date and time, the clearance device reading (ppm), the permissible clearance device's model and serial number used and name of certified operator or special identification card holder who conducted the fumigant concentration level test must be documented on the Fumigation Log, FDACS-13000, Rev. XX/XX, as adopted in subsection 5E-14.142(3), F.A.C. A ~~The~~ certified operator in charge of fumigation or ~~a his designated~~ special identification cardholder shall be present at those times required by the fumigant label or by subsections 5E-14.108(1), 5E-14.111(3)(4), 5E-14.112(1) and 5E-14.113(1), (2), F.A.C.

(3) No change.

(4) The department shall issue an immediate stop-use or stop-work order by utilizing the department's electronic fumigation notification website at <https://aeslicensing.fdacs.gov> ~~http://fumigation.freshfromflorida.com~~ or issuance of a Fumigation Stop-work or Use Order, pursuant to subsection 482.051(6), F.S. ~~(FDACS 13659, (Rev. 01/17), which is hereby adopted and incorporated by reference and available online at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-07902>, for fumigation performed in a manner that presents an immediate serious danger to the health, safety or welfare of the public or employees of a pest control company. Fumigant use or work shall not be resumed until corrections are made, verified, and either the release section of the stop order is completed by department personnel or the stop order is removed from the electronic fumigation

notification system at <https://aeslicensing.fdacs.gov> ~~http://fumigation.freshfromflorida.com~~.

(5) No change.

(6) When crew members are present on the fumigation site, two properly functioning, positive pressure, self-contained breathing apparatus (SCBA) must be available at the fumigation site at all times when the structure is under fumigation (fumigant ~~introduction~~ release, exposure period, active aeration and at other times when state law or the fumigant label requires the use or presence of a SCBA). Two SCBA do not need to be present at the fumigation site for activities that do not involve worker exposure to fumigant concentrations above thresholds permitted by the fumigant label or after the first hour of active aeration when fumigating a residential structure, if a certified operator in fumigation or a special identification cardholder determines that the fumigant concentration level within the breathing zone is 1 ppm or less. Such activities that do not involve worker exposure to fumigant concentrations above thresholds permitted by the fumigant label could include, but would not be limited to, using a high-level concentration remote-monitoring device, using a ~~Fumiscope~~, ~~TH~~ leak detection device, job site cleanup, ~~EDACS~~ inspections, and Quality Assurance Reviews. If a SCBA is not in use, a permissible clearance device is required to be used while in the enclosed fumigated space until the required aeration period is completed.

(7) Each business licensee location performing fumigation must own at least two permissible ~~label-approved~~, clearance devices, so that at all times, a licensee has access to a properly functioning clearance device, which must be calibrated in accordance with ~~either the clearance device manufacturer's instructions~~ manufacturer or the fumigant label directions, whichever is more restrictive.

(8) Licensees performing fumigations using a residential fumigant must ensure that all functioning and non-functioning fumigant clearance devices being used by the licensee are recorded within the department's electronic fumigation notification website at <https://aeslicensing.fdacs.gov> ~~http://fumigation.freshfromflorida.com~~. Information recorded must include the name of the manufacturer ~~manufacture~~, serial number, last ~~known~~ date of calibration and operational status of each device. The department shall grant access to third parties for the purpose of verifying that the records maintained on the fumigation notification website are accurate. It is solely the licensee's obligation to ensure that all data submitted to the department is accurate.

(9) Licensees performing fumigations with a residential fumigant must agree to, in writing, and be in compliance with the Stewardship Policy requirements for the residential fumigant used, including having completed all training and quality assurance review(s) required under the relevant Stewardship Policy. New ~~fumigation~~ employees working

on fumigation jobs must receive Initial Stewardship Training on the residential fumigant(s) used by the licensee within 60 days of their first day of employment by the licensee, if the new fumigation employee did not receive that stewardship training earlier in the calendar year. Current employees of the licensee who transition to working as fumigation employees must receive Initial ~~Annual~~ Stewardship Training on residential fumigant(s) used by the licensee within 60 days of receiving their new identification cards (e.g. as a certified operator for fumigation, a special identification cardholder, or an ID cardholder with a fumigation endorsement) if they did not receive that stewardship training earlier in the calendar year.

(10) A licensee (primary contractor) subcontracting a ~~residential~~ fumigation job to another licensee (subcontractor) shall inform the ~~subcontractor~~ ~~subcontracted licensee~~ of the residential fumigant to be used based on the residential fumigant fact sheet provided to the customer. The ~~subcontractor~~ ~~subcontracted licensee~~ shall use the residential fumigant as designated by the primary contractor ~~contracting licensee~~ and must provide proof of stewardship training for the residential fumigant designated by the primary contractor ~~contracting licensee~~ upon request.

(11) A subcontracted licensee cannot further subcontract to another licensee without first notifying the primary contractor and allowing for compliance with subsection 5E-14.105(10), F.A.C.

Rulemaking Authority 482.051, 570.07(23) ~~570.23(07)~~ FS. Law Implemented 482.021(7), (25), 482.032, 482.051(1), 482.051(6), 482.061, 482.152, 482.163 FS. History—New 1-1-77, Amended 6-22-83, Formerly 10D-55.108, Amended 7-5-95, 6-12-02, 4-17-03, 5-7-17, _____.

5E-14.110 Fumigation Requirements – Notices.

(1) Each licensee, before performing general fumigation, shall notify the department at least twenty-four (24) hours in advance of the fumigation period. Notification shall be made utilizing the department's electronic fumigation notification website <https://aeslicensing.fdacs.gov> ~~<http://fumigation.freshfromflorida.com>~~ or by submitting via electronic mail to biirfumigation@FDACS.gov ~~by facsimile~~, a completed Notification of Fumigation, FDACS-13667, Rev. XX/XX 07/21, which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-13396>~~, to the ~~facsimile number located on the form~~. The notice shall accurately state the following:

(a) Company name, license number, email address and business location address.

(b) ~~Trade Accepted common or trade~~ name and active ingredients of fumigant to be used.

(c) Name of certified operator in charge ~~or the designated certified operator(s) or special fumigation identification card holder(s) for the fumigation~~, together with their ~~her or his~~ day and night telephone numbers.

(d) Location (address), county, type of structure (residential single family, multi family, non-residential commercial, vault or other), ~~structure use (residence, school, church, warehouse, store/shopping, vehicle, vault, or other)~~ and number of structures to be fumigated.

(e) Date of fumigation.

(f) Target pest.

(g) Primary Contractor's name and address (if subcontracted).

~~(h) Approximate duration of fumigation.~~

~~(h)(i)~~ Reason for less than 24 hour notification.

(2) Any change(s) in information required in notices by this regulation shall be reported via <https://aeslicensing.fdacs.gov> ~~the electronic submission website~~ or in writing via electronic mail to biirfumigation@FDACS.gov ~~facsimile~~ in advance of the fumigation period.

(3) Exceptions: Notification of less than 24 hours is allowed only for verifiable situations affecting the health, safety, and welfare of the public ~~and~~ or if a Notice of Fumigation, FDACS-13667, Rev. XX/XX, was previously submitted and a verifiable severe weather conditions is forecasted. Licensees must maintain weather reports (ie: local weather report, The Weather Channel, National Weather Service) of the forecasted severe weather condition for twenty-four months. Notification shall be made immediately before the fumigation period by advance electronic submission via <https://aeslicensing.fdacs.gov> ~~<http://fumigation.freshfromflorida.com>~~, or electronic mail to biirfumigation@FDACS.gov, ~~or facsimile to (850)617-7968.~~

(4) A licensee that performs chamber or vault fumigations on the premises of the licensee's licensed business location shall notify the department annually in writing. This notice may be submitted using the electronic notification system at <https://aeslicensing.fdacs.gov> ~~<http://fumigation.freshfromflorida.com>~~. Information required in the written notification shall include the type (or description) of chamber being used on the property (such as shipping containers, trucks, PODS, tarpaulin areas, etc.), and the days of the week and hours during which these fumigations may be performed during the year of notification. The licensee shall provide the department at least 24 hours notice of any changes in the days of the week and hours during which fumigations may be performed.

Rulemaking Authority 482.051, 570.07(23) FS. Law Implemented 482.051(4) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.110, Amended 7-5-95, 9-17-08, 9-6-10, 5-7-17, 8-8-21, _____.

5E-14.111 Fumigation Requirements – Application; Restrictions and Precautions.

(1) ~~For purposes of fumigation “structure” shall mean: any building including its foundation, walls and roof but excluding any surfacing portions such as driveways or walkways that merely lie on the land and provide no means for a fumigant to pass outside of the fumigation seal.~~

(2) ~~Neither~~ The ~~the~~ structure nor the enclosed space to be fumigated nor any part or parts thereof shall be occupied by persons during the fumigation period. In addition, structures or enclosed spaces which are physically connected with the structure to be fumigated shall not be occupied by persons during the fumigation period. (See subsections 5E-14.111(2)(3) and (3)(4), F.A.C.)

(2)(3) In the event one or more units in a multi-unit structure ~~(see subsection 5E-14.102(9), F.A.C.)~~ are to be fumigated, the entire multi-unit structure must be vacated prior to fumigation and individually tested for clearance in accordance with label instructions following fumigation. If these requirements cannot be met, the fumigation shall not be performed.

(3)(4) It shall be the duty of the certified operator in fumigation charge or the ~~his~~ designated special fumigation identification card holder to be present and personally make a careful examination of all parts of the structure to be fumigated, such as locked rooms, compartments, closets, enclosed spaces and any connected structures, to verify that no persons have remained therein.

(4)(5) Fumigation of structures shall be performed in strict accordance with the Stewardship Policy or Stewardship Plan, registered label and manual ~~labeling directions~~ and precautions for the intended use and type of structure, provided there is sufficient distance along the entire length of the passageway between the structure(s) to be fumigated and all adjacent occupied structure(s) to allow visible inspection, with or without egress, for connected structures as defined in subsection 5E-14.102(7)(17), F.A.C., and inspection for and sealing of exterior openings, such as vents, windows, etc., that require sealing for adequate fumigant confinement. If these requirements cannot be met, the fumigation shall not be performed unless the adjacent structure(s) is vacated.

(5)(6) When using a residential fumigant to fumigate ~~fumigating structures with methyl bromide, sulfuryl fluoride or any other relatively odorless gas~~, technical chloropicrin shall be used separately as a warning agent immediately prior to release of the residential fumigant ~~relatively odorless gas~~ at the rate of not less than one fluid ounce per 15,000

cubic feet of space to be fumigated or as otherwise directed by fumigant label.

Exceptions: This section shall not apply to the fumigation of common carriers (trucks, box cars, refrigerator cars), the fumigation of tobacco warehouses and factories, the fumigation in tanks, vaults or chambers, or the fumigation of commodities in industrial areas when it has been determined by prior inspection by the certified operator in charge that no danger to human life or health exists unless required by the fumigant label.

(7) renumbered (6) No change.

Rulemaking Authority 482.051 FS. Law Implemented 482.051(1), 482.152, 482.241 FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.111, Amended 8-11-93, 9-17-08, 9-6-10, _____.

5E-14.112 Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.

(1) Final ~~pre-introduction pre-application~~ of fumigant and evacuation inspection: Before the fumigant(s) is to be applied, the certified operator in ~~fumigation or the charge or his~~ designated special fumigation identification card holder must make a final, personal inspection of the structure and shall ensure that:

(a) through (c) No change.

(d) The final inspection must be conducted immediately before the fumigant is to be applied, unless the structure is a multi-unit dwelling, in which case, the following special provision shall apply:

On multi-unit dwellings, the certified ~~operator in fumigation operator in charge~~ and/or ~~the his~~ designated special fumigation identification cardholder shall conduct a thorough, systematic inspection of each room in every unit to ensure that all provisions specified above have been completed. Then, exterior doors and/or entrances of each inspected unit shall be secured against unauthorized re-entry while preparations and inspection of other units or areas of the structure are completed. This may require the temporary use of secondary locks on entrances that are to be left unattended between the time of inspection and the introduction of the fumigant. If an individual unit or units cannot be safely secured while preparations of other areas are taking place, then those units must be re-inspected immediately before the fumigant is to be applied.

(2) Prior to the ~~introduction application~~ of fumigant(s), suitable warning signs of stiff, weather-proof material must be securely affixed and conspicuously posted as follows:

(a) In tape-and-seal fumigation operations: at or on all doors and entrances to the structure or enclosed space, and at least one (1) warning sign on all sides of the structure or enclosed space not having a door or entrance which must

be clearly visible from all accessible sides, and from any direction from which the site may be approached on sides of tented structures;

(b) In tent fumigation operations and also including commodity fumigations: at least one (1) warning sign posted at or on all doors and entrances to the structure or enclosed space and at least one (1) warning sign on all sides of the tents or sealing covers of the structure, enclosed space or commodities being fumigated which must be clearly visible from all accessible sides, and from any direction from which the site may be approached on sides of tented structures;

(c) through (e) No change.

(3) Warning signs shall conform in design and information set forth as follows:

(Skull and Crossbones Symbol)	Danger/ <u>PELIGRO</u>	(Skull and Crossbones Symbol)
	<u>Area under fumigation, DO NOT ENTER/NO ENTRE</u>	
	<u>Fumigating with</u>	
<u>Brand Name of fumigant used</u>	<u>(Accepted common name of Fumigant)</u>	
	Deadly Poison	
	<u>All Persons are Warned to Keep Away</u>	

Date and time fumigant was introduced ____

Company Name ____

Company Business Address ____

Certified Operator in Charge ____

Fumigant Introduced by ____

Day Telephone ____

Night Telephone ____

(4) Signs required must be printed, painted or made in indelible red ink or paint insoluble in water, on white background. The words "DANGER/PELIGRO ~~Danger~~" and "Deadly Poison" shall be in block lettering at least two (2") inches high. The name of the fumigant shall be at least five-eighths (5/8") inch high. The skull and crossbones symbol shall be at least one (1") inch high. All other lettering on the sign must be not less than one-half (1/2") inch high.

(5) No change.

(6) Such warning signs posted on the outside of tents or sealing covers shall not be removed prior to commencement of aeration ~~ventilation~~ and such warning signs posted on or at entrances to the structure (itself), enclosed space or commodities being fumigated shall not be removed until the end of the fumigation period, when aeration ~~ventilation~~ has been completed and the premises declared safe for reoccupancy as required by subsections 5E-14.113(1) and (2), F.A.C. Aeration ~~Ventilation~~ shall be conducted with due regard for the public safety.

(7) Special safety precautions, responsibilities.

(a) When conditions involving abnormal hazards exist, it shall be the responsibility of the person exercising direct and personal supervision of the fumigation operation to take such safety precautions additional to those prescribed by this chapter as are reasonably necessary to protect the public and employees health and safety.

(b) All exterior doors and entrances to the fumigated structure(s) shall be posted with a warning sign on or at each door or entrance prior to the release of the fumigant, locked, and secured with a secondary locking device(s) or barred or otherwise secured against entry until the end of the exposure period, then opened for aeration ~~ventilation~~ and relocked, barred or otherwise secured against reentry, including the reinstallation of the secondary locking device(s), until declared to be safe for reoccupancy by the person exercising direct and personal supervision of the fumigation operation as required by subsections 5E-14.113(1) and (2), F.A.C. A door or entrance, that, once locked from the interior with a lock that is not accessible from the exterior, does not require a secondary locking device or barricade.

(c) through (d) No change.

Rulemaking Authority 482.051 FS. Law Implemented 482.051(1), 482.152 FS. History—New 1-1-77, Amended 6-27-79, Formerly 10D-55.112, Amended 4-17-03, 9-17-08, _____.

5E-14.113 Fumigation Requirements – Final Post-fumigation Clearance Inspection.

(1) The certified operator in fumigation ~~charge~~ or the ~~his~~ designated special fumigation identification card holder shall personally determine by using a permissible clearance device ~~the label approved gas detecting device, which is verified and/or~~ calibrated as required by either the device manufacturer or the registrant's Stewardship Policy fumigant label directions, whichever is more restrictive, that the entire structure or enclosed space fumigated, ~~and also including beds and bedding therein,~~ has been safely aerated ~~ventilated~~ as required by fumigant label directions, to permit safe human entry and occupancy ~~or reoccupancy~~. No person, other than the certified operator in fumigation ~~operator in charge, his~~ the designated special fumigation identification cardholder, or trained identification cardholder, utilizing the label-approved respiratory protective equipment or a permissible clearance device ~~gas detecting device~~, may enter,

occupy or reoccupy the fumigated structure for any reason prior to completion of the aeration procedure(s) and declaration of clearance. All warning agent containers shall be removed from the structure during active aeration. In no instance shall ~~ventilation or~~ aeration time be less than ~~that required by the recommended by manufacturer of~~ fumigant ~~on the registered~~ label.

(2) Declaring structure or enclosed space fumigated safe for entry and occupancy ~~or reoccupancy~~: ~~A~~ The certified operator in fumigation charge or ~~the his~~ designated special fumigation identification card holder shall not permit or allow any unauthorized person to enter or occupy or reoccupy the structure or enclosed space fumigated until the aeration procedures as required by the fumigant product label are completed, and he has personally checked the breathing zone of each room within the fumigated structure for fumigant levels with a permissible clearance device ~~suitable gas detecting equipment or device required by the fumigant label~~ and found the structure to be safe for human entry and occupancy, and he shall personally certify by his own signature as a result of his final personal inspection and monitoring examination of the entire structure or space fumigated that the same and adjacent vacated structures are safe for human entry, occupancy ~~or reoccupancy~~. Such notice of clearance shall be in writing and shall be conspicuously posted by the certified ~~fumigation~~ operator in fumigation charge or ~~the his~~ designated special fumigation identification cardholder on all entrances of the fumigated structure or enclosed space. Clearance notices may not be posted prior to performing the clearance inspection with the permissible clearance device ~~label required gas detection equipment~~. The signature of the certified operator in fumigation charge or ~~the his~~ designated special fumigation identification card holder and the exact date and hour of release for reentry ~~and reoccupancy~~ shall be set forth in all notices. In no case shall the notice of clearance be post-dated.

Rulemaking Authority 482.051 FS. Law Implemented 482.051(1), 482.152 FS. History—New 1-1-77, Formerly 10D-55.113, Amended 4-29-02, 4-17-03, _____.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) Records: Pest control records of the licensee pertaining to pest control activities and including contracts shall be kept at the licensed business location or at the exact Florida address specified in the application for business license for inspection by department inspectors for a minimum of two years. Additionally, routine operational records containing information on product brands (names), amounts, uses, dates, and places of application of restricted-use pesticides shall be kept at the licensed business location for a minimum of two years. Records kept electronically must be provided to the department upon request. Licensees operating in the category of fumigation shall record this

information ~~above~~ along with the individual fumigant cylinder identification number utilized to fumigate a structure. Records for preventive treatment of subterranean termites in new construction shall be maintained for a minimum of three years pursuant to Section 482.051(5), F.S.

(2) No change.

(3) Licensees performing fumigation with a residential fumigant, their employees, certified operators, and special identification cardholders shall comply with the label requirements and Stewardship Policy or Stewardship Plan requirements of the residential fumigant being used.

(a) In addition, the following safety procedures shall be followed to enhance safety in the clearance of structures fumigated with a residential fumigant. ~~The certified operator for the contracted licensee shall maintain records relating to the fumigation clearance of structures fumigated with a residential fumigant. Such records shall consist of the following information for each application:-~~

~~1. No change.~~

~~2. Name of the person who introduced applied the fumigant;~~

~~3. through 4. No change.~~

~~5. Detailed information relating to gas introduction, aeration, and clearance each label required clearance period including names of employees and personnel involved and start and stop times;~~

~~6. No change.~~

~~7. Brand name or EPA registration number of the fumigant pesticide product applied; and,~~

~~8. No change.~~

~~(b) The certified operator in fumigation or the special fumigation identification card holder conducting a structural fumigation shall record on~~ Licensees or applicators operating in the category of fumigation shall use the Fumigation Log, FDACS-13000, Rev. 11/25 05/21, which is hereby adopted and incorporated by reference and available online at <https://flrules.org/Gateway/reference.asp?No=Ref-18975>~~http://www.flrules.org/Gateway/reference.asp?No=Ref-13512~~, the included elements for each fumigation while onsite. The certified operator in fumigation or the special fumigation identification card holder conducting a structural fumigation Licensees or applicators operating in the category of fumigation pursuant to Section 482.111(2)(a), F.S., may use an alternative fumigation log form only if it incorporates all information required to be recorded in the current Fumigation Log, FDACS-13000, Rev. 11/2505/21. All information recorded on the Fumigation Log shall be legible and accurate.

(b) All licensees performing fumigation shall retain any records relating to the fumigation required by this rule for a period of two (2) years from the date of the fumigation. Upon request by the department, the licensee or certified operator in charge shall provide ~~make available~~ the records required to be maintained under this rule ~~and shall permit the authorized representative to copy or photograph any of the records~~ within 3 business days of the request. The original records shall be maintained by the licensee.

(4) The sections of the Fumigation Log, FDACS-13000, Rev. XX/XX, designated by a (B) must be documented before the initiation of the fumigation; information designated by a (*) shall be completed on site during the fumigation process, if not before; all other information shall be completed ~~The required information shall be recorded no later than one (1) two (2) working days after the date of application and may be incorporated into other business transaction records.~~ Contracts, site graphs, dose calculation reports, Notification of Fumigation, FDACS-13667, Rev. XX/XX, federally required forms and/or other documents prepared for or used during the fumigation can be used as documentation for these Fumigation Log requirements.

(5) through (8) No change.

(9) Business license application: In accordance with Section 482.071(1), F.S., the following shall be submitted online at <http://www.FDACS.gov> or via the Pest Control Business License Application, FDACS-13605, Rev. 06/23, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15981>.

(a) through (c) No change.

(d) Either the licensees or the licensee's certified operator in charge must also submit an Application for Pest Control Employee-Identification Card, FDACS-13606, Rev. XX/XX ~~06/23~~, which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-15980>~~, with each original or renewal business license application, or any business license change (Change of Address, Change of Name or Change of Owner), or within 30 days of employment of that employee in accordance with Section 482.091(1)(b), F.S.

(10) through (13) No change.

Rulemaking Authority 482.051, 570.07(23) FS. Law Implemented 112.011(1), 482.021(21), 482.032, 482.051(1), (5), 482.061, 482.071, 482.091, 482.111(5), (9), 482.161(1)(g), (h), 482.163, 482.226(1), (6), 482.2265 FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06, 7-23-08, 9-17-08, 1-4-09, 5-20-12, 1-9-17, 5-7-17, 2-27-19, 9-21-21, 10-24-23, _____.

5E-14.1421 Identification Card – Training Verification.

(1) through (5) No change.

(6) Trained fumigation ~~Fumigation~~ employees that participate in fumigations using a residential fumigant must complete Initial and Annual Stewardship Training as required by the label and Stewardship Policy for the residential fumigant(s) used as defined in rule Chapter 5E-2, F.A.C. Information verifying Continuing Education Units for Stewardship Training (Initial or Annual) for all residential fumigant(s) used by the trained fumigation employee must be submitted to the department annually in accordance with paragraph 5E-14.132(4)(g), F.A.C.

(7) The licensee or certified operator in charge of fumigation must apply for an identification card that identifies that employee as having received the training specified in paragraph 5E-14.108(3)(b), F.A.C., to assist as the second trained person during the use of a residential fumigant as described in subsection 5E-14.108(2), F.A.C. The application for such identification card with a fumigation endorsement must be accompanied by an affidavit, signed by the prospective identification cardholder and by the licensee or certified operator in charge for fumigation, which states that the prospective identification cardholder has received the training required by paragraph 5E-14.108(3)(b), F.A.C. Application shall be made online at <https://www.aeslicensing.fdacs.gov> ~~http://www.FDACS.gov~~, or by submitting the Special Training to Perform Fumigation Affidavit FDACS-13002, Rev. 07/21, which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-13513>, to the address as instructed on the form in order to receive a Fumigation Identification Card endorsement on the employee's identification card as required by Section 482.091, F.S. The identification cardholder must complete stewardship training as required by the label and Stewardship Policy for the residential fumigant(s) used within 60 days of receiving an identification card with a fumigation endorsement.

Rulemaking Authority 482.051, 482.091, 570.07(23) FS. Law Implemented 482.051, 482.091, 482.151, 570.07(22) FS. History—New 6-12-02, Amended 2-24-09, 1-9-17, 5-7-17, 9-21-21,_____.



WILTON SIMPSON
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Agricultural Environmental Services

REQUEST FOR INVESTIGATION

Rule 5E-14.1025, F.A.C.
Telephone: (850) 617-7996
Fax: (850) 617-7981

Respond to:
Bureau of Inspection and Incident
Response
3125 Conner Boulevard, Suite N,
Tallahassee, FL 32399-1650
Or
AESCares@fdacs.gov

Public Record Notice:

Florida has a broad public records law (Chapter 119, Florida Statutes). Most written communications to or from state employees are public records obtainable by the public upon request. This communication may therefore be subject to public disclosure. If you wish for your personal information to remain confidential/anonymous, do not provide it on this form. However, providing contact information may assist investigators in resolving the issue more effectively.

Note: This completed form will be reviewed to determine whether your complaint or request falls within our authority. Unless submitted anonymously, you will be notified using the provided contact information if it is assigned for investigation, referred to another agency, or falls outside our jurisdictional authority.

1. Submit Anonymously

☐ I wish to remain anonymous. *Note: Anonymous complaints may limit the scope of investigation.*

2. Contact Information (Skip this section if submitting anonymously)

Providing your contact information helps investigators follow up for clarification or updates.

Name: _____
Address: _____ City: _____ Zip: _____ County: _____
Phone: _____
Email: _____

3. Location of Incident

Address or Description of Location: _____
City: _____ Zip: _____ County: _____
Name of Property Owner, Employer, or Firm: _____
Is this a gated community? ☐ Yes ☐ No
Please provide visitor entry process (if applicable): _____

4. Other Parties Involved:

☐ HOA: _____
☐ Property Management: _____
☐ Witnesses: _____
☐ Other: _____

5. Incident Information

Date of Incident: _____

Name or Type of Product: _____

Name of Applicator/Firm: _____

Application Equipment (backpack, boom sprayer, air blaster, etc.) _____

Vehicle Tag Number, Make, Model, Color: _____

6. Have you reported this incident previously? If so, to whom?

[] Pest Control Company: _____

[] Local Law Enforcement: _____

[] Local Government: _____

[] State Agency: _____

[] Federal Agency: _____

[] Other: _____

Date Reported: _____

Reference/Incident/File Number, or Contact Name: _____

7. Documentation (DO NOT PROVIDE MEDICAL RECORDS)

Please include any supporting documents (incident reports, contract, WDO Report, photos, videos, receipts, etc.).

8. Brief Summary of Complaint (Attach additional sheet if needed)

Please include what happened, who was involved, and any observed effects (e.g., unlicensed activity, health symptoms, property damage, damage to pollinators, fish, or other wildlife impact).

[illegible]

[] Anonymous (**STOP**-Do Not Sign Below)

SIGNATURE OF COMPLAINANT (OR AUTHORIZED REPRESENTATIVE)

DATE _____

NOTE: The Department of Agriculture and Consumer Services has no authority under the Structural Pest Control Act, Chapter 482, F.S., or the Florida Pesticide Law, Chapter 487, F.S. to arbitrate any claims for personal or property damage or adjudicate settlement. If you wish to pursue these matters, you may want to consult an attorney for legal options.



WILTON SIMPSON
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Agricultural Environmental Services

LICENSEE INSPECTION FUMIGATION CATEGORY

Rule 5E-14.1025, F.A.C.
Telephone (850) 617-7996

1. FIRM INSPECTED

DATE: _____

(NAME)

(BUSINESS LICENSE NO.)

	YES	NO	N/A
1. Are Fumigant Restricted Use Pesticides (RUP) records being kept? (5E-14.142(1), F.A.C.)			
2. Are there at least (2) serviceable Self Contained Breathing Apparatus available for use? (5E-14.108(6), F.A.C.)			
3. Does the firm maintain at least (2) permissible clearance devices? (5E-14.108(7), F.A.C.) Last Calibration Date _____ Type Device(s) _____			
4. Fumigant storage and security in compliance with fumigant label?			
5. Warning signs appropriate and in compliance? (5E-14.112(3) & (4), F.A.C.)			
6. Sample clearance notice observed and in compliance? (5E-14.113(2), F.A.C.)			
7. Fumigant Fact Sheet available and being used?			
8. Secondary locking devices available and being used? (5E-14.112(7)(b) & (c), F.A.C.)			
9. Chloropicrin available and being used per fumigant label? (5E-14.111(5), F.A.C.)			
10. Proper fumigation notice being used? (5E-14.110, F.A.C.)			
11. Subcontracted fumigations in compliance? (5E-14.105(10) & 5E-14.108(11), F.A.C.)			

Violations Observed: _____

Documentation Obtained: _____

Comments: _____

(Signature of persons interviewed)

(Issuing Field Inspector)



WILTON SIMPSON
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Agricultural Environmental Services

NOTIFICATION OF FUMIGATION

Section 482.051(4), F.S. and Rule 5E-14.110, F.A.C.
Telephone: (850) 617-7996 Fax: (850) 617-7981

Respond to:

Bureau of Inspection and
Incident Response
3125 Conner Blvd, Suite N,
Tallahassee, FL 32399-1650

In accordance with regulations, each licensee, before performing general fumigation, shall notify the department at least twenty-four (24) hours in advance of the fumigation period. Notification shall be made utilizing the department's electronic fumigation notification website <https://aeslicensing.fdacs.gov> or by submitting this form via electronic mail to biirfumigation@FDACS.gov.

Fumigator Information

Company License #

Company Name:

Company Email:

Company Address

City

State

Zip Code

Fumigant Trade Name

Fumigant Active Ingredients

Certified Operator in Charge of Fumigation

Day Phone

Night Phone

If this job is subcontracted to you, what is the primary contracting company's name and address?

Site/Description of Property to be Fumigated

Street Address of Property to be Fumigated

City

Zip Code

County

Date of Fumigation

Number of Structures to be Fumigated

Target Pest

Type of Structure:

☐
☐

Residential

Vault

☐
☐

Non-Residential

Other:

Reason for Less than 24-hour
Notice:

☐

Public Health

☐

Severe Weather



WILTON SIMPSON
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Agricultural Environmental Services

**APPLICATION FOR PEST CONTROL
EMPLOYEE-IDENTIFICATION CARD**

Rule 5E-14.142, F.A.C.
Telephone: (850) 617-7997

Remit Fee Online at:
<https://aeslicensing.fdacs.gov>

- or -

Check or Money Order Payable to:
FDACS
Revenue Processing Section
P. O. Box 6710
Tallahassee, FL 32314-6710

OFFICE USE ONLY – DO NOT FILL IN

JE# _____ JB# _____ Issue Date: _____

IMPORTANT:

Check or money order should be payable to FDACS in the amount as described below. **DO NOT SEND CASH.**

Please remit separate checks for each application. All questions MUST be answered if applicable. INCOMPLETE APPLICATIONS WILL BE RETURNED.

If you have any questions or need assistance in completing this application, please contact the Bureau of Licensing and Enforcement, Pest Control Section, at 850-617-7997.

PLEASE FILL IN THE FOLLOWING INFORMATION COMPLETELY AND LEGIBLY:

ALL APPLICANTS MUST BE 18 YEARS OF AGE OR OLDER TO APPLY

COPIES OF THIS FORM MAY BE MADE BUT YOU MUST SUBMIT ORIGINAL SIGNATURES AND THE FOLLOWING:

Section I – Important Directions

Please Read Carefully

- (1) Submit \$10 for each ID Card
- (2) A “Special Training to Perform Wood-Destroying Organism Inspections” affidavit (FDACS-13642) **MUST ACCOMPANY** this application for applicants trained to perform Wood-Destroying Organism inspections and/or provide termite treatment(s) or re-inspection(s) for contractual purposes.
- (3) A “Special Training to Perform Fumigations affidavit (FDACS-13002) **MUST ACCOMPANY** this application in order to receive the fumigation endorsement on the identification Card.
____ ID card application submitted AT THE TIME OF business license issuance – 002241 (\$10.00)
____ ID card application submitted with a BUSINESS LICENSE CHANGE – 001371 (\$10.00)
(Change of Address, Change of Name or Change of Owner)
____ ID card application submitted **DURING** the valid business license period – 002251 (\$10.00)

Please issue a Pest Control Identification Card to the employee-applicant named below in accordance with section 482.091, F.S., and rule chapter 5E-14, F.A.C. Per section 482.091(1)(b), F.S., the licensee and the certified operator in charge are jointly responsible for obtaining an identification card for employees within 30 days of employment. The postmark date of this application will be used to document and verify the employee’s work experience for exam purposes.

F&A Use Only

Org. Code: 42 13 08 02 060

EO B7

Object Code: 002251	\$ 10.00
002241	\$ 10.00
001371	\$ 10.00

Section II – Applicant Information

COMPLETE THE FOLLOWING FOR APPLICANT INFORMATION			
FULL LEGAL NAME			
Last/Surname	First	Middle	Suffix
Birth Date (MM/DD/YYYY) / /			
HOME ADDRESS			
Street Address			
City	State	Zip Code	
County			
CONTACT INFORMATION			
Primary Phone Number			

Section III – Applicant Email Address - the Primary Email address for the applicant must be a unique email address (personal or business) to that individual.

COMPLETE THE FOLLOWING FOR APPLICANT EMAIL
Primary Email (Required):
Business Email:

The email address provided for the applicant shall be the applicant's designated email address as provided in section 570.161, Florida Statutes. Failure to provide a valid email address or notify the Department of a change in the email address provided may result in an administrative fine.

Section IV – Applicant Employment

COMPLETE THE FOLLOWING FOR APPLICANT EMPLOYMENT HISTORY
This applicant began performing pest control services for this licensee on (DATE): _____
The primary pest control duties assigned to this employee are: () WDO () SPID () FID () Technician () Office () Other _____

Section V – Business Information

COMPLETE THE FOLLOWING FOR EMPLOYER INFORMATION		
Employer Name:		
JB Number:		
BUSINESS LOCATION		
Street Address		
City	State	Zip Code
County		
CONTACT INFORMATION		
Primary Phone Number	Primary E-Mail Address	

Section VI – Affirmation by Applicant

CHECK AND SIGN ONE STATEMENT ONLY
(A) I am not currently employed at any other pest control licensee in Florida. If previously employed by a Florida licensee, please provide the TERMINATION DATE : month _____ day _____ year _____ and your JE number: _____
(B) I am not currently employed at any other Florida pest control licensee and I will be a full time employee of the licensee performing the duties of the certified operator in charge of: [circle all that apply] F G L T EFFECTIVE DATE: _____ CPO home/cell phone #: _____
(C) I am a certified operator currently employed at _____ applying for a SECOND ID CARD for exam experience in [circle the appropriate category] F G L T

[THIS SPACE INTENTIONALLY LEFT BLANK. APPLICATION CONTINUED ON NEXT PAGE.]

Section VII – Background Questions

This section **MUST BE COMPLETED** by the applicant seeking licensure or identification card. Check “YES” or “NO” for each response. If you intend to answer “NO” because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering “NO”. If you do not fully understand these questions, consult with an attorney, or contact the Department.

YOUR ANSWER TO THESE QUESTIONS MAY BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS. FAILURE TO PROVIDE THE DEPARTMENT WITH TRUE AND ACCURATE INFORMATION REGARDING THE APPLICANT'S CRIMINAL HISTORY MAY RESULT IN DISCIPLINARY ACTION PURSUANT TO SS. 482.161(1) & (7), F.S.

BACKGROUND QUESTIONS TO BE COMPLETED BY APPLICANT			
1.	☐ Yes	☐ No	Have you, in the last three (3) years, been convicted of a crime under any state or federal law involving dishonesty, violence, destruction of property, sexual misconduct or any other crime which directly relates to the practice of pest control.
2.	☐ Yes	☐ No	Have you been convicted of a crime under any state or federal law involving dishonesty, violence, destruction of property, sexual misconduct or any other crime which directly relates to the practice of pest control, for which you have not completed any term of probation or parole and the conditions thereof.
3.	☐ Yes	☐ No	Have you ever been convicted of any offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435 or ss. 491.0112, 784.049(3)(b), 794.08, 800.101, 826.04, 847.012, 872.06(2), 944.35(3)(b)2., 951.221(1), F.S. or similar laws of any other state.
4.	☐ Yes	☐ No	Have you been convicted of s. 775.33(4), 782.04(1), (2), or (3), or 782.09, F.S., which resulted in the actual killing of a human being, or similar laws of any other state.
5.	☐ Yes	☐ No	Have you ever been classified as a sexual predator pursuant to Section 775.21, F.S. or similar laws of any other state.

If you answered “YES” to any question in questions 1-5 above, you must provide a copy of the arrest report, copies of the disposition or judgment and sentence, and documentation proving all sanctions have been served and satisfied. You must supply this documentation for each occurrence. If you are unable to supply this documentation, a certified statement from the clerk of court for the relevant jurisdiction stating the status of records is required. Additionally, if you answered “YES” to any question in questions 1-5 above, you must complete the EXPLANATION section for your response. If you have more than one offense to document attach additional pages as necessary.

Explanation(s) for Background Questions

EXPLANATION	
Name at time of conviction	
Offense	
County	State
Penalty/Disposition	
Date of Offense (MM/DD/YYYY) / /	Have all sanctions been satisfied? ☐ Yes ☐ No
Description (If you have more than one offense to document attach additional pages as necessary):	

Section VIII – Affirmation by Applicant

AFFIRMATION BY WRITTEN DECLARATION	
I DO HEREBY CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.	
Original Signature of Applicant: _____	Date:
Print Name of Applicant:	Phone:

Section IX – Affirmation by Licensee or Certified Operator in Charge

AFFIRMATION BY WRITTEN DECLARATION	
I DO HEREBY CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF. I ALSO CERTIFY THAT THE APPLICANT HAS RECEIVED AT LEAST 5 DAYS OF FIELD TRAINING UNDER THE DIRECT SUPERVISION OF A CERTIFIED OPERATOR AS REQUIRED BY SECTION 482.091(3), F.S.	
Original Signature of Licensee or Certified Operator in Charge: _____	JB/JF Number:
Print Name:	Date: Phone:



Florida Department of Agriculture and Consumer Services
Division of Agricultural Environmental Services

**PEST CONTROL BUSINESS
LICENSE APPLICATION**

**WILTON SIMPSON
COMMISSIONER**

Rule 5E-14.142, F.A.C.
Telephone: (850) 617-7997

Remit Fee Online at:
<https://aeslicensing.fdacs.gov> - or -
Check or Money Order Payable to:
FDACS
Revenue Processing Section
P. O. Box 6710
Tallahassee, FL 32314-6710

OFFICE USE ONLY – DO NOT FILL IN

License Year:	License No.	Date Issued:	Effective Date:	Business Closed () Out-of-Business () Merger () Merger With:
---------------	-------------	--------------	-----------------	--

IMPORTANT: Check or money order should be payable to FDACS in the amount as described below. **DO NOT SEND CASH.**
If you need assistance in completing this application, please contact the Bureau of Licensing and Enforcement, Pest Control Section, at 850-617-7997. For additional information see the Instructions at the beginning of this application.

PLEASE FILL IN THE FOLLOWING INFORMATION COMPLETELY AND LEGIBLY:

Section I – Application Type

APPLICATION IS HEREBY MADE FOR THE FOLLOWING PEST CONTROL BUSINESS LICENSE AND IDENTIFICATION CARDS:

- ☐ Initial (New) License* - 002240 (\$300.00)
- ☐ Renewal License* - 002244 (\$300.00)
- ☐ Renewal Late Fee - 012023 (\$50.00)
- ☐ Expedite Fee - 002242 (\$50.00)
- ☐ Change-of-Business Ownership License* - 001373 (\$300.00)
- ☐ Change-of-Business Location Address License* - 001372 (\$25.00)
- ☐ Change-of-Registered Business Name License* - 001374 (\$25.00)

*NEW IDENTIFICATION CARDS (\$10.00 EACH) MUST BE ISSUED WITH EACH LICENSE –
New: 002241 / Renew: 002245 / Changes: 001371

F&A Use Only

Org. Code: 42 13 08 02 060 EO: B7

Object Code:	002240	\$ 300.00
	002244	\$ 300.00
	001373	\$ 300.00
	012023	\$ 50.00
	002242	\$ 50.00
	001374	\$ 25.00
	001372	\$ 25.00
	002241	\$ 10.00
	002245	\$ 10.00
	001371	\$ 10.00

Section II – Business Information

COMPLETE THE FOLLOWING FOR THE BUSINESS

Effective Date of Change if Applicable: ____ / ____ / ____		
Former Name:		
FIRM INFORMATION		
Federal Employer Tax Identification Number (FEIN) or Tax ID Number:		
Firm's Legal Name:		
Check One: () Incorporated () Limited Liability Company () Not Incorporated		
BUSINESS ADDRESS		
Street Address or P.O. Box:		
City:	State:	Zip Code:
County:		
Primary Phone Number:		
MAILING ADDRESS (IF DIFFERENT THAN BUSINESS ADDRESS)		
Street Address:		
City:	State:	Zip Code:
County:		

Section III – Email Address

COMPLETE THE FOLLOWING FOR APPLICANT EMAIL
Business Email (Required):
Alternate Email:

[THIS SPACE INTENTIONALLY LEFT BLANK. APPLICATION CONTINUED ON NEXT PAGE.]

Section IV – Owners or Corporate Officers – *Use a separate sheet if necessary*

LIST ALL OWNERS OR CORPORATE OFFICERS. GIVE TITLES OF CORPORATE OFFICERS	
Owner Name:	Percent Ownership:

Owner Title:		
Street:		
City:	State:	Zip Code:
Phone:		
Owner Name:	Percent Ownership:	
Owner Title:		
Street:		
City:	State:	Zip Code:
Phone:		

Section V – Certified Operator Information

LEAVE BLANK Change Effective Date	Each category of pest control being operated at this business location must be in the charge of one certified operator only. List each Certified Operator in charge of each category using the following. F=Fumigation; G=General Household Pest and Rodent Control; L=Lawn and Ornamental Pest Control; T=Termite or Other Wood-Destroying Organism Control. (Attach additional sheets if necessary).					
1.						
Start	Last Name	First	Middle	JF Cert. No.	Category(s) in charge of only	Phone No.
End	Home Address (Street or Rural Route No.)				City	Zip Code
2.						
Start	Last Name	First	Middle	JF Cert. No.	Category(s) in charge of only	Phone No.
End	Home Address (Street or Rural Route No.)				City	Zip Code
3.						
Start	Last Name	First	Middle	JF Cert. No.	Category(s) in charge of only	Phone No.
End	Home Address (Street or Rural Route No.)				City	Zip Code
4.						
Start	Last Name	First	Middle	JF Cert. No.	Category(s) in charge of only	Phone No.
End	Home Address (Street or Rural Route No.)				City	Zip Code

Section VI – Records Location

MUST COMPLETE
Designate location where pest control records and contracts of this licensee will be kept and the exact location address for storage of chemicals if other than licensed business location: _____

Section VII – Insurance

MUST INCLUDE
() You must attach a current certificate of insurance to this application.

Section VIII – Other

PLEASE READ CAREFULLY
() In accordance with 5E-14.142(9)(d), F.A.C., either the licensee or the licensee's certified operator in charge must also submit an APPLICATION FOR PEST CONTROL EMPLOYEE-IDENTIFICATION CARD, FDACS-13606 , <u>for each employee</u> with each original or renewal business license application or any business license change.
NOTE: Remit \$10 per APPLICATION FOR PEST CONTROL EMPLOYEE-IDENTIFICATION CARD, FDACS-13606, submitted.

I do hereby certify that I am the certified operator(s) in charge of the aforesaid licensed business location and that all information given in this application is true, complete and correct to the best of my knowledge and belief. I hereby further certify that my primary occupation is in the pest control business, that I am employed on a full-time basis by the licensee, and that my principal duty is the personal supervision of and participation in the pest control operations of the licensee at and for the aforesaid licensed business location in compliance with Section 482.071, Subsections 482.111(2), (3), (4), (5) and (6), and Section 482.152, Florida Statutes. Except for change of home address for employee identification card holders, I fully understand that it is the responsibility of the certified operator and/or the licensee to notify the Department promptly of any changes in the information given in this application in accordance with the law and regulations.

Use the on-line eCommerce system to apply for additional or remove identification cards any time after submitting an application for new, renewal, or change of address license. Prescribed forms are also available on request.

Section IX – Affirmation by Written Declaration

CERTIFIED OPERATOR IN CHARGE OF AND RESPONSIBLE FOR THE PEST CONTROL CATEGORY AS INDICATED ON PAGE ONE, SECTION v	
I DO HEREBY DECLARE THAT ALL ENTRIES HEREIN, ATTACHED HERETO AND MADE A PART OF THIS APPLICATION ARE TRUE AND CORRECT STATEMENTS.	
Signature:	Date:
Print Name:	Date of Birth:



Florida Department of Agriculture and Consumer Services
Division of Agricultural Environmental Services

WILTON SIMPSON
COMMISSIONER

Rule 5E-14.142, F.A.C.
Telephone: (850) 617-7996; Fax: (850) 617-7981

Respond to:
Bureau of Inspection and
Incident Response
3125 Conner Blvd, Suite N,
Tallahassee, FL 32399-1650

FUMIGATION LOG

(B) Fumigation Company:		License #:			
COIC Fumigation:		JF#			
(B) Fumigation Site Address:					
(B) Site City, State, Zip:					
Date & Time of Arrival:		AM/PM		Brand Name of Fumigant:	
(B) Type of Structure (check all that apply):		Frame Crawl ☐	Masonry Crawl ☐	Garage Attached ☐	Residential ☐
# of Stories:		Frame Slab ☐	Masonry Slab ☐	Garage Detached ☐	Non-residential ☐
					Multi-Unit ☐ No. of units ____
DOSAGE CALCULATIONS		(B) Target Pest:		Tarp ☐	Tape/Seal ☐
*Dosage Factor:		*Hours of Exposure:		*Estimated HLT:	
*Tarp Condition:		Slab/soil temp:		*Oz-Hr Required:	
*Seal Condition:		Humidity:		*Concentration:	
*Underseal:		*Temperature:		*Lbs. required:	
*Wind (mph):		*# of Fans or amps:		Shoot Rate:	
(B) Volume (MCF):		*Monitored: No ☐ Yes ☐		*Pic total (oz):	
INTRODUCTION INFORMATION: List Participating Employees (JF, JD, JE) (Use comment section for additional space.)					
*Date/Time of Release:		AM/PM	*Lbs of fumigant applied:		*SF Lot #(s):
*SF Cylinder #(s):		*PIC applied (oz):		*No. of PIC sites:	
*Name of Person Responsible for Introduction of PIC & SF?		*Credential # & Signature:			
*Name of Second Trained:		*Credential #:			
AERATION INFORMATION - List Participating Employees (JF, JD, JE) (Use comment section for additional space.)					
*Name of Person Responsible for Initiating Aeration:		*Credential # & Signature:			
*Name of Second Trained:		*Credential #:			
*Date and Time Seal Broken/ Passive Aeration Initiated:		AM/PM	*Date and Time Active Aeration Started:		AM/PM
*Date and Time Passive Aeration Finished:		AM/PM	*Date and Time Active Aeration Finished:		AM/PM
1-hour check conducted (Complete as applicable for Residential structures only)					
*Date/Time of check:		AM/PM	*Clearance Device Reading:		ppm
*Clearance Device(s) Model & Serial #:		*Name of CO or SPID and credential #:			
CLEARANCE INFORMATION - List Participating Employees (JF, JD) (Use comment section for additional space.)					
*Date:		*Clearance Device(s) Model & Serial #:			
*Time:		AM/PM	Last Calibration Date:		
*Name of Person Cleared by:		*Credential #/Signature:			
*Name of Second Trained:		*Credential #:			
Comments:					
Complete if Additional Fumigant Added:					
Date & Time:	AM/PM	Dose (Lb.):	Released by:	Credential #:	
If multiple structures are listed on the NOF complete one fumigation log per application.					
Items marked (B) must be documented before the initiation of the fumigation.			Items marked a (*) shall be completed on site during the fumigation process, if not before.		

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.0312 Additional Registration Requirements For Registrants of Structural Fumigants Labeled For Application to Residential Structures.

(1) No change.

(2) The Stewardship Policy shall include the following:

(a) The Permissible Clearance Device(s) that must be utilized by the licensee while performing a fumigation using the registrant's residential fumigant.

(b)(a) Training requirements. All stewardship training shall be conducted by the registrant or their designated representative including distributors and contractors, for all fumigation employees that perform fumigation using the registrant's residential fumigant and distributors of the registrant's residential fumigant. An objective metric to gauge individual knowledge and understanding must be incorporated into the training for both the initial and the annual stewardship training.

1. No change.

2. The Initial Stewardship Training shall include:

a. No change.

b. The proper use and calibration requirements for permissible label-approved clearance ~~detection~~ devices;

c. No change.

d. Review of the label, manual, Safety Data Sheets, safety procedures, and Stewardship Policy for the registrant's residential fumigant; ~~and~~,

e. Dosage calculation for the registrant's residential fumigant;

f. Fumigation good practices and requirements; and,

g. Label-required procedures for fumigation:

(I) Preparation

(II) Sealing

(III) Securing the fumigation site

(IV) Posting at the fumigation site

(V) Introduction of chloropicrin warning agent and sulfuryl fluoride

(VI) Aeration

(VII) Final clearance testing

3. The Annual Stewardship Training shall include:

- a. Review of the proper use, handling, and care of safety equipment and permissible clearance ~~detection~~ devices;
- b. No change.
- c. Review of any updates to registrant's residential fumigant labeling; ~~and~~;
- d. Review of any updates to registrant's residential fumigant Stewardship Policy; and;
- e. Fumigation good practices and requirements.

~~(c)(b)~~ Quality assurance reviews (QAR): QARs must be conducted by the registrant or their designated representative at least once per calendar year for each licensee using the registrant's residential fumigant. The QAR shall include an on-site observation of the licensee's fumigation employees conducting a structural fumigation using the registrant's residential fumigant. The QAR may be conducted at different sites and on different fumigation employees of the licensee in order for the registrant to complete subparagraphs 1. and 2.

- 1. No change.
- 2. The QAR shall include verification that the following items are at the fumigation site:
 - a. through c. No change.
 - d. Registrant's residential fumigant permissible ~~label approved~~ clearance devices;
 - e. No change.
- 3. No change.

~~(d)(c)~~ Probation and Stop Sale. The Stewardship Policy shall include procedures for the issuance of probation or stop sale notices to licensees who use the registrant's residential fumigant. The Stewardship Policy shall also describe options for corrective actions to be completed by a licensee in the event the registrant places a licensee on probation or issues a stop-sale notice and shall describe how corrective actions shall be determined.

1. The registrant shall place a licensee on probation or issue a stop-sale notice to a licensee if the registrant receives verifiable documentation of an observation by the registrant's employee or designated representative or a report of an inspection conducted by the department that the licensee has failed to follow critical safety procedures including the proper use of the following as determined by the registrant's residential fumigant label and Rule Chapters 5E-2 and 5E-14, F.A.C.:

- a. through b. No change.

c. ~~Permissible~~ ~~Approved~~ clearance devices;

d. through e. No change.

2. The registrant shall notify in writing, the licensee, all Florida distributors of the registrant's residential fumigant, and the department of a decision to place a licensee on probation or stop the sale and distribution of a residential fumigant to the licensee, within 15 business days of the registrant receiving confirmation that the licensee has failed to follow a critical safety procedure as outlined in subparagraph ~~(2)(d)1.(2)(e)1.~~, of this rule.

3. Notification to the department shall be made by utilizing the department's electronic fumigation notification website, ~~<https://aeslicensing.fdacs.gov>~~ ~~<http://fumigation.freshfromflorida.com>~~, or by submitting a completed Registrant Notification of Stewardship Compliance Action (FDACS-13001, 01/17), which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07899>, or by email to ~~AESCares@FDACS.gov~~ ~~bfirfumigation@freshfromflorida.com~~ or by facsimile to (850)617-7968.

4. The registrant shall place a licensee on probation for no less than six months if the licensee fails to follow one or more critical safety procedures as outlined in subparagraph ~~(2)(d)1.(2)(e)1.~~, of this rule while using the registrant's residential fumigant. Probation may be terminated at any time during the probationary period if the licensee completes all corrective actions recommended by the registrant and submits to a QAR in compliance with paragraph (1)(b).

5. The registrant shall issue an extended stop sale and stop the distribution of its residential fumigant to a licensee if within a six-month period, the licensee fails to follow two or more critical safety procedures as outlined in subparagraph ~~(2)(d)1.(2)(e)1.~~, while using a residential fumigant, or if the licensee fails to follow one or more critical safety procedures while on probation. The registrant shall lift the extended stop-sale only if the licensee completes all corrective actions recommended by the registrant. Once the extended stop-sale is lifted, the registrant can resume the sale and distribution of the registrant's residential fumigant to the licensee. Upon resuming the sale and distribution of the residential fumigant to the licensee, the registrant shall place the licensee on probation for no less than six months. If the licensee fails to follow at least one critical safety procedure while on probation after the extended stop-sale, the registrant shall notify the department and recommend suspension or revocation of the licensee's license to perform residential fumigations. The registrant shall re-issue the extended stop-sale notice to the licensee if the department suspends the licensee's license to perform residential fumigations. The extended stop-sale shall remain in place until the department lifts the suspension.

6. through 7. No change.

(d) relabeled (e) No change.

(3) Continuing Educational Approval. Registrants or their designated representatives must apply to the department for Continuing Educational Units (CEU) for all Stewardship Training programs. Registrants are required to use the department's designated CEU registration program website at <https://aeslicensing.fdacs.gov> ~~<https://ceu.freshfromflorida.com/>~~ or submit as instructed on the Request for Granting Continuing Education Units (CEUs) For Renewal of Pesticide Applicator Licenses and Certificates, (FDACS- 13326, Rev. 10/13) form which is incorporated by reference in Rule 5E-9.029, F.A.C.

(a) The department shall approve Annual and Initial Stewardship Training programs for the granting of CEUs in fumigation when the Stewardship Training programs meet the criteria set forth in Rule 5E-9.029, F.A.C. Annual Stewardship Training will be allocated one (1) fumigation CEU. Initial Stewardship Training will be allocated two (2) fumigation CEUs. All Stewardship Training programs shall be conducted in-person and must comply with paragraph ~~(2)(b)(2)(a)~~, of this rule.

(b) The department shall be allowed to attend and monitor Stewardship Training courses conducted by the registrant to evaluate whether the training requirements set forth in paragraph ~~(2)(b)(2)(a)~~, of this rule, have been met. Department inspectors shall document their observations using the Stewardship Monitoring Report, (FDACS-13003, 01/17) which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07900>. Department inspectors will also provide a copy of the report to the course provider.

(c) through (e) No change.

(4) No change.

Rulemaking Authority 487.051 FS. Law Implemented 487.051 FS. History—New 5-7-17, Amended _____.



WHITE PAPER

Substantiating the Continued Reference in Rule
5E-14 to Registrant-Permissible Clearance
Devices and the Efficacy of the Spectros SF-
ExplorIR for Sulfuryl Fluoride Fumigation in Florida

Sean Brantley

White Paper

Substantiating the Efficacy of the Spectros SF-ExplorIR for Sulfuryl Fluoride Fumigation in Florida

Prepared for: Florida Department of Agriculture and Consumer Services (FDACS) Regulators and Structural Pest Control Stakeholders

Date: December 15, 2025

Sean Brantley
President
Emory Brantley & Sons

Purpose

This white paper provides a focused, evidence-based justification for FDACS to allow fumigant registrants to list a particular clearance device – the SF-ExplorIR – as a “permissible” clearance device for use clearing structures following residential fumigations in Florida under Rule 5E-14. It documents the proven field performance of the Spectros SF-ExplorIR, discusses evaluations of the device that confirm its performance, and explains why a single study conducted by a federal laboratory was flawed and does not provide a basis for disallowing use of the SF-ExplorIR in Florida. Reliance on Registrant Stewardship Programs to establish permissible clearance devices – including the SF-ExplorIR – best serves safety, regulatory stability, and operational continuity for structural fumigations conducted in Florida.

Introduction

The EPA recently required label updates for residential fumigation products that removed references to “approved” clearance devices from EPA-approved product labels. EPA states that it does not regulate the use of specific clearance devices. See <https://www.epa.gov/ingredients-used-pesticide-products/sulfuryl-fluoride-clearance-devices> (last accessed December 18, 2025). In place of clearance devices being listed as “approved” on EPA labels, devices now may be listed as “approved” (or other similar terms, such as “permissible”) in product registrant’s stewardship plans. See <https://www.epa.gov/ingredients-used-pesticide-products/stewardship-plans> (last accessed December 18, 2025). Florida has accordingly proposed updates to some of its fumigation regulations to reflect the fact that, going forward, limitations on allowable clearance devices will be established through registrant stewardship plans rather than EPA-approved labels. This white paper discusses why one particular device – the Spectros SF-ExplorIR – is effective and should be able to be permitted for use by registrant stewardship programs.

The Spectros SF-ExplorIR is a widely-used clearance device for sulfuryl fluoride (SF) fumigations in Florida due to its resolution, continuous-motion monitoring, and integrated purge-air bag system that enables drift-free, accurate readings in dynamic field conditions. The SF-ExplorIR is used in 27 countries and has been evaluated by regulatory authorities globally. It has facilitated millions of final clearance tests worldwide, and has thousands of units in circulation.

The SF-ExplorIR has undergone rigorous testing to confirm its efficacy. Douglas Products, a sulfuryl fluoride registrant, published a document titled “Data Supporting the SF-ExplorIR as a Clearance Device for Sulfuryl Fluoride” that summarizes several of these studies that support the efficacy of this device. This document is provided as Appendix A to this white paper. Douglas Products has separately responded to an evaluation of the SF-ExplorIR that EPA performed in-house in which EPA obtained poor results from the device. This document details errors in EPA’s approach in its study. See Douglas Products’ Response to EPA’s Sulfuryl Fluoride Draft Interim Re-Entry Mitigation Measures and Supporting Documents, Exhibit B, Assessment of EPA Laboratory Testing of Portable Clearance Devices, available on Regulations.gov Comment ID No. EPA-HQ-OPP-2009-0136-0327.

As of the date of this white paper, the two registrants of sulfuryl fluoride products for residential fumigations in Florida (Douglas Products and Ensystex) intend to permit the use of the SF-ExplorIR in their stewardship plans. These plans, in addition to establishing training requirements, generally provide that the registrant may limit or discontinue a fumigator’s ability to purchase products if the registrant learns or observes that any fumigator has failed to properly follow all product label requirements, including use of properly calibrated devices to clear the structure in a manner consistent with all label requirements.

In view of the issues with EPA’s testing of the SF-ExplorIR, the additional testing that verifies its efficacy, and the registrants commitment to providing continued oversight and training through their stewardship plans, FDACS has substantial support to continue to allow the use of the device in Florida, pursuant to all applicable training, certification, and reporting requirements arising from registrant stewardship plans and/or FDACS regulations.

INTRODUCTION

Sulfuryl fluoride, registered as Vikane® gas fumigant by Douglas Products and Zythor® by Ensystex, is a critical tool for structural fumigation in Florida, where environmental conditions such as high humidity and pervasive pests like drywood termites necessitate effective, penetrating treatments. Clearance procedures require portable devices to confirm SF levels at or below 1 ppm, ensuring safe re-entry for occupants. The SF-ExplorIR, manufactured by Spectros Instruments, utilizes nondispersive infrared (NDIR) technology with high resolution, a 0-100 ppm range, and an internal Tedlar purge-air bag for automatic baseline correction—features that enable accurate, drift-free measurements during dynamic field operations. Its bright backlit LCD display, integrated battery pack, and both visual and audible alarms further enhance its utility (SF-ExplorIR Data Sheet, Appendix B). The SF-ExplorIR provides real-time, high-precision data that fumigators can trust in challenging conditions. During two decades of commercial use, it has become the leading field

deployable scientific instrument for SF fumigations in the US. It is used for field studies by registrants and universities (Todd et al. 2021, Wilson et al. 2025).

The SF-ExplorIR: Design and Field Performance

The SF-ExplorIR uses nondispersive infrared (NDIR) technology with:

- Bright LCD screen with resolution across a 0–100 ppm range
- Continuous, real-time readings suitable for clearance walk-throughs
- An internal purge-air bag to stabilize the baseline during movement
- Integrated alarms, diagnostics, and calibration tracking

These features are specifically suited to real-world fumigation environments where temperature and humidity vary spatially and temporally.

Limitations of EPA Laboratory Testing

The US EPA Office of Inspector General (OIG) report No. 17-P-0053 (2016) recommended actions by the EPA to reduce potential risks associated with residential fumigations. As part of these recommended actions, EPA evaluated the efficacy of SF clearance devices using static bench-top methods that do not replicate field use (US EPA 2020). An extensive review of the EPA assessment of the SF-ExplorIR determined there were numerous flaws with EPA's experimental design, protocol execution, and data interpretation (Thoms 2021). As a result of these flaws, this EPA study cannot reasonably be relied upon to draw conclusions of any sort about the performance of the SF-ExplorIR or take regulatory actions regarding the SF-ExplorIR. See Appendix C for further discussion of the technical issues with EPA evaluation of the SF-ExplorIR.

Manufacturers repeatedly identified these issues and proposed straightforward protocol corrections. Those recommendations were largely not incorporated because EPA was conducting the laboratory trial as registrants and clearance device manufacturers were reviewing the trial protocol and providing comments for revisions. See Appendix D for a Summary of Communications Dates Between EPA, Douglas Products, and Sulfuryl Fluoride Clearance Device Manufacturers/Providers Regarding the EPA “Protocol for Conducting Laboratory Testing of Portable Clearance Devices with Sulfuryl Fluoride Standards”. In addition, the testing was conducted without external technical peer review.

EPA released the final mitigation measures on June 29, 2023, for SF products labeled for residential fumigation. These measures mandated revised clearance device labeling language, including 1) removal of names of specific clearance devices and 2) referral to an EPA-maintained website for information on SF clearance devices. Despite EPA's classification of the SF-ExplorIR as “ineffective” (based only on EPA's flawed research) on its informational website, the agency's own disclaimer affirms this listing's non-regulatory nature: “The Agency does not approve use of, or

otherwise regulate the use of, specific clearance devices but has conducted testing... to inform users”(US EPA 2025).

Empirical Evidence and Operational Record

The SF-ExplorIR has undergone rigorous validation by Dow AgroSciences, Douglas Products, DFA (Dried Fruit Association) of California, AQUIS (Australian Quarantine and Inspection Service, now part Biosecurity divisions the Department of Agriculture, Fisheries and Forestry), CQIS (Chinese Quarantine Inspection Service), and the European Union. The SF-ExplorIR is used in 27 countries including European countries, South Africa, Australia, China, Japan, New Zealand, Mexico, and various Caribbean islands, in addition to the United States (personal communication, Dennis Glennon, Spectros Instruments). It has facilitated millions of final clearance tests worldwide, with thousands of units in circulation demonstrating accurate, reproducible performance.

Douglas Products 2024 publication “Data Supporting the SF-ExplorIR as a Clearance Device for Sulfuryl Fluoride,” (Appendix A) summarizes comprehensive laboratory and field trials documenting that the SF-ExplorIR is accurate and reliable to measure a clearance level of 1ppm. These trials were conducted by Ph.D. analytical chemists with a documented and extensive expertise in sulfuryl fluoride and support the ongoing use of the SF-ExplorIR as an SF clearance device.

Implications for Florida

Restricting the SF-ExplorIR would needlessly disrupt Florida's \$1 billion pest control sector. With about 60,000 structural fumigation conducted annually in Florida (Pest Control Enforcement Advisory Council meeting notes)—driven by its subtropical and coastal climates conducive to termite proliferation—disrupting access to the SF-ExplorIR could lead to operational delays, increased costs for operators, and potential lapses in pest control efficacy, ultimately risking public health and property damage. The device's proven track record makes it an indispensable asset for maintaining Florida's high standards of safety and efficiency. Retaining it ensures continuity, avoids the logistical issues with replacing a large number of units, a process that could take 6-12 months due to limited production capacity with burdens to the industry approaching \$2.7 million. Only two EPA-listed alternatives exist, both at similar costs but with no shelf stock, potentially forcing fumigation companies out of the business.

Conclusion

The SF-ExplorIR has a long, well-documented history of safe and effective use in sulfuryl fluoride fumigation clearance testing. EPA laboratory findings that conflict with this record have

methodological flaws, and the EPA itself has confirmed that its findings do not prohibit use of the SF-ExplorIR. Extensive laboratory and field evaluations document that the SF-ExplorIR is accurate and reliable to measure sulfuryl fluoride at the clearance level of 1ppm. There is no need for FDACS to restrict the use of this device, based on any testing performed by EPA or otherwise.

This paper is written with support from the following:



Fumigation Advisory Committee



References Cited

- AAPCO / SFIREG. 2021. Comments on Draft Sulfuryl Fluoride Mitigation Measures. September 23, 2021. <https://aapco.org/wp-content/uploads/2021/09/092021-AAPCO-ASPCRO-final-draft-SF-Comments.pdf>
- Thoms, E. 2021. Assessment of EPA Laboratory Testing of Portable Clearance Devices. Exhibit A of Douglas Products' Response to EPA's Sulfuryl Fluoride Draft Interim Re-Entry Mitigation Measures and Supporting Documents, Regulations.gov Comment ID No. EPA-HQ-OPP-2009-0136-0327.
- Todd, D. B., D. M. Miller, and J.R. Gordon. 2021. Field Evaluations of Sulfuryl Fluoride Fumigation for Control of the Common Bed Bug (Hemiptera: Cimicidae), Using a 1.9X Dosage Factor in Motor Vehicles and Filled Cargo Trailers. *J. Econ. Entomol.* 114: 857-867.
- US Environmental Protection Agency, Office of Inspector General. 2016. Additional Measures Can Be Taken to Prevent Deaths and Serious Injuries From Residential Fumigations. Report No. 17-P-0053. December 12, 2016.
- US Environmental Protection Agency. 2020. Laboratory Testing of Portable Clearance Devices with Sulfuryl Fluoride Standard – All Devices; Final Report. Analytical Chemistry Branch, Office of Pesticide Programs, Washington, DC. January 2020. EPA-HQ-OPP-2009-0136-0104.
- US Environmental Protection Agency. 2025. Sulfuryl Fluoride Clearance Devices – Clearance Device Effectiveness, (informational website). Updated 2025. <https://www.epa.gov/ingredients-used-pesticide-products/sulfuryl-fluoride-clearance-devices>
- Wilson, M. M., A. Arneson, and D. M. Miller. 2025. Evaluation of two structural sealing methods for sulfuryl fluoride fumigation against bed bugs (Hemiptera: Cimicidae). *J. Econ. Entomol.* 118: 1831-1841.

Appendix A:

Douglas Products 2024 Publication “Data Supporting the SF-ExplorIR as a Clearance Device for Sulfuryl Fluoride”. Document follows this page.

EPA's Criteria for Accuracy and Reliability of Sulfuryl Fluoride Clearance Devices

The Environmental Protection Agency (EPA) does not approve use of, or otherwise regulate the use of, specific clearance devices for sulfuryl fluoride but has conducted testing on the effectiveness of some models of clearance devices in detecting required clearance levels in order to inform users.¹ In connection with that effort, EPA guidance describes the following performance criteria for sulfuryl fluoride clearance devices:²

- 1. Accuracy rate $\geq 70\%$:** percentage of readings of 1 ppm with 1 ppm in tested sample of sulfuryl fluoride
- 2. Reliability rate $\leq 30\%$:** percentage of readings of 0 ppm with 1 ppm in tested sample of sulfuryl fluoride

This bulletin summarizes research verifying that the SF-ExplorIR (Spectros Instruments, Hopedale, MA) meets EPA's accuracy and reliability criteria when measuring 1 ppm sulfuryl fluoride. EPA has concluded, based on a study performed at its internal laboratory, that the SF-ExplorIR does not meet these criteria. Douglas Products believes that EPA's testing was flawed.³ Fortunately, the EPA has indicated that it does not intend to prohibit use of the SF-ExplorIR based on its internal testing, consistent with its statement that it does not regulate specific devices.

This technical bulletin describes the results of two studies demonstrating that the SF-ExplorIR meets EPA's accuracy and reliability criteria when testing for 1 ppm sulfuryl fluoride, consistent with the EPA's goal that users be as informed as possible concerning available devices.

2005 Evaluation of the SF-ExplorIR

Dow AgroSciences tested five production units of SF-ExplorIRs, operated in the Normal Mode as fumigators would use them, to validate their performance in a wide variety of conditions.⁴ This was the initial validation testing, based on which EPA originally permitted the SF-ExplorIR to be listed as an approved clearance device on the label.

2005 Testing, Part 1: Effect of temperature and relative humidity: SF-ExplorIRs were placed inside environmental chambers to equilibrate for 30 minutes, which included filling of the SF-ExplorIR internal purge-air bag with air from inside the environmental chamber.⁵ Environmental conditions inside each chamber were set to evaluate combination of high and low conditions for temperature and relative humidity (See Table 1), which were recorded by HOBO Pro Temperature and Relative Humidity Loggers. Sulfuryl fluoride concentrations were prepared by using a 1 liter gas-tight syringe to introduce the appropriate volume of sulfuryl fluoride from a certified gas standard (Scott Marrin, Riverside, CA) into a gas-tight 15 or 16 liter gas sample bag. The aliquot of the certified gas standard was then diluted with an appropriate volume of air from the environmental chamber, which was transferred to the gas sample bag using either a 1 or 2 liter gas-tight syringe. Three readings were taken per SF-ExplorIR per gas concentration (1, 3, and 7 ppm) per

¹See EPA, Sulfuryl Fluoride Clearance Devices, Clearance Device Effectiveness, available at <https://www.epa.gov/ingredients-used-pesticide-products/sulfuryl-fluoride-clearance-devices> (last updated Nov. 14, 2023).

²Environmental Protection Agency (EPA). 2021. Assessment of Portable Devices for Their Effectiveness in Detecting Sulfuryl Fluoride (SF) at Clearance Level. Analytical Chemistry Branch, Office of Pesticide Programs, Washington, DC. May 14, 2021. EPA-HQ-OPP-0136-0107; see also EPA, Sulfuryl Fluoride Clearance Devices, Performance Criteria for Effective Devices, available at <https://www.epa.gov/ingredients-used-pesticide-products/sulfuryl-fluoride-clearance-devices#perform> (last updated Nov. 14, 2023).

³See, e.g., Exhibit B to Douglas Products' initial Response to EPA's Sulfuryl Fluoride Draft Interim Re-Entry Mitigation Measures and Supporting Documents, Regulations.gov Doc. ID EPA-HQ-OPP-2009-0136-0327.

⁴Barnekow, D. 2015. Evaluation of Spectros SF-ExplorIR Detector for Determining Sulfuryl fluoride Concentrations in Air. 72 pp. Unpublished report of Douglas Products. EPA MRID 50607601.

⁵The SF-ExplorIR uses single channel, fixed filter non-dispersive infrared (NDIR) sensor technology, to measure sulfuryl fluoride gas concentrations. Non-condensed water vapor (i.e., the relative humidity in air) absorbs infrared energy at many of the wavelengths in the Infrared spectrum (fingerprint) used to measure sulfuryl fluoride. Therefore, humidity in air if left unaccounted for will affect the readings provided by infrared detection devices. The SF-ExplorIR utilizes an internal purge-air bag to offset and zero out the interference contributions of water vapor when measuring sulfuryl fluoride. The purge-air bag provides an air reservoir to set zero on the SF-ExplorIR during initial warm-up and automatically resets the device to zero while the device is in use. For the zeroing function to work correctly, the air in the purge-air bag must have the same temperature and relative humidity as the air space being sampled for sulfuryl fluoride. This is accomplished during field use when the fumigator fills the purge-air bag outside of the fumigated space with fresh air which has the same relative humidity and temperature as air in the fumigated space.

*Trademark of Douglas Products.

Vikane is a federally Restricted Use Pesticide. Always read and follow label directions. These materials have been created specifically for Vikane and no other fumigant. These materials may not be copied, whole or in part, or reproduced without the permission of Douglas Products.

chamber condition. **In all tested environmental conditions, the SF-ExplorIRs met the EPA performance requirements for accuracy and reliability when measuring 1 ppm sulfuryl fluoride (See Table 1).**

Table 1. Accuracy and Reliability Based on Percent of Readings of Five SF-ExplorIRs to Measure 1 ppm Sulfuryl fluoride in High and Low Temperature and Humidity Conditions.

Mean Temperature °F	Mean % Relative Humidity	Accuracy (Reading 1 ppm)	Reliability (Reading 0 ppm)
106.0 (High)	48 (High)	100%	0%
104.7 (High)	8 (Low)	93.3%	7.7%
61.3 (Low)	74.6 (High)	73.3%	6.7% ^a
59.4 (Low)	39.6 (Low)	99.3%	0% ^b

^aThree readings were 2 ppm, which does not affect the reliability calculation.

^bOne reading was 2 ppm, which does not affect the reliability calculation.

2005 Testing, Part 2: Stability of SF-ExplorIR Readings Before and After Field Testing: To ensure that the device would hold up to field use, the devices were tested before and after several weeks of field operation. First, SF-ExplorIRs were evaluated over two non-consecutive days measuring five concentrations of sulfuryl fluoride (1, 3, 5, 7, and 10 ppm). Sulfuryl fluoride concentrations were prepared as previously described, except the air to dilute the sample was laboratory air (Day 1 mean temperature 70.6 °F, mean relative humidity 26.2%; Day 2 mean temperature 72.3 °F, mean relative humidity 25.5%). The purge-air bags of the SF-ExplorIRs were filled with laboratory air. Three readings were taken per SF-ExplorIR per dilution on each test day. **In this trial, the SF-ExplorIRs met the EPA performance requirements for accuracy (86.7% readings were 1 ppm) and reliability (13.3% readings were 0 ppm) when measuring 1 ppm sulfuryl fluoride.**

One SF-ExplorIR tested as noted above was then sent to each of five fumigation companies; two were in California, two in Florida, and one in Hawaii. The fumigators had ca. 4.5 weeks to use and evaluate the SF-ExplorIR, from late March through April 2005, after which they returned the units to Dow AgroSciences for follow-up testing. During the field test, SF-ExplorIRs were operated for a total mean of 14.7 hours (range 10.3 – 18.9 hours) for clearance testing during a mean of 14.6 days (range: 8 – 20 days) of use.⁶

After being returned from the field usage period, the SF-ExplorIRs were evaluated again as previously described before field testing, except evaluations were conducted for one day for each unit. Three units were tested on the same day when the laboratory mean temperature was 70.9 °F and the mean relative humidity was 41.2%. The two remaining units were tested on another day when laboratory mean temperature was 71.1 °F and the mean relative humidity was 34.2%. **In this trial, the SF-ExplorIRs met the EPA performance requirements for accuracy (80% readings were 1 ppm) and reliability (20% readings were 0 ppm) when measuring 1 ppm sulfuryl fluoride.**

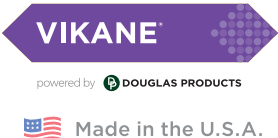
2023 Evaluation of the SF-ExplorIR

Two SF-ExplorIRs were evaluated in the Normal Mode to measure two nominal concentrations of sulfuryl fluoride (1 and 3 ppm). These concentrations were created by injecting via gas-tight syringe an aliquot of a certified gas standard (200.2 ppmv sulfuryl fluoride, Linde-Praxair, Danbury, CT) into Kynar 20.3 L gas sample bag and then adding 15 L of laboratory ambient air to create desired concentration for testing purposes. Sulfuryl fluoride concentrations in gas sample bags were verified using GC-BID (Gas chromatography with barrier discharge ionization detector) before and after testing with the SF-ExplorIRs. If the GC-BID reading of the sulfuryl fluoride concentration in a gas sample bag

⁶Thoms, E. 2006. Field Evaluation of Prototype Spectros SF-ExplorIR Detector by Certified Fumigators for Detection of Vikane® gas fumigant during Clearance Testing, 17 pp. Unpublished report of Douglas Products.

^{*}Trademark of Douglas Products.
Vikane is a federally Restricted Use Pesticide. Always read and follow label directions. These materials have been created specifically for Vikane and no other fumigant. These materials may not be copied, whole or in part, or reproduced without the permission of Douglas Products.

©2024 Douglas Products. U01-069-205 (01/24) ET



varied more than ± 0.2 ppm from the target concentrations, the gas sample was not used to evaluate the performance of the SF-ExplorIRs. Prior to its use, the GC-BID was calibrated using the standard calibration curve method. Following calibration of the GC-BID, a 3.15 ppm certified gas sample of sulfuryl fluoride (Linde-Praxair, Danbury, CT) was used to confirm the calibration.

Three readings per gas sample bag were obtained for the first SF-ExplorIR, before this process was repeated for the second SF-ExplorIR using the same gas sample bag. Each reading was obtained after a minimum of 7 seconds, the minimum time for the SF-ExplorIR in the Normal mode to measure and display the peak concentration. After a measurement was obtained, the device operated without a gas sample bag attached for a minimum of 7 seconds to reset the device to zero before a subsequent reading was obtained. The purge-air bags of the SF-ExplorIRs were filled with laboratory ambient air during these tests.

A total of 66 readings from nominal 1 ppm gas sample bags and 60 from nominal 3 ppm gas sample bags were obtained. **In this trial, the SF-ExplorIRs met the EPA performance requirements for accuracy (84.8% readings were 1 ppm) and reliability (4.5% readings were 0 ppm) when measuring 1 ppm sulfuryl fluoride.⁷**

⁷Hall, W. 2023. Testing of the SF-ExplorIR (Portable Clearance Device) Operating in the Normal Mode with Nominal 1 and 3 ppm Sulfuryl Fluoride Samples. 53 pp., performed at the USDA-Agricultural Research Services, San Joaquin Valley Agricultural Sciences Center, Parlier, California. Unpublished report of Douglas Products. EPA MRID 52213401.

vikanefumigant.com

VIKANE[®]

powered by  **DOUGLAS PRODUCTS**

 Made in the U.S.A.

*Trademark of Douglas Products.

Vikane is a federally Restricted Use Pesticide. Always read and follow label directions. These materials have been created specifically for Vikane and no other fumigant. These materials may not be copied, whole or in part, or reproduced without the permission of Douglas Products.

Appendix B: SF-ExplorIR Data Sheet, Spectros Instruments

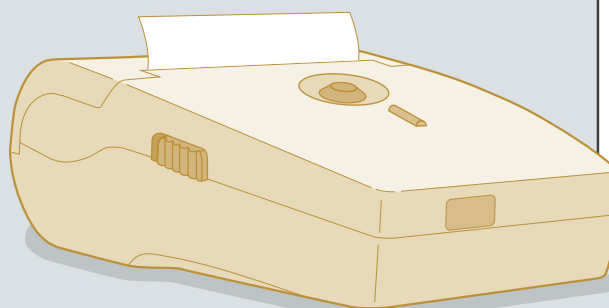
Document follows this page

SFExplorIR™

Sulfuryl Fluoride Clearance Monitor

A rugged, portable non-dispersive infrared (NDIR) monitor for clearance of sulfuryl fluoride structural and commodity fumigations.

The SFExplorIR is a continuous-motion, continuous-read monitor with an integrated battery pack and bright backlit LCD diagnostic display of 0.1 ppm resolution. Continuous sensor validation (P,T,V) assures accurate readings. An audible alarm indicates 5ppm sulfuryl fluoride levels. Data logging of last 200 readings and downloading to optional thermal printer.



LOG DATA				
DATE	TIME	g/M ³		
01/10/13	11:34	55.2g/M ³	0001	of 194
01/10/13	11:35	54.7g/M ³	0002	of 194
01/10/13	11:36	54.4g/M ³	0003	of 194
01/10/13	11:37	55.1g/M ³	0004	of 194
01/10/13	11:38	54.9g/M ³	0005	of 194
01/10/13	11:39	54.9g/M ³	0006	of 194
01/10/13	11:40	54.8g/M ³	0007	of 194
01/10/13	11:41	55.2g/M ³	0008	of 194
01/10/13	11:43	55.2g/M ³	0009	of 194
01/10/13	11:44	54.8g/M ³	0010	of 194
01/10/13	11:45	55.2g/M ³	0011	of 194
01/10/13	11:46	55.2g/M ³	0012	of 194
01/10/13	11:47	54.8g/M ³	0013	of 194
01/10/13	11:48	55.2g/M ³	0014	of 194
01/10/13	11:49	54.7g/M ³	0015	of 194
01/10/13	11:50	55.2g/M ³	0016	of 194
01/10/13	11:51	55.2g/M ³	0017	of 194
01/10/13	11:52	54.8g/M ³	0018	of 194
01/10/13	11:53	55.2g/M ³	0019	of 194
01/10/13	11:54	55.2g/M ³	0020	of 194
01/10/13	11:55	54.7g/M ³	0021	of 194
01/10/13	11:56	55.2g/M ³	0022	of 194
01/10/13	11:57	54.8g/M ³	0023	of 194
01/10/13	11:58	55.2g/M ³	0024	of 194
01/10/13	11:59	54.7g/M ³	0025	of 194
01/10/13	12:00	55.2g/M ³	0026	of 194
01/10/13	12:01	55.2g/M ³	0027	of 194
01/10/13	12:02	55.2g/M ³	0028	of 194
01/10/13	12:04	55.2g/M ³	0029	of 194
01/10/13	12:05	55.2g/M ³	0030	of 194
01/10/13	12:06	55.2g/M ³	0031	of 194
01/10/13	12:07	55.2g/M ³	0032	of 194
01/10/13	12:08	55.2g/M ³	0033	of 194

Thermal Printer: Concentration, time/date stamp printout available

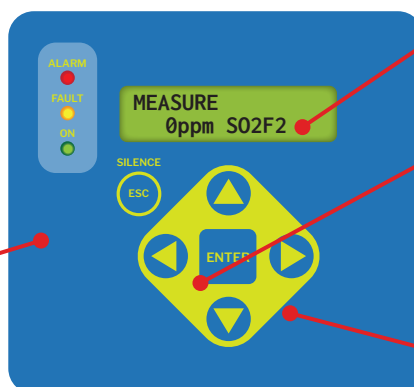


SFExplorIR Sulfuryl Fluoride Clearance Monitor

INDICATOR LIGHTS:

Alarm, System Fault and Monitor On (flashes during warm-up)

SILENCE /ESC – temporarily silence the audible alarm OR return to the previous screen without saving data



DISPLAY SCREEN – Backlit LCD

ENTER – Control/Setup Menu Mode: press to save values

KEYPAD – Control/Setup Menu Mode: Move the arrow ► on the display screen to the desired function, scroll through data, or change a function's value

Gas Specifications

Product Type	Portable sulfuryl fluoride (SO ₂ F ₂) clearance monitor
Measuring Range	0 to 100 ppm
Detector Type	Non-Dispersive Infrared (NDIR)
Accuracy	< 1 ppm (minimum)

Interface

Display	bright, back-lit LCD & 3 indicator lights
Audible Alarm	Internal audible alarm factory set (5 ppm)

Electronics Specifications

Response Time	90% of response within 5 seconds; 100% in 7 seconds
Warm-up Time	15 minutes
Operating Time	30 plus minutes before the purge-air bag needs refilling
Power	DC power pack, provides at least 8 hours of operation
Power Consumption	15 Watts

Physical Specifications

System Noise	Less than 40dB(A) at 10 ft (3 m)
Operating Temp	32° - 122°F (0 - 50°C)
Ambient Humidity	5% to 90% RH (non-condensing)
Altitude Limit	6,562 ft (2,000 m)
Size/Weight	8" D x 19" L x 5" W (203 x 483 x 127 mm)/ Less than 9 lbs (4 kg) w/battery
Valid Calibration Period	1 Year
Warranty	1 Year from date of shipment. Battery @ 6 months

Appendix C: Expanded Timeline of Key Events

The following timeline consolidates key regulatory, technical, and stakeholder milestones relevant to sulfuryl fluoride clearance devices and the SF-ExplorIR. It is provided for historical completeness and administrative record support.

Summary of Communications Dates Between EPA, Douglas Products, and Sulfuryl Fluoride Clearance Device Manufacturers/Providers Regarding the EPA “Protocol for Conducting Laboratory Testing of Portable Clearance Devices with Sulfuryl Fluoride Standards.”

May 8, 2019: EPA emailed the first draft protocol, dated April 17, 2019, to Douglas Products. Douglas Products emailed it to the four sulfuryl fluoride clearance devices manufacturers/providers the following day, May 9, 2019.

May 14, 2019: EPA conducted five measurements of each sulfuryl fluoride gas calibration standard concentration using the calibration verification procedure for the SF-ExplorIR. Results are entered in the lab notebook on page 13.

May 15, 2019: EPA ACB began laboratory evaluation of the SF-ExplorIR, Interscan, and FumiSpec Lo using sulfuryl fluoride calibration standards diluted in dry air, as reported in “Laboratory Testing of Portable Clearance Devices with Sulfuryl Fluoride Standard – All Devices, Final Report, dated January 2020,” (US EPA 2020).

May 28, 2019: A letter from Douglas Products providing comments on the EPA protocol dated April 17, 2019 was emailed to the study principal investigator, Dr. Yaorong Qian, with copies to Kevin Costello and Thuy Nguyen. Douglas Products included correspondence from SF clearance device manufacturers/providers (Spectros Instruments [SF-ExplorIR], Cardinal Professional Products [CLIRcheck], Interscan Corp., and Uniphos [FumiSpec Lo]) commenting on the EPA protocol. This correspondence from Mr. Glennon of Spectros Instruments explained why the SF-ExplorIR should be tested using the Static Mode procedure and provided directions again for how to conduct evaluations using this mode.

June 17, 2109: EPA ACB began laboratory evaluation of the CLIRcheck using sulfuryl fluoride calibration standards diluted in dry air (US EPA 2020).

July 24, 2019: Douglas Products received from EPA a second revised protocol, dated July 8, 2019, and responses to the Douglas Products letter dated May 28, 2019.

August 7, 2019: Mr. Glennon of Spectros Instruments sent an email directly to Dr. Yaorong Qian at EPA responding to the second revised protocol, dated July 8, 2019. This email again reiterated the reason for evaluating the SF-ExplorIR using the Static Mode procedure and provided directions again for how to conduct evaluations using this mode. Mr. Glennon stated the procedures in the EPA protocol for evaluating the SF-ExplorIR are “invalid.”

August 8, 2019: EPA ACB concluded laboratory evaluation of the FumiSpec Lo using sulfuryl fluoride calibration gas standard diluted in dry air (US EPA 2020).

August 12, 2019: EPA ACB concluded laboratory evaluation of the SF-ExplorIR using sulfur dioxide calibration gas standard diluted in dry air (US EPA 2020) August 12, 2019: Douglas Products emailed a letter to Dr. Yaorong Qian at EPA, copying Kevin Costello and Thuy Nguyen, providing comments on the EPA protocol dated July 8, 2019. Douglas Products included correspondence from the SF clearance device manufacturers, Interscan Corp. and Uniphos.

August 15, 2019: EPA ACB concluded laboratory evaluation by EPA of the CLIRcheck and Interscan using the sulfur dioxide calibration gas standard diluted in dry air (US EPA 2020).

October 24, 2019: EPA provided Douglas Products with a protocol dated September 3, 2019, and responses to the Douglas Products letter dated August 12. The final evaluation of the sulfur dioxide clearance devices using the 1 ppm sulfur dioxide calibration gas standard ended on **August 15, 2019**, prior to issuance of the final protocol dated September 3, 2019.

November 5, 2019: Mr. Glennon sent an email to Dr. Yaorong Qian reiterating that the previously provided the Static Mode procedure should be conducted for the SF-ExplorIR.

May 10, 2021 – During an EPA webinar, agency staff acknowledge that the clearance-device testing did not undergo external technical peer review.

May 14, 2021 – EPA issues a memorandum summarizing device testing results and characterizing certain instruments as ineffective based on laboratory criteria, while acknowledging potential variation introduced by humidity conditions in the testing for certain devices. Regulations.gov Document ID No. EPA-HQ-OPP-2009-0136-0107.

May 25, 2021 – EPA publishes draft sulfur dioxide mitigation measures in the Federal Register. 86 Fed. Reg. 28,097.

September 20, 2021 – Spectros submits a comprehensive technical response attributing observed laboratory under-readings to relative humidity artifacts not encountered during field use. Regulations.gov Comment ID No. EPA-HQ-OPP-2009-0136-0234.

September 23, 2021 – AAPCO/SFIREG submits comments reporting widespread multi-state use of the SF-ExplorIR and urges EPA to reconsider its methodology. Regulations.gov Comment ID No. EPA-HQ-OPP-2009-0136-0331.

June 29, 2023 – EPA issues revised mitigation measures indicating that some clearance-device information will be placed on an informational website. Regulations.gov Document ID No. EPA-HQ-OPP-2009-0136-0347.

September 27, 2023 – EPA responds to registrant comments, acknowledging ongoing discussions while declining to revise device categorizations. Regulations.gov Document ID No. EPA-HQ-OPP-2009-0136-0352.

October 23, 2023 – EPA issues memorandum with further changes in “Final Amended Sulfur Dioxide Label Table,” and discusses further registrant comments. Regulations.gov Document ID No. EPA-HQ-OPP-2009-0136-0353.

Appendix D: Expanded Analyses of EPA's Laboratory Study

EPA's "Laboratory Testing of Portable Clearance Devices with Sulfuryl Fluoride Standard – All Devices Final Report" (Docket EPA-HQ-OPP-2009-0136-0104, May 2021) used a protocol inappropriate for the unique operation of the SF-ExplorIR, compared to other SF clearance devices (Thoms 2021). Water vapor (i.e., the relative humidity in air) absorbs many of the IR wavelengths in the IR spectrum used to measure absorbance by sulfuryl fluoride. Therefore, humidity in air affects the readings provided by infrared detection devices, like the SF-ExplorIR. The SF-ExplorIR utilizes a novel method, an internal Tedlar purge-air bag, to remove the interference of water when measuring sulfuryl fluoride. The purge-air bag provides an air reservoir to zero the SF-ExplorIR during initial warm-up and automatically re-zero the device during operation. For this zeroing function to work correctly, the air in the purge-air bag must be the same temperature and relative humidity as the air space being sampled for sulfuryl fluoride. This is easily done by the fumigator in normal use, field conditions. The fumigator fills the purge-air bag with air outdoors not containing sulfuryl fluoride and having the same relative humidity and temperature as air in the fumigated space. If the air in the purge-air bag is more humid than the air being measured, the SF-ExplorIR's microprocessor will incorrectly compensate for water not present in the sample and will report a lower sulfuryl concentration present in the sample. This effect can be particularly pronounced if the sample air has very low humidity (i.e., is "dry air") because the potential difference in relative humidity between the dry air samples and non-dry air purge-air bag is large. At 50% relative humidity, sufficient moisture will infiltrate into the internal Tedlar air bag in 12 minutes to increase the initial dry air zero baseline by 0.8 ppm (thereby causing a reading in dry air to be low by this amount). The EPA testing methods did not appropriately control moisture intrusion into their gas sample bags, resulting in repeatedly low measurement of SF by the SF-ExplorIR. This explains why the EPA study documented many "0" reading by the SF-ExplorIRs of 1 ppm SF in gas sample bags.

- **Disconnect Between Lab Conditions and Field Applications:** The EPA protocol's static, bench-top setup failed to simulate normal fumigation procedures, where airflow and humidity are controlled based on the procedures for use of the SF-ExplorIR. This led to incorrectly low readings.
- **Deviation from Manufacturer-Recommended Procedures:** Spectros provided advice concerning protocol modifications that would have enabled the SF-ExplorIR to be correctly tested in a lab setting. EPA's lab notes show only one potential attempt to test out portions of these modifications on May 14, 2019, without documenting key variables.
- **Inadequate Verification and Controls:** EPA did not independently verify test sample concentrations of SF, instead relying on vendor certifications. Data formats were inconsistent, and it is not clear that readings were interpreted consistently or per advice from Spectros (i.e., the manner in which peak readings are interpreted). This further reduced the reliability of the EPA findings.

By the Committee on Agriculture; and Senator Truenow

575-01714-26

2026290c1

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; creating ss. 125.489 and 166.063, F.S.; defining the terms "gasoline-powered farm equipment" and "gasoline-powered landscape equipment"; prohibiting counties and municipalities, respectively, from enacting or enforcing any law that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment or that distinguishes such equipment from any other equipment under certain circumstances; providing construction; amending s. 253.0341, F.S.; requiring the Acquisition and Restoration Council to determine whether certain surplus lands are suitable for bona fide agricultural purposes; prohibiting a local governmental entity from transferring future development rights for surplus lands determined to be suitable for bona fide agricultural purposes; requiring the Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, to determine whether certain state-owned conservation lands are suitable for bona fide agricultural purposes; authorizing the Department of Environmental Protection to surplus certain state-owned lands determined to be suitable for bona fide agricultural purposes; requiring the Department of Environmental Protection to retain a rural-lands-protection easement for such surplus lands; requiring that all proceeds from the sale of such

575-01714-26

2026290c1

surplused lands be deposited in the Department of Agriculture and Consumer Services' Incidental Trust Fund for less than fee simple; requiring the Department of Environmental Protection to annually provide a report of such surplused lands to the Board of Trustees of the Internal Improvement Trust Fund; prohibiting certain lands from being surplused; amending s. 259.1053, F.S.; deleting provisions relating to the Babcock Ranch Advisory Group; amending s. 287.1351, F.S.; revising circumstances under which a vendor is prohibited from submitting a bid, proposal, or reply to an agency or from entering into or renewing any contract to provide goods or services to an agency; amending s. 322.12, F.S.; providing penalties for an applicant for a commercial driver license who receives unauthorized assistance on certain portions of the examination; amending s. 322.36, F.S.; prohibiting a person from knowingly or willfully providing unauthorized assistance to an applicant for the examination required to hold a commercial driver license; repealing ss. 377.71, 377.711, and 377.712, F.S., relating to definitions and the Southern States Energy Compact, Florida as party to the Southern States Energy Compact, and Florida's participation in the Southern States Energy Board, respectively; amending s. 403.0855, F.S.; deleting provisions relating to legislative approval of certain rules adopted by the Department of Environmental Protection; revising requirements for

575-01714-26

2026290c1

59 permittees of biosolids land application sites;
60 deleting an obsolete provision; amending s. 489.105,
61 F.S.; defining the terms "subcontractor" and
62 "supplier"; creating s. 489.1295, F.S.; prohibiting
63 licensed contractors or persons holding themselves out
64 as such from failing to pay their subcontractor or
65 supplier within a specified timeframe without
66 reasonable cause after receiving payment for the
67 services the subcontractor or supplier performed;
68 providing penalties; amending s. 500.04, F.S.;
69 revising the list of prohibited acts related to the
70 prevention of fraud, harm, adulteration, misbranding,
71 or false advertising in the preparation, production,
72 manufacture, storage, or sale of food; repealing s.
73 500.81, F.S., relating to the Healthy Food Financing
74 Initiative; amending s. 500.93, F.S.; making a
75 technical change; amending s. 501.013, F.S.;
76 authorizing the Department of Agriculture and Consumer
77 Services to provide an exemption from certain health
78 studio regulations; creating s. 501.062, F.S.;
79 providing legislative intent; defining the terms
80 "commercial solicitation" and "dwelling"; prohibiting
81 a person from engaging in commercial solicitation
82 under certain circumstances; providing construction;
83 providing penalties; amending s. 570.07, F.S.;
84 authorizing the Department of Agriculture and Consumer
85 Services to reorganize departmental units upon the
86 approval of the Commissioner of Agriculture; amending
87 s. 570.822, F.S.; providing additional eligibility

575-01714-26

2026290c1

requirements for the Agriculture and Aquaculture Producers Emergency Recovery Loan Program; creating s. 570.832, F.S.; requiring the Florida Wildflower Foundation, in coordination with the Department of Agriculture and Consumer Services, to establish the Florida Native Seed Research and Marketing Program, subject to legislative appropriation; providing the purpose of the program; creating s. 570.846, F.S.; establishing the Food Animal Veterinary Medicine Loan Repayment Program; providing the purpose of the program; defining terms; providing eligibility requirements for the program; authorizing the Department of Agriculture and Consumer Services to make loan principal repayments on behalf of eligible candidates up to a certain amount for a specified timeframe, subject to legislative appropriation; providing construction; authorizing the Department of Agriculture and Consumer Services to adopt rules; amending s. 583.01, F.S.; revising the definition of the term "dealer"; amending s. 590.02, F.S.; revising the Florida Forest Service powers, authority, and duties; authorizing the Forest Service to manage the Welaka Training Center; conforming provisions to changes made by the act; authorizing the Withlacoochee or Welaka Training Centers to assess certain fees as determined by the Florida Forest Service, regardless of where certain training occurs; creating s. 595.421, F.S.; establishing the Farmers Feeding Florida Program for specified purposes; requiring Feeding Florida to

575-01714-26

2026290c1

117 take certain actions to implement the program;
118 prohibiting the food purchased by Feeding Florida
119 through such program from reentering the wholesale,
120 retail, or secondary market; prohibiting a candidate
121 for elective office from hosting a food distribution
122 event under certain circumstances; providing
123 nonapplicability; amending s. 597.004, F.S.; making a
124 technical change; prohibiting the Department of
125 Agriculture and Consumer Services from renewing a
126 certificate of registration for a noncompliant
127 facility unless certain documentation is provided with
128 the renewal application; prohibiting entities whose
129 certificate of registration has been revoked from
130 reapplying for a specified period of time; amending s.
131 597.010, F.S.; authorizing rather than requiring the
132 periodic adjustment of the annual rental fee charged
133 for certain leases; amending s. 599.012, F.S.; making
134 technical changes; amending s. 616.001, F.S.; revising
135 and deleting definitions relating to public fairs and
136 expositions; amending s. 616.01, F.S.; revising
137 application requirements for a proposed charter for an
138 association to conduct a public fair or exposition;
139 requiring the Department of Agriculture and Consumer
140 Services to provide an applicant for a proposed
141 charter with specified information upon the denial of
142 a proposed charter; revising requirements for
143 information that must be included in the proposed
144 charter; amending s. 616.02, F.S.; limiting the number
145 of incorporated state fair associations per county;

575-01714-26

2026290c1

providing construction; authorizing the Department of Agriculture and Consumer Services to waive certain requirements at the discretion of the commissioner; authorizing fair associations incorporated before a certain date to conduct their affairs; deleting provisions relating to requirements for a proposed charter; amending s. 616.03, F.S.; revising requirements for the approval and recordation of the charter; amending s. 616.05, F.S.; revising the process by which a proposed charter amendment is incorporated into the original charter; amending s. 616.051, F.S.; revising the circumstances under which a circuit judge is authorized to dissolve an association and order the distribution of its remaining assets; requiring that such assets be distributed to certain counties; amending s. 616.07, F.S.; deleting provisions relating to distribution of public funds after the dissolution of an association; amending s. 616.101, F.S.; specifying the basis for annual public fair attendance records; requiring a fair association to review its charter every 5 years and submit an updated copy of the charter to the Department of Agriculture and Consumer Services; requiring a designated member of the association to make an attestation; amending s. 616.15, F.S.; making a technical change; revising the information that an applicant must submit to the Department of Agriculture and Consumer Services for the department to issue a permit for an association to conduct a fair; revising

575-01714-26

2026290c1

the timeframe within which the Department of
Agriculture and Consumer Services is required to issue
the permit upon the receipt of specified information;
making technical changes; amending s. 616.251, F.S.;
exempting the Florida State Fair Authority from
specified provisions; amending s. 843.085, F.S.;
prohibiting a person from wearing or displaying an
item that displays the words "concealed weapon permit"
or "concealed weapon permit holder" with the intent to
mislead another to believe that the person is
authorized to wear or display such item; reordering
and amending s. 865.065, F.S.; revising definitions;
conforming provisions to changes made by the act;
amending s. 934.02, F.S.; defining the term, "signal
jamming device"; creating s. 934.51, F.S.; prohibiting
the possession, manufacture, sale, importation,
distribution, or use of a signal jamming device;
providing exceptions; providing criminal penalties;
amending s. 288.1175, F.S.; conforming cross-
references; reenacting ss. 287.056(4) and 287.138(5),
F.S., relating to disqualification for state term
contract eligibility, and contracting with entities of
foreign countries of concern prohibited, respectively,
to incorporate the amendment made to s. 287.1351,
F.S., in references thereto; reenacting s. 500.177(1),
F.S., relating to penalties for dissemination of a
false advertisement, to incorporate the amendment made
to s. 500.04, F.S., in a reference thereto; reenacting
s. 212.08(13), F.S., relating to taxation and

575-01714-26

2026290c1

specified exemptions, to incorporate the amendment made to s. 616.07, F.S., in a reference thereto; reenacting s. 616.185, F.S., relating to trespass upon grounds or facilities of a public fair, to incorporate the amendment made to s. 616.15, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 125.489, Florida Statutes, is created to read:

125.489 Preemption of restrictions on gasoline-powered farm equipment or gasoline-powered landscape equipment.—

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

(a) "Gasoline-powered farm equipment" means any machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used on a farm or used to transport farm products.

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

(2) A county may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment and may not create differing standards for such equipment or distinguish

575-01714-26

2026290c1

such equipment from any electric or similar equipment in a retail, manufacturer, or distributor setting.

(3) This section does not prohibit or limit a county from encouraging the use of alternative farm or landscape equipment, such as battery-powered farm or landscape equipment.

Section 2. Section 166.063, Florida Statutes, is created to read:

166.063 Preemption of restrictions on gasoline-powered farm equipment or gasoline-powered landscape equipment.—

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

(a) "Gasoline-powered farm equipment" means a machine powered by an internal combustion engine or motor that uses gasoline, diesel, or a blend of gasoline and oil which is used on a farm or used to transport farm products.

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

(2) A municipality may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits the use of gasoline-powered farm equipment or gasoline-powered landscape equipment and may not create differing standards for such equipment or distinguish such equipment from any electric or similar equipment in a retail, manufacturer, or distributor setting.

(3) This section does not prohibit or limit a municipality from encouraging the use of alternative farm or landscape

575-01714-26

2026290c1

equipment, such as battery-powered farm or landscape equipment.

Section 3. Present subsection (19) of section 253.0341, Florida Statutes, is redesignated as subsection (21), and new subsections (19) and (20) are added to that section, to read:

253.0341 Surplus of state-owned lands.—

(19) The Acquisition and Restoration Council shall determine whether any lands surplused by a local governmental entity, as defined in s. 218.72, on or after January 1, 2024, are suitable for bona fide agricultural purposes, as defined in s. 193.461(3)(b). A local governmental entity may not transfer future development rights for any surplused lands determined to be suitable for bona fide agricultural purposes on or after January 1, 2024.

(20) The Department of Environmental Protection, in coordination with the Department of Agriculture and Consumer Services, shall determine whether any state-owned conservation lands acquired on or after January 1, 2024, are suitable for bona fide agricultural purposes, as defined in s. 193.461(3)(b).

(a) Notwithstanding any other law or rule, the Department of Environmental Protection may surplus state-owned conservation lands acquired on or after January 1, 2024, determined to be suitable for bona fide agricultural purposes.

(b) For all state-owned conservation lands determined to be suitable for bona fide agricultural production and surplused by the Department of Environmental Protection, the department shall retain a rural-lands-protection easement pursuant to s. 570.71(3). All proceeds from the sale of such surplused lands must be deposited into the Incidental Trust Fund within the Department of Agriculture and Consumer Services for less than

575-01714-26

2026290c1

fee simple land acquisition pursuant to ss. 570.71 and 570.715.

(c) By January 1, 2027, and each January 1 thereafter, the Department of Environmental Protection shall provide a report of state-owned conversation lands surplusd pursuant to this subsection to the Board of Trustees of the Internal Improvement Trust Fund.

(d) Designated state forest lands, state park lands, or wildlife management areas may not be surplusd pursuant to this subsection.

Section 4. Section 259.1053, Florida Statutes, is amended to read:

259.1053 Babcock Ranch Preserve; ~~Babcock Ranch Advisory Group.~~—

(1) SHORT TITLE.—This section may be cited as the “Babcock Ranch Preserve Act.”

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

(a) “Babcock Ranch Preserve” and “preserve” mean the lands and facilities acquired in the purchase of the Babcock Crescent B Ranch, as provided in s. 259.1052.

(b) “Commission” means the Fish and Wildlife Conservation Commission.

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

(d) “Department” means the Department of Agriculture and Consumer Services.

(e) “Executive director” means the Executive Director of the Fish and Wildlife Conservation Commission.

(f) “Financially self-sustaining” means having management and operation expenditures not more than the revenues collected from fees and other receipts for resource use and development

575-01714-26

2026290c1

and from interest and invested funds.

(g) "Florida Forest Service" means the Florida Forest Service of the Department of Agriculture and Consumer Services.

(h) "Multiple use" means the management of all of the renewable surface resources of the Babcock Ranch Preserve to best meet the needs of the public, including the use of the land for some or all of the renewable surface resources or related services over areas large enough to allow for periodic adjustments in use to conform to the changing needs and conditions of the preserve while recognizing that a portion of the land will be used for some of the renewable surface resources available on that land. The goal of multiple use is the harmonious and coordinated management of the renewable surface resources without impairing the productivity of the land and considering the relative value of the renewable surface resources, and not necessarily a combination of uses to provide the greatest monetary return or the greatest unit output.

(i) "Sustained yield of the renewable surface resources" means the achievement and maintenance of a high level of annual or regular periodic output of the various renewable surface resources of the preserve without impairing the productivity of the land.

(3) CREATION OF BABCOCK RANCH PRESERVE.—

(a) Upon the date of acquisition of the Babcock Crescent B Ranch, there is created the Babcock Ranch Preserve, which shall be managed in accordance with the purposes and requirements of this section.

(b) The preserve is established to protect and preserve the environmental, agricultural, scientific, scenic, geologic,

575-01714-26

2026290c1

watershed, fish, wildlife, historic, cultural, and recreational values of the preserve, and to provide for the multiple use and sustained yield of the renewable surface resources within the preserve consistent with this section.

(c) This section does not preclude the use of common varieties of mineral materials such as sand, stone, and gravel for construction and maintenance of roads and facilities within the preserve.

(d) This section does not affect the constitutional responsibilities of the commission in the exercise of its regulatory and executive power with respect to wild animal life and freshwater aquatic life, including the regulation of hunting, fishing, and trapping within the preserve.

(e) This section does not interfere with or prevent the implementation of agricultural practices authorized by the agricultural land use designations established in the local comprehensive plans of either Charlotte County or Lee County as those plans apply to the Babcock Ranch Preserve.

(f) This section does not preclude the maintenance and use of roads and trails or the relocation of roads in existence on the effective date of this section, or the construction, maintenance, and use of new trails, or any motorized access necessary for the administration of the land contained within the preserve, including motorized access necessary for emergencies involving the health or safety of persons within the preserve.

~~(4) BABCOCK RANCH ADVISORY GROUP.~~

~~(a) The purpose of the Babcock Ranch Advisory Group is to assist the department by providing guidance and advice~~

575-01714-26

2026290c1

concerning the management and stewardship of the Babcock Ranch Preserve.

~~(b) The Babcock Ranch Advisory Group shall be comprised of nine members appointed to 5-year terms. Based on recommendations from the Governor and Cabinet, the commission, and the governing boards of Charlotte County and Lee County, the commissioner shall appoint members as follows:~~

~~1. One member with experience in sustainable management of forest lands for commodity purposes.~~

~~2. One member with experience in financial management, budget and program analysis, and small business operations.~~

~~3. One member with experience in management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities.~~

~~4. One member with experience in domesticated livestock management, production, and marketing, including range management and livestock business management.~~

~~5. One member with experience in agriculture operations or forestry management.~~

~~6. One member with experience in hunting, fishing, nongame species management, or wildlife habitat management, restoration, and conservation.~~

~~7. One member with experience in public outreach and education.~~

~~8. One member who is a resident of Lee County, to be designated by the Board of County Commissioners of Lee County.~~

~~9. One member who is a resident of Charlotte County, to be designated by the Board of County Commissioners of Charlotte County.~~

575-01714-26

2026290c1

~~Vacancies will be filled in the same manner in which the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of that term.~~

~~(c) Members of the Babcock Ranch Advisory Group shall:~~

~~1. Elect a chair and vice chair from among the group members.~~

~~2. Meet regularly as determined by the chair.~~

~~3. Serve without compensation but shall receive reimbursement for travel and per diem expenses as provided in s. 112.061.~~

~~(4)~~ (5) MANAGEMENT OF PRESERVE; FEES.—

(a) The department shall assume all authority provided by this section to manage and operate the preserve as a working ranch upon the termination or expiration of the management agreement attached as Exhibit "E" to that certain agreement for sale and purchase approved by the Board of Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County on November 20, 2005.

(b) Upon assuming management and operation of the preserve, the department shall:

1. Manage and operate the preserve and the uses thereof, including, but not limited to, the activities necessary to administer and operate the preserve as a working ranch; the activities necessary for the preservation and development of the land and renewable surface resources of the preserve; the activities necessary for interpretation of the history of the preserve on behalf of the public; the activities necessary for the management, public use, and occupancy of facilities and

575-01714-26

2026290c1

lands within the preserve; and the maintenance, rehabilitation, repair, and improvement of property within the preserve.

2. Develop programs and activities relating to the management of the preserve as a working ranch.

3. Establish procedures for entering into lease agreements and other agreements for the use and occupancy of the facilities of the preserve. The procedures shall ensure reasonable competition and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

4. Assess reasonable fees for admission to, use of, and occupancy of the preserve to offset costs of operating the preserve as a working ranch. These fees are independent of fees assessed by the commission for the privilege of hunting, fishing, or pursuing outdoor recreational activities within the preserve, and shall be deposited into the Incidental Trust Fund of the Florida Forest Service, subject to appropriation by the Legislature.

(c) The commission, in cooperation with the department, shall:

1. Establish and implement public hunting and other fish and wildlife management activities. Tier I and Tier II public hunting opportunities shall be provided consistent with the management plan and the recreation master plan. Tier I public hunting shall provide hunting opportunities similar to those offered on wildlife management areas with an emphasis on youth and family-oriented hunts. Tier II public hunting shall be provided specifically by fee-based permitting to ensure compatibility with livestock grazing and other essential agricultural operations on the preserve.

575-01714-26

2026290c1

2. Establish and administer permit fees for Tier II public hunting to capitalize on the value of hunting on portions of the preserve and to help ensure the preserve is financially self-sufficient. The fees shall be deposited into the State Game Trust Fund of the Fish and Wildlife Conservation Commission to be used to offset the costs of providing public hunting and to support fish and wildlife management and other land management activities on the preserve.

(d) The Board of Trustees of the Internal Improvement Trust Fund or its designated agent may:

1. Negotiate directly with and enter into such agreements, leases, contracts, and other arrangements with any person, firm, association, organization, corporation, or governmental entity, including entities of federal, state, and local governments, as are necessary and appropriate to carry out the purposes and activities authorized by this section.

2. Grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors to the preserve, provided no natural curiosities or objects of interest shall be granted, leased, or rented on such terms as shall deny or interfere with free access to them by the public. Such grants, leases, and permits may be made and given without advertisement or securing competitive bids. Such grants, leases, or permits may not be assigned or transferred by any grantee without consent of the Board of Trustees of the Internal Improvement Trust Fund or its designated agent.

(5)~~(6)~~ DISSOLUTION OF BABCOCK RANCH, INC.—Upon dissolution of the Babcock Ranch, Inc., all statutory powers, duties, functions, records, personnel, property, and unexpended balances

575-01714-26

2026290c1

of appropriations, allocations, and other funds of the corporation shall be transferred to the Department of Agriculture and Consumer Services unless otherwise provided by law. Any cash balances of funds shall revert to the Incidental Trust Fund of the Florida Forest Service.

Section 5. Paragraph (a) of subsection (2) of section 287.1351, Florida Statutes, is amended, and subsection (3) of that section is republished, to read:

287.1351 Suspended vendors; state contracts.—

(2)(a) A vendor that is in default on any contract with an agency, has failed to timely compensate its subcontractors or suppliers, or has otherwise repeatedly demonstrated a recent inability to fulfill the terms and conditions of previous state contracts or to adequately perform its duties under those contracts may not submit a bid, proposal, or reply to an agency or enter into or renew a contract to provide any goods or services to an agency after its placement, pursuant to this section, on the suspended vendor list.

(3) An agency shall notify the department of any vendor that has met the grounds for suspension described in paragraph (2)(a). The agency must provide documentation to the department evidencing the vendor's default or other grounds for suspension. The department shall review the documentation provided and determine whether good cause exists to remove the vendor from the vendor list and to place it on the suspended vendor list. If good cause exists, the department must notify the vendor in writing of its intent to remove the vendor from the vendor list and of the vendor's right to an administrative hearing and the applicable procedures and time requirements for any such

575-01714-26

2026290c1

hearing. If the vendor does not request an administrative hearing, the department must enter a final order removing the vendor from the vendor list. A vendor may not be removed from the vendor list without receiving an individual notice of intent from the department.

Section 6. Paragraph (c) is added to subsection (4) of section 322.12, Florida Statutes, to read:

322.12 Examination of applicants.—

(4) The examination for an applicant for a commercial driver license shall include a test of the applicant's eyesight given by a driver license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician and a test of the applicant's hearing given by a driver license examiner or a licensed physician. The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; his or her knowledge of the effects of alcohol and controlled substances and the dangers of driving a motor vehicle after having consumed alcohol or controlled substances; and his or her knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle which he or she is applying to be licensed to operate. In addition, the examination shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control

575-01714-26

2026290c1

in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.

(c) An applicant for a commercial driver license who receives unauthorized assistance from another person in completing the portion of the examination which tests the applicant's ability to read and understand highway signs regulating, warning, and directing traffic or his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle for which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Section 322.36, Florida Statutes, is amended to read:

322.36 Permitting unauthorized operator to drive.—

(1) A person may not authorize or knowingly permit a motor vehicle owned by him or her or under his or her dominion or control to be operated upon any highway or public street except by a person who is duly authorized to operate a motor vehicle under this chapter.

(2) A person may not knowingly or willfully provide unauthorized assistance to an applicant for the examination required to hold a commercial driver license pursuant to s. 322.12(4).

575-01714-26

2026290c1

(3) ~~A~~ Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. If a person violates this section by knowingly loaning a vehicle to a person whose driver license is suspended and if that vehicle is involved in an accident resulting in bodily injury or death, the driver license of the person violating this section must ~~shall~~ be suspended for 1 year.

Section 8. Section 377.71, Florida Statutes, is repealed.

Section 9. Section 377.711, Florida Statutes, is repealed.

Section 10. Section 377.712, Florida Statutes, is repealed.

Section 11. Present paragraphs (a) and (b) of subsection (3) of section 403.0855, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and subsections (2) and (4) of that section are amended, to read:

403.0855 Biosolids management.—

(2) The department shall adopt rules for biosolids management. ~~Rules adopted by the department pursuant to this section may not take effect until ratified by the Legislature.~~

(3) For a new land application site permit or a permit renewal issued after July 1, 2020, the permittee of a biosolids land application site shall:

(a) Ensure that only Class AA biosolids are applied to the soil.

~~(4) All permits shall comply with the requirements of subsection (3) by July 1, 2022.~~

Section 12. Subsections (20) and (21) are added to section 489.105, Florida Statutes, to read:

575-01714-26

2026290c1

489.105 Definitions.—As used in this part:

(20) "Subcontractor" has the same meaning as in s. 558.002.

(21) "Supplier" has the same meaning as in s. 558.002.

Section 13. Section 489.1295, Florida Statutes, is created to read:

489.1295 Theft of subcontractor or supplier services.—

(1) A person licensed as a contractor or who otherwise holds himself or herself out to be a contractor may not knowingly or willfully fail to compensate his or her subcontractors or suppliers without reasonable cause within 15 business days after receiving payment for the services performed by the subcontractor or supplier.

(2) A person licensed as a contractor or who otherwise holds himself or herself out to be a contractor who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a person licensed as a contractor or who otherwise holds himself or herself out to be a contractor violates this section and the services performed by the subcontractor or supplier are valued at \$20,000 or more, such person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Subsection (6) of section 500.04, Florida Statutes, is amended to read:

500.04 Prohibited acts.—The following acts and the causing thereof within the state are prohibited:

(6) The obstruction of or refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by s. 500.147.

575-01714-26

2026290c1

Section 15. Section 500.81, Florida Statutes, is repealed.

Section 16. Subsection (5) of section 500.93, Florida Statutes, is amended to read:

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

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

Section 17. Section 501.013, Florida Statutes, is amended to read:

501.013 Health studios; exemptions.—

(1) The following businesses or activities may be declared exempt from ~~the provisions of~~ ss. 501.012-501.019 upon the filing of an affidavit with the department establishing that the stated qualifications are met:

(a)(1) A bona fide nonprofit organization which has been granted tax-exempt status by the Internal Revenue Service.

(b)(2) A gymnastics school which engages only in instruction and training and in which exercise is only incidental to such instruction and training.

(c)(3) A golf, tennis, or racquetball club in which sports play is the only activity offered by the club. If the facility offers the use of physical exercise equipment, this exemption shall not apply.

575-01714-26

2026290c1

668 ~~(d)(4)~~ A program or facility which is offered and used
669 solely for the purpose of dance, aerobic exercise, or martial
670 arts, and which utilizes no physical exercise equipment.

671 ~~(e)(5)~~ A country club that has as its primary function the
672 provision of a social life and recreational amenities to its
673 members, and for which a program of physical exercise is merely
674 incidental to membership. As used in this paragraph subsection,
675 the term "country club" means a facility that offers its members
676 a variety of services that may include, but need not be limited
677 to, social activities; dining, banquet, catering, and lounge
678 facilities; swimming; yachting; golf; tennis; card games such as
679 bridge and canasta; and special programs for members' children.
680 Upon the filing of an affidavit with the department establishing
681 that the stated qualifications of this paragraph subsection were
682 met before July 1, 1997, this paragraph subsection will apply
683 retroactively to the date that the country club met these
684 qualifications.

685 ~~(f)(6)~~ A program or facility that is offered by an
686 organization for the exclusive use of its employees and their
687 family members.

688 (2) In addition to the businesses and activities listed in
689 subsection (1), the department may exempt any other business or
690 activity not in existence as of July 1, 2026, from ss. 501.012-
691 501.019.

692 Section 18. Section 501.062, Florida Statutes, is created
693 to read:

694 501.062 Unauthorized commercial solicitation; legislative
695 intent; definitions; prohibited acts; penalties.-

696 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature

575-01714-26

2026290c1

to protect, preserve, and promote the safety, welfare, and peace of the citizens of this state by adopting measures to reduce the threat to private property rights, including the right to exclude and to be free from trespass of unauthorized commercial solicitation on private property when noticed by the property owner. It is the intent of this section to protect such private property rights by creating a uniform standard for notifying individuals or groups of individuals that commercial solicitation is prohibited on private property.

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

(a) “Commercial solicitation” means the act of attempting to sell goods or services, or to raise funds for a commercial purpose, through direct or indirect contact with individuals, including, but not limited to, using words, body gestures, or signs, on behalf of a business or commercial entity.

(b) “Dwelling” has the same meaning as in s. 810.011(2).

(3) PROHIBITED ACTS.—A person may not engage in commercial solicitation on any dwelling that clearly and prominently displays a sign that is no less than 8.5 by 11 inches, is visible to any person approaching the dwelling, and clearly displays a statement which identifies the dwelling as private property on which commercial solicitation is prohibited, in substantially the following manner with letters at least 1 inch in height:

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

575-01714-26

2026290c1

(4) PENALTIES.—A person who violates subsection (3) commits a noncriminal violation, punishable as provided in s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 19. Subsection (50) is added to section 570.07, Florida Statutes, to read:

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

(50) Notwithstanding s. 20.04(7), to reorganize departmental units upon the approval of the commissioner.

Section 20. Paragraph (c) is added to subsection (3) of section 570.822, Florida Statutes, to read:

570.822 Agriculture and Aquaculture Producers Emergency Recovery Loan Program.—

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

(c) Be a United States citizen and a legal resident of this state before or on the date of the declared emergency. If the applicant is an entity as defined in s. 605.0102, the entity must be wholly owned and operated in the United States and possess an active certificate of status issued by the Department of State pursuant to chapter 605.

Section 21. Section 570.832, Florida Statutes, is created to read:

570.832 Florida Native Seed Research and Marketing Program.—The Florida Wildflower Foundation, in coordination with the department, shall, subject to appropriation, establish the

575-01714-26

2026290c1

Florida Native Seed Research and Marketing Program to conduct research designed to expand the availability and uses of native seeds and strengthen the market position of this state's native seed industry through marketing campaigns and promotions in this state and the nation.

Section 22. Section 570.846, Florida Statutes, is created to read:

570.846 Food Animal Veterinary Medicine Loan Repayment Program.—

(1) PURPOSE.—To encourage specialized and qualified veterinary professionals to practice in this state, to retain the employment of such professionals in this state, and to promote the care and treatment of food animals intended for human consumption, there is established the Florida Food Animal Veterinary Medicine Loan Repayment Program. The purpose of the program is to authorize the department to make payments that offset loans incurred, for up to three new eligible candidates annually, for studies leading to a veterinary degree with a specialization in food animal veterinary medicine.

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

(a) "Food animal" means a species of animal raised for the human food supply. Food animal species include cattle, swine, sheep, goat, poultry, aquaculture, and apiary species.

(b) "Food animal veterinarian" means a veterinarian working in food animal veterinary medicine who focuses on the management and health of food animals, and who spends a minimum of 20 hours per week on food animal species care and treatment.

(c) "Food animal veterinary medicine" means veterinary medical practice that encompasses medical care, disease

575-01714-26

2026290c1

prevention, and consultation on feeding, housing, and overall
herd management of food animals to ensure a safe, healthy, and
sustainable food supply for the public.

(3) ELIGIBILITY.—To be eligible for the program, a
candidate must have graduated from an American Veterinary
Medical Association-accredited college of veterinary medicine,
have received a Florida veterinary medical license, have
obtained a Category II Accreditation from the United States
Department of Agriculture, and be a practicing food animal
veterinarian in this state.

(4) FUNDING.—Subject to legislative appropriation, the
department may make loan principal repayments of up to \$25,000 a
year for up to 5 years on behalf of eligible candidates. All
repayments are contingent upon continued proof of employment in
this state as a practicing food animal veterinarian.

(5) DUPLICATION OF FINANCIAL ASSISTANCE.—An eligible
candidate receiving financial assistance from the federal
veterinary medicine loan repayment program as established in 7
U.S.C. part 3151a is ineligible to receive financial assistance
from the program under this section.

(6) RULEMAKING.—The department may adopt any rule necessary
for the administration of the program.

Section 23. Subsection (4) of section 583.01, Florida
Statutes, is amended to read:

583.01 Definitions.—For the purpose of this chapter, unless
elsewhere indicated, the term:

(4) "Dealer" means a person, firm, or corporation,
including a producer, processor, retailer, or wholesaler, that
sells, offers for sale, or holds for the purpose of sale in this

575-01714-26

2026290c1

state 30 dozen or more eggs or its equivalent in any one week,
or more than 20,000 ~~384~~ dressed birds annually ~~in any one week~~.

Section 24. Section 590.02, Florida Statutes, is amended to
read:

590.02 Florida Forest Service; powers, authority, and
duties; liability; building structures; Withlacoochee and Welaka
Training Centers ~~Center~~.—

(1) The Florida Forest Service has the following powers,
authority, and duties to:

(a) Enforce the provisions of this chapter;

(b) Prevent, detect, and suppress wildfires wherever they
may occur on public or private land in this state and do all
things necessary in the exercise of such powers, authority, and
duties;

(c) Provide firefighting crews, who shall be under the
control and direction of the Florida Forest Service and its
designated agents;

(d) Appoint center managers, forest area supervisors,
forestry program administrators, a forest protection bureau
chief, a forest protection assistant bureau chief, a field
operations bureau chief, deputy chiefs of field operations,
district managers, forest operations administrators, senior
forest rangers, investigators, forest rangers, firefighter
rotorcraft pilots, and other employees who may, at the Florida
Forest Service's discretion, be certified as forestry
firefighters pursuant to s. 633.408(8). Other law
notwithstanding, center managers, district managers, forest
protection assistant bureau chief, and deputy chiefs of field
operations have Selected Exempt Service status in the state

575-01714-26

2026290c1

personnel designation;

(e) Develop a training curriculum for wildland firefighters which must contain a minimum of 40 hours of structural firefighter training, a minimum of 40 hours of emergency medical training, and a minimum of 376 hours of wildfire training;

(f) Pay the cost of the initial commercial driver license examination fee, and renewal, for those employees whose position requires them to operate equipment requiring a license. This paragraph is intended to be an authorization to the department to pay such costs, not an obligation;

(g) Provide fire management services and emergency response assistance and set and charge reasonable fees for performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service;

(h) Require all state, regional, and local government agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan;

(i) Authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder; and

(j) Make rules to accomplish the purposes of this chapter.

(2) The Florida Forest Service's employees, and the firefighting crews under their control and direction, may enter upon any lands for the purpose of preventing, detecting, and suppressing wildfires and investigating smoke complaints or open burning not in compliance with authorization and to enforce the provisions of this chapter.

575-01714-26

2026290c1

(3) Employees of the Florida Forest Service and of federal, state, and local agencies, and all other persons and entities that are under contract or agreement with the Florida Forest Service to assist in firefighting operations as well as those entities, called upon by the Florida Forest Service to assist in firefighting may, in the performance of their duties, set counterfires, remove fences and other obstacles, dig trenches, cut firelines, use water from public and private sources, and carry on all other customary activities in the fighting of wildfires without incurring liability to any person or entity. The manner in which the Florida Forest Service monitors a smoldering wildfire or smoldering prescribed fire or fights any wildfire are planning level activities for which sovereign immunity applies and is not waived.

(4)(a) The department may build structures, notwithstanding chapters 216 and 255, not to exceed a cost of \$50,000 per structure from existing resources on forest lands, federal excess property, and unneeded existing structures. These structures must meet all applicable building codes.

(b) Notwithstanding s. 553.80(1), the department shall exclusively enforce the Florida Building Code as it pertains to wildfire, law enforcement, and other Florida Forest Service facilities under the jurisdiction of the department.

(5) The Florida Forest Service shall organize its operational units to most effectively prevent, detect, and suppress wildfires, and to that end, may employ the necessary personnel to manage its activities in each unit. The Florida Forest Service may construct lookout towers, roads, bridges, firelines, and other facilities and may purchase or fabricate

575-01714-26

2026290c1

tools, supplies, and equipment for firefighting. The Florida Forest Service may reimburse the public and private entities that it engages to assist in the suppression of wildfires for their personnel and equipment, including aircraft.

(6) The Florida Forest Service shall undertake privatization alternatives for fire prevention activities including constructing fire lines and conducting prescribed burns and, where appropriate, entering into agreements or contracts with the private sector to perform such activities.

(7) The Florida Forest Service may organize, staff, equip, and operate the Withlacoochee and Welaka Training Centers ~~Center~~. The centers ~~center~~ shall serve as sites ~~a site~~ where fire and forest resource managers can obtain current knowledge, techniques, skills, and theory as they relate to their respective disciplines, and the centers:-

(a) ~~The center~~ May establish cooperative efforts involving federal, state, and local entities; hire appropriate personnel; and engage others by contract or agreement with or without compensation to assist in carrying out the training and operations of the centers ~~center~~.

(b) ~~The center~~ Shall provide wildfire suppression training opportunities for rural fire departments, volunteer fire departments, and other local fire response units.

(c) ~~The center~~ Shall focus on curriculum related to, but not limited to, fuel reduction, an incident management system, prescribed burning certification, multiple-use land management, water quality, forest health, environmental education, and wildfire suppression training for structural firefighters.

(d) ~~The center~~ May assess appropriate fees for food,

575-01714-26

2026290c1

lodging, travel, course materials, and supplies in order to meet its operational costs and may grant free meals, room, and scholarships to persons and other entities as determined by the Florida Forest Service, regardless of whether training occurs at the Withlacoochee or Welaka Training Center or at another location ~~in exchange for instructional assistance.~~

(8)(a) The Cross City Work Center shall be named the L. Earl Peterson Forestry Station. This is to honor Mr. L. Earl Peterson, Florida's sixth state forester, whose distinguished career in state government has spanned 44 years, and who is a native of Dixie County.

(b) The Madison Forestry Station shall be named the Harvey Greene Sr. Forestry Station. This is to honor Mr. Harvey Greene Sr., a World War I veteran and pioneer in forestry in Madison County. In 1947, Mr. Harvey Greene Sr. offered to give the land on which the forestry station is located to the state; however, at that time, the state could not accept donations of land. Instead, Mr. Harvey Greene Sr. sold the land to the state and, with the proceeds of the sale, purchased forestry equipment to be used by the citizens of Madison County to plant trees and fight wildfires.

(9)(a) Notwithstanding ss. 273.055 and 287.16, the department may retain, transfer, warehouse, bid, destroy, scrap, or otherwise dispose of surplus equipment and vehicles that are used for wildland firefighting.

(b) All money received from the disposition of state-owned equipment and vehicles that are used for wildland firefighting shall be retained by the department. Money received pursuant to this section is appropriated for and may be disbursed for the

575-01714-26

2026290c1

acquisition of exchange and surplus equipment used for wildland firefighting, and for all necessary operating expenditures related to such equipment, in the same fiscal year and the fiscal year following the disposition. The department shall maintain records of the accounts into which the money is deposited.

(10)(a) Notwithstanding the provisions of s. 252.38, the Florida Forest Service has exclusive authority to require and issue authorizations for broadcast burning and agricultural and silvicultural pile burning. An agency, commission, department, county, municipality, or other political subdivision of the state may not adopt or enforce laws, regulations, rules, or policies pertaining to broadcast burning or agricultural and silvicultural pile burning.

(b) The Florida Forest Service may delegate to a county, municipality, or special district its authority:

1. As delegated by the Department of Environmental Protection pursuant to ss. 403.061(29) and 403.081, to manage and enforce regulations pertaining to the burning of yard trash in accordance with s. 590.125(6).

2. To manage the open burning of land clearing debris in accordance with s. 590.125.

Section 25. Section 595.421, Florida Statutes, is created to read:

595.421 Farmers Feeding Florida Program.—There is established the Farmers Feeding Florida Program to coordinate with Feeding Florida, or its successor entity, for the acquisition, transportation, and distribution of non-Emergency Food Assistance Program fresh food products for the benefit of

575-01714-26

2026290c1

residents who are food insecure due to a lack of local food resources, accessibility, and affordability.

(1) In order to implement the program, Feeding Florida shall:

(a) Enter into an agreement with the department to provide, at a minimum, all of the following services:

1. Transportation of non-Emergency Food Assistance Program fresh food products using owned vehicles or contracted commercial vehicles.

2. Coordination of the purchase and pickup of food from the purchase location and delivery to the distribution location.

(b) Submit monthly reports to the department, beginning July 1, 2026, which include, at a minimum, all of the following:

1. A detailed record of the amount of food purchased, measured per pound and itemized according to its commodity type.

2. Food purchase locations.

3. Food purchase dates.

4. The date of delivery and locations to which the food was distributed.

(c) Submit quarterly reports, beginning July 1, 2026, to the chairs of the legislative appropriations committees, including all of the following information:

1. A detailed record of the amount of food distributed, measured per pound and itemized according to its commodity type.

2. The distribution locations.

3. An itemized list of the types of commodities distributed.

(2) Foods purchased by Feeding Florida through the program are restricted to charitable purposes for hunger relief and may

575-01714-26

2026290c1

1016 not reenter the wholesale, retail, or secondary market.

1017 (3) Feeding Florida may not, in implementing this section,
1018 allow a candidate for elective office to host a food
1019 distribution event during the period of time between the last
1020 day of the election qualifying period and the date of the
1021 election if the candidate is opposed for election or reelection
1022 at the time of the event. This subsection does not apply if the
1023 event is in response to a declared state of emergency.

1024 Section 26. Present paragraph (c) of subsection (7) of
1025 section 597.004, Florida Statutes, is redesignated as paragraph
1026 (d) and amended, a new paragraph (c) is added to that
1027 subsection, and paragraph (a) of subsection (2) of that section
1028 is amended, to read:

1029 597.004 Aquaculture certificate of registration.—

1030 (2) RULES.—

1031 (a) The department, in consultation with the Department of
1032 Environmental Protection, the water management districts,
1033 environmental groups, and representatives from the affected
1034 farming groups, shall adopt rules to:

1035 1. Specify the requirement of best management practices to
1036 be implemented by holders of aquaculture certificates of
1037 registration.

1038 2. Establish procedures for holders of aquaculture
1039 certificates of registration to submit the notice of intent to
1040 comply with best management practices.

1041 3. Establish schedules for implementation of best
1042 management practices, and of interim measures that can be taken
1043 prior to adoption of best management practices. Interim measures
1044 may include the continuation of regulatory requirements in

575-01714-26

2026290c1

effect on June 30, 1998.

4. Establish a system to assure the implementation of best management practices, including recordkeeping requirements.

5. Require any facility that cultures *Micropterus salmoides* ~~floridanus~~ to maintain stock acquisition documentation or records of genetic testing.

(7) REGISTRATION AND RENEWALS.—

(c) The department may not renew a certificate of registration for a facility that is not compliant with this section unless documentation of corrective action is provided with the renewal application.

(d) ~~(e)~~ A Any person whose certificate of registration has been revoked or suspended must reapply to the department for certification. A person, a company, or an entity, or a principal of a company or an entity whose certificate of registration has been revoked, may not reapply for a period of 3 years.

Section 27. Paragraph (a) of subsection (5) of section 597.010, Florida Statutes, is amended to read:

597.010 Shellfish regulation; leases.—

(5) LEASES IN PERPETUITY; RENT.—

(a) All leases issued previously under ~~the provisions of s.~~ 379.2525 shall be enforced under the authority of this chapter, notwithstanding any other law to the contrary, and shall continue in perpetuity under such restrictions as stated in the lease agreement. The annual rental fee charged for all leases shall consist of the minimum rate of \$15 per acre, or any fraction of an acre, per year and may ~~shall~~ be adjusted on January 1, 1995, and every 5 years thereafter, based on the 5-year average change in the Consumer Price Index. Rent must ~~shall~~

575-01714-26

2026290c1

be paid in advance of January 1 of each year or, in the case of a new lease, at the time of signing, regardless of who holds the lease.

Section 28. Paragraphs (b) and (c) of subsection (1) of section 599.012, Florida Statutes, are amended to read:

599.012 Florida Wine Trust Fund; creation.—

(1) There is established the Florida Wine Trust Fund within the Department of Agriculture and Consumer Services. The department shall use the moneys deposited in the trust fund pursuant to subsection (2) to do all the following:

(b) Promote wine ~~viticulture~~ products manufactured from products grown in the state.

(c) Provide grants for wine and viticultural research.

Section 29. Section 616.001, Florida Statutes, is amended to read:

616.001 Definitions.—As used in this chapter, the term:

(1) "Annual public fair" means a ~~community, county, district, regional, or state~~ fair that is held and conducted by a fair association and permitted by the department pursuant to s. 616.15.

(2) "Authority" means the Florida State Fair Authority.

(3) ~~"Community fair" means an annual public fair that serves an area of less than an entire county, has exhibits that are in accordance with s. 616.17, and gives premiums or awards to exhibitors. Agricultural products shall be produced in the community the exhibit represents. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the community the fair represents.~~

~~(4)~~ "Concession" means use by a fair association, or a

575-01714-26

2026290c1

grant, lease, or license to a third party, of a portion of the land under the ownership, custody, or control of a fair association for specific uses, or the right to enter upon the land for specific purposes, such as providing rides, games, food, beverage, merchandise for sale, exhibits, projects, activities, events, programs, or other uses authorized in this chapter.

~~(5) "County fair" means an annual public fair that serves an entire county and provides exhibitors with premiums or awards for exhibits that are in accordance with s. 616.17. Agricultural products must be typical of those produced in the county the exhibit represents. The majority of the board of directors of the fair shall reside, be employed, or operate a business in the county that the fair association represents.~~

(4)~~(6)~~ "Department" means the Department of Agriculture and Consumer Services.

~~(7) "District fair" means an annual public fair that serves at least five counties and has exhibits that meet the requirements of s. 616.17. A district fair shall pay at least \$25,000 in cash premiums or awards to exhibitors. Agricultural products must be typical of those produced in the counties the exhibit represents. Livestock may originate from outside the district, but must be registered in the exhibitor's name at least 30 days before the opening day of the fair. Each county is encouraged to have proportionate exhibits, typical of its respective natural resources. Each county shall have exhibits representing basic resources in agriculture and industry.~~

(5)~~(8)~~ "Entry" means one item entered for competition or show. An entry may constitute an exhibit, depending upon the

575-01714-26

2026290c1

regulations stated in the premium book.

(6)~~(9)~~ "Exhibit" means one or more entries entered for exhibition and constituting a unit. An exhibit may consist of one or more entries, depending upon the regulations stated in the premium book. The term includes parades and displays of articles or a collection of articles, whether static, interactive, or dynamic, by a fair association or a third party contracting with a fair association, such as exhibits of animals, art, housewares, or motor vehicles.

(7)~~(10)~~ "Exhibitor" means an individual, a group of individuals, or a business, including a fair association or third party contracting with a fair association, which has an exhibit.

(8)~~(11)~~ "Fair association" or "association" means an association not for profit incorporated under this chapter for the purpose of conducting and operating public fairs or expositions.

(9)~~(12)~~ "Public fair or exposition" means a project, activity, event, or program, and use by a fair association, including, but not limited to, the annual public fair, which serves the purposes specified in s. 616.08 and benefits and develops the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of this state, or any county, municipality, or other community in this state.

~~(13) "Regional fair" or "interstate fair" means an annual public fair of this state and other states in which fair exhibits meet the requirements of s. 616.17. Agricultural products must be typical of those produced in the area the~~

575-01714-26

2026290c1

1161 ~~exhibit represents.~~

1162 ~~(10)(14)~~ "Specialized show" means a show or an exhibition
1163 exhibiting and emphasizing livestock or poultry, or a fruit or
1164 vegetable festival, and must meet the minimum exhibit
1165 requirements specified in s. 616.17. ~~A specialized show may~~
1166 ~~qualify under one of the definitions in subsections (3), (5),~~
1167 ~~(7), and (15).~~

1168 ~~(11)(15)~~ "State fair" means an annual public fair that
1169 serves the entire state. ~~Exhibits must comply with s. 616.17,~~
1170 ~~and cash premiums or awards may be given to exhibitors.~~

1171 Section 30. Section 616.01, Florida Statutes, is amended to
1172 read:

1173 616.01 Requirements for ~~Number of persons required;~~
1174 ~~requisites of proposed charter. Twenty-five or more persons who~~
1175 ~~are~~ Residents and qualified electors of the county in which the
1176 annual public fair is to be located, who wish to form an
1177 association not for profit for the purpose of conducting and
1178 operating public fairs or expositions, may become incorporated
1179 in the following manner. The applicant must ~~subscribers shall~~
1180 submit the proposed charter to the department for review and
1181 approval or denial. If the proposed charter is denied, the
1182 department must provide the applicant with a letter sent to the
1183 mailing address provided on the proposed charter and include a
1184 complete listing of all deficiencies, if any, which must be
1185 remedied before resubmittal of the proposed charter for
1186 approval. If the proposed charter is approved, the applicant
1187 must ~~subscribers shall~~ sign and present a notarized copy of the
1188 proposed charter to the judge of the circuit court for the
1189 county in which the principal office of the association will be

575-01714-26

2026290c1

located. The proposed charter must specify:

(1) The name of the association and the place where the principal office is to be located. The name of the association must ~~shall~~ include the word, "Inc."

(2) The general nature of the objectives and powers of the association, including a provision that the association is incorporated for the sole purpose of conducting and operating public fairs or expositions.

(3) The qualifications and terms of association members and criteria for their admission and expulsion. Provision must ~~may~~ be made in the charter for ex officio membership.

(4) The time for which the association is to exist.

(5) The name and residence of each subscriber.

(6) Procedures for the election of and governance by officers, who may be elected or appointed.

(7) The designation of officers who will manage the affairs of the association until the first election or appointment under the charter.

(8) Procedures for the adoption, amendment, or rescission of bylaws of the association.

(9) The highest amount of indebtedness or liability that may be accrued by the association.

(10) The name of an elected member of the board of county commissioners of the county in which the principal office of the association will be located, who will serve as an ex officio member of the board of directors of the association.

(11) The official e-mail address of the association which will be used for the purpose of official communication between the association and governmental entities.

575-01714-26

2026290c1

1219 (12) The language for the oath that will be taken by the
1220 applicant, which must include, but is not limited to, all of the
1221 following:

1222 (a) That the primary objective of the association is for
1223 public service and to hold, conduct, and promote public fairs or
1224 expositions.

1225 (b) That money and other available assets in value
1226 exceeding \$5,000 have been provided for purposes designated by
1227 the association.

1228 (c) That the association will operate in good faith to
1229 carry out the purposes and objectives set forth in the charter.

1230 Section 31. Section 616.02, Florida Statutes, is amended to
1231 read:

1232 616.02 Fair associations per county ~~Acknowledgment of~~
1233 ~~charter.-~~

1234 (1) Beginning July 1, 2026, there may be only one
1235 incorporated fair association per county in this state,
1236 excluding the state fair, which may be incorporated and
1237 conducted in any county. The department may not approve a
1238 proposed charter incorporating a fair association within the
1239 same county in which a fair association currently exists. The
1240 department may waive this requirement at the discretion of the
1241 Commissioner of Agriculture.

1242 (2) Any fair association incorporated before July 1, 2026,
1243 may conduct public fairs or expositions and exercise the
1244 authority provided to them pursuant to this chapter ~~The proposed~~
1245 ~~charter of a fair association shall be acknowledged by at least~~
1246 ~~three of its subscribers before an officer authorized to make~~
1247 ~~acknowledgment of deeds. Subscribers shall also make and take an~~

575-01714-26

2026290c1

oath, which must be attached to the proposed charter, stating that the primary objective of the association is public service and holding, conducting, and promoting public fairs or expositions; that money and other available assets in value exceeding \$5,000 have been provided for the purposes of the association; and that the association will operate in good faith to carry out the purposes and objectives set forth in its charter.

Section 32. Section 616.03, Florida Statutes, is amended to read:

616.03 ~~Notice of application;~~ Approval and record of charter. Upon approval by the department, ~~A notice of intention to apply to the circuit court for the charter of a fair association must specify the date that application will be made, shall be sent to the department for approval, and shall be published in a newspaper in the county where the principal office of the association will be located once each week for 4 consecutive weeks. The notice must briefly summarize the charter and objectives of the proposed association. the proposed charter must shall be submitted to and approved by the board of county commissioners of the county in which the principal office of the association will be located. After approval by the department and the board of county commissioners, the proposed charter and proof of approval must and publication shall be submitted to the circuit judge on the date specified in the notice. If no cause is shown to the contrary and the judge finds that the proposed charter is in proper form and will serve the primary objective of public service, the judge must shall approve the charter and issue an order incorporating the applicant subscribers under the~~

575-01714-26

2026290c1

1277 charter for the objectives and purposes specified in the
1278 charter. The charter and order of incorporation must ~~shall~~ be
1279 recorded in the office of the clerk of the circuit court in the
1280 county where the principal office of the association will be
1281 located and provided to the department. After the order is
1282 recorded, the applicant ~~subscribers~~ and any ~~their~~ associates are
1283 incorporated with the objectives and powers established in the
1284 charter and under the name given in the charter. ~~During the~~
1285 ~~publication period, the proposed charter shall be on file in the~~
1286 ~~office of the clerk of the circuit court.~~ This section does not
1287 preclude a fair association from also filing its duly approved
1288 charter with the Department of State pursuant to chapter 617 for
1289 notice purposes.

1290 Section 33. Subsection (2) of section 616.05, Florida
1291 Statutes, is amended to read:

1292 616.05 Amendment of charter.—A fair association may propose
1293 an amendment to its charter by resolution as provided in its
1294 charter or bylaws.

1295 (2) After the department approves the proposed amendment,
1296 it will be incorporated into the original charter upon:

1297 (a) ~~Publication of notice in the same manner as provided in~~
1298 ~~s. 616.03;~~

1299 ~~(b)~~ Filing the order of the circuit judge approving the
1300 amendment with the office of the clerk of the circuit court and
1301 the department; and

1302 (b) ~~(e)~~ Being recorded in the clerk's office.

1303
1304 If a fair association has filed its charter with the Department
1305 of State pursuant to chapter 617, a copy of any amendment to the

575-01714-26

2026290c1

1306 charter must be filed with the Department of State for notice
1307 purposes.

1308 Section 34. Section 616.051, Florida Statutes, is amended
1309 to read:

1310 616.051 Dissolving a charter.—

1311 (1) A fair association may dissolve its charter by
1312 resolution as provided in its charter or bylaws. The proposal
1313 for dissolving the charter shall be submitted to the department
1314 for approval.

1315 (2) Upon approval by the department and upon presentation
1316 of sufficient evidence demonstrating ~~and publication of notice~~
1317 ~~and proof~~ that all indebtedness has been paid and no claims are
1318 outstanding against the association, the circuit judge may, by
1319 decree, dissolve the association and order the distribution of
1320 its remaining assets. Such assets must be distributed, by
1321 resolution of the board of directors, to the county in which the
1322 principal office of the association is located unless otherwise
1323 specified by the deed of the property held by the association
1324 ~~its remaining public funds to be distributed as recommended by~~
1325 ~~the board of directors.~~

1326 Section 35. Subsection (3) of section 616.07, Florida
1327 Statutes, is amended, and subsections (1) and (2) of that
1328 section are republished, to read:

1329 616.07 Members not personally liable; property of
1330 association held in trust; exempt from taxation.—

1331 (1) A member, officer, director, or trustee of a fair
1332 association is not personally liable for any of the debts of the
1333 association, and money or property of a fair association may not
1334 be distributed as profits or dividends among its members,

575-01714-26

2026290c1

officers, directors, or trustees.

(2) All money and property of the association, except that necessary for the payment of its just debts and liabilities, are public property, shall be administered by the association as trustee, and shall be used exclusively for the legitimate purpose of the association. So long as they are used for that purpose, all money and property of the association are exempt from all forms of taxation, including special assessments, and any projects, activities, events, programs, and uses authorized by this part serve an essential governmental purpose and, therefore, are not taxable and are not subject to assessments. This subsection does not apply to chapter 212.

~~(3) Upon order of the circuit judge, any public funds or property remaining in a fair association when the association is dissolved shall be distributed by resolution of the board of directors to any county or any municipality within the county. The board may designate in the distribution resolution the public project that will benefit from the funds or the manner in which the property will be used. If property has been contributed by a municipality or county, the property shall be reconveyed to the municipality or county that gave the property to the association.~~

Section 36. Section 616.101, Florida Statutes, is amended to read:

616.101 Annual review of accounts and records; review of charter.—

(1) The accounts and records of a ~~every~~ fair association whose annual public fair has an annual attendance of more than 25,000, based upon recorded attendance from the previous year,

575-01714-26

2026290c1

1364 ~~must shall~~ be reviewed annually by a qualified accountant
1365 licensed by the state. A fair association whose annual public
1366 fair has an annual attendance of 25,000 or fewer, based upon
1367 recorded attendance from the previous year, or a fair
1368 association that is holding an annual public fair for the first
1369 time, must submit an annual financial statement that has been
1370 signed by an officer of the county. The results of the reviews
1371 ~~must shall~~ be kept in the official records of each association,
1372 available to all directors of the association. A certified copy
1373 of the review ~~must shall~~ be filed with the department:

1374 (a) ~~(1)~~ On request by the department to certify expenditures
1375 of the premiums awarded to exhibitors of a fair or of building
1376 funds ~~if when~~ there is evidence of a violation of state laws; or

1377 (b) ~~(2)~~ When the association is applying for a fair permit.

1378 (2) A fair association shall, every 5 years beginning July
1379 1, 2026, review its charter and submit to the department a
1380 certified copy of the charter which incorporates any amendment
1381 made during the last 5 years. A designated member of the
1382 association shall attest that the charter is accurate and
1383 factual when submitting the certified copy to the department.

1384 Section 37. Section 616.15, Florida Statutes, is amended to
1385 read:

1386 616.15 Permit from Department of Agriculture and Consumer
1387 Services required.—

1388 (1) An annual public fair may not be conducted by a fair
1389 association without a permit issued by the department. The
1390 association shall present to the department an application for a
1391 permit, signed by an officer of the association, at least 90
1392 calendar days ~~3 months~~ before holding the annual public fair.

575-01714-26

2026290c1

The application must ~~shall~~ be accompanied by a fee in an amount to be determined by the department for processing the application and making any required investigation. The application fee must be at least \$183 and may not exceed \$366. Fees collected under this subsection shall be deposited in the General Inspection Trust Fund of the State Treasury in a special account to be known as the "Agricultural and Livestock Fair Account." A copy of the application must be sent to each fair association located within 50 miles of the site of the proposed annual public fair at the same time the application is sent to the department. The department may issue a permit if the applicant provides:

(a) The opening and closing dates of the proposed annual public fair.

(b) The name and address of the owner of the central amusement attraction that will operate during the annual public fair.

(c) An affidavit properly executed by the president or chief executive officer of the applicant association certifying the existence of a binding contract entered into by the association and the owner of the central amusement attraction covering the period for which the permit from the department is applied. The contract between the parties must ~~shall~~ be available for inspection by duly authorized agents of the department in administering this chapter.

(d) A copy of the association's charter which incorporates all amendments made ~~A written statement that the main purpose of the association is to conduct and operate a public fair and exposition, including the annual fair, for the benefit and~~

575-01714-26

2026290c1

~~development of the educational, agricultural, horticultural, livestock, charitable, historical, civic, cultural, scientific, and other resources of the geographical area the fair association represents and serves. The statement must be subscribed and acknowledged by an officer of the association before an officer authorized to take acknowledgments.~~

(e) A premium list of the current annual public fair to be conducted and ~~or~~ a copy of the previous year's premium list showing all premiums and awards to be offered to exhibitors in various departments of the annual public fair, which may include, but are not limited to, art exhibition, beef cattle, county exhibits, dairy cattle, horticulture, swine, women's department, 4-H Club activities, Future Farmers of America activities, Future Homemakers of America activities, poultry and egg exhibits, and community exhibits. The premium list, which may be submitted separately from the application, must be submitted at least 60 calendar days before the annual public fair begins operation.

(f) A complete listing of all exhibits required pursuant to s. 616.17 ~~Proof of liability insurance insuring the association against liability for injury to persons, in an amount of not less than \$300,000 per occurrence.~~

~~(g) A copy of the most recent review.~~

~~(h) A list of all current members of the board of directors of the association and their contact information, including home address.~~

The department shall issue the permit within 10 calendar days after it receives ~~all~~ the information required by this

575-01714-26

2026290c1

subsection and the applicant qualifies pursuant to this section.

(2) At least 21 calendar days before holding the annual public fair, the association shall present the department with all of the following information:

(a) Proof of liability insurance insuring the association against liability for injury to persons, in an amount not less than \$300,000 per occurrence.

(b) A copy of the association's most recent annual financial statement pursuant to s. 616.101.

(c) A list of all current members of the board of directors of the association and their contact information, including home addresses.

~~(2)~~ (3) The department shall administer and enforce ~~the provisions of~~ this chapter except as to the regulation of games, which shall be regulated by local law enforcement agencies. The department shall adopt rules to administer this chapter, including rules governing the form and contents of the application for the permit and any reports that it deems ~~may deem~~ necessary in enforcing the provisions of this chapter.

~~(3)~~ (4) Notwithstanding any fair association meeting the requirements set forth in subsection (1), the department may order a full investigation to determine if the fair association meets the requirements of this part s. 616.01, and may withhold a permit from, deny a permit to, or withdraw a permit once issued to the association. The department shall also consider whether any proposed annual public fair, as set forth in an application for a permit, will compete with another annual public fair within 50 miles of the proposed annual public fair with respect to name, dates of operation, or market. The

575-01714-26

2026290c1

department may deny, withhold, or withdraw a permit from a fair association if the department determines that such fair association will compete with another association. The department shall give preference to existing fair associations with established dates, locations, and names. The determination by the department is final.

Section 38. Section 616.251, Florida Statutes, is amended to read:

616.251 Florida State Fair Authority; creation; responsibility for staging annual state fair; exemptions.—

(1) There is created and constituted the "Florida State Fair Authority," a public body corporate and politic, for the purposes and with the powers set forth in this part. Such instrumentality, hereinafter referred to as "the authority," shall have perpetual succession. For the purposes of implementing the intent of this part, the authority shall be considered an instrumentality of the state, subject to the jurisdiction of the state. Any conflict with respect to that jurisdiction will be resolved by the authority and respective state agencies.

(2) The authority shall operate under the supervision of the Commissioner of Agriculture, which supervision may include, but is not limited to, assisting, advising, and making recommendations regarding the financing and operation of the authority. In assisting and advising the authority, the Commissioner of Agriculture may make appropriate staff of the department available to the authority.

(3) The authority is charged with the responsibility of staging an annual fair to serve the entire state. Cash premiums

575-01714-26

2026290c1

or awards may be given to exhibitors.

(4) The authority shall be exempt from part I of this chapter.

(5)~~(4)~~ The principal offices of the authority shall be in such place or places in or near the City of Tampa as the authority may from time to time designate.

Section 39. Subsection (1) of section 843.085, Florida Statutes, is amended, and subsection (5) of that section is republished, to read:

843.085 Unlawful use of badges or other indicia of authority.—

(1) It is unlawful for any person, unless appointed by the Governor pursuant to chapter 354, authorized by the appropriate agency, or displayed in a closed or mounted case as a collection or exhibit, to wear or display any authorized indicia of authority, including any badge, insignia, emblem, identification card, or uniform, or any colorable imitation thereof, of any federal, state, county, or municipal law enforcement agency, or other criminal justice agency as defined in s. 943.045, with the intent to mislead or cause another person to believe that he or she is a member of that agency or is authorized to display or wear such item, or to wear or display any item that displays in any manner or combination the word or words "police," "patrolman," "patrolwoman," "agent," "sheriff," "deputy," "trooper," "highway patrol," "commission officer," "Wildlife Officer," "Department of Environmental Protection officer," "Marine Patrol Officer," "state attorney," "public defender," "marshal," "constable," "bailiff," ~~or~~ "fire department," "concealed weapon permit," or "concealed weapon permitholder"

575-01714-26

2026290c1

with the intent to mislead or cause another person to believe that he or she is a member of that agency, if applicable, or is authorized to wear or display such item.

(5) A violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section is cumulative to any law now in force in the state.

Section 40. Section 865.065, Florida Statutes, is reordered and amended to read:

865.065 Disparagement of ~~perishable~~ agricultural food products; cause of action; limitation.—

(1) The Legislature finds, determines, and declares that the production of agricultural food products constitutes an important and significant portion of the state economy and that it is imperative to protect the vitality of the agricultural economy for the citizens of this state by providing a cause of action for agricultural producers to recover damages for the disparagement of any ~~perishable~~ agricultural product.

(2) For purposes of this section, the term:

(b) ~~(a)~~ "Disparagement" means the willful or malicious dissemination to the public in any manner of any false information that an ~~a~~ ~~perishable~~ agricultural food product is not safe for human consumption. False information is that information which is not based on reliable, scientific facts and reliable, scientific data which the disseminator knows or should have known to be false.

(a) ~~(b)~~ "~~Perishable~~ Agricultural food product" means any agricultural or aquacultural food product or commodity grown or produced within this ~~the~~ state for a commercial purpose. The

575-01714-26

2026290c1

term also includes any agricultural practices used in the production of such products ~~of Florida which is sold or distributed in a form that will perish or decay within a reasonable period of time.~~

(c) "Producer" means the person who actually grows or produces ~~perishable~~ agricultural food products.

(3) Any producer or any association representing producers of ~~perishable~~ agricultural food products which suffers damages as a result of another person's disparagement of any such ~~perishable~~ agricultural food product may bring an action for damages and for any other relief a court of competent jurisdiction deems appropriate, including, but not limited to, compensatory and punitive damages, reasonable attorney fees, and costs of the action.

(4) The statute of limitations for disparagement of ~~perishable~~ agricultural food products is 2 years from the date the disparagement occurs.

Section 41. Subsection (27) is added to section 934.02, Florida Statutes, to read:

934.02 Definitions.—As used in this chapter:

(27) "Signal jamming device" means a device or process, such as a phone jammer, global positioning systems blocker, or other similar device designed to intentionally block, jam, or interfere with radio communications, such as cellular and personal communication services, police radar, or global positioning systems.

Section 42. Section 934.51, Florida Statutes, is created to read:

934.51 Possession, use, and sale of signal jamming device;

575-01714-26

2026290c1

1596 prohibition; exceptions; penalties.—

1597 (1) PROHIBITION.—It is unlawful to possess, manufacture,
1598 hold or offer for sale, sell, import, distribute, or use a
1599 signal jamming device in this state.

1600 (2) EXCEPTIONS.—This section does not apply to a federal or
1601 military law enforcement agency that lawfully installs, places,
1602 or uses a signal jamming device as part of a criminal
1603 investigation, or to any person duly authorized by the Federal
1604 Communications Commission.

1605 (3) PENALTIES.—A person who violates this section commits a
1606 misdemeanor of the first degree, punishable as provided in s.
1607 775.082 or s. 775.083.

1608 Section 43. Paragraph (a) of subsection (4) and subsection
1609 (6) of section 288.1175, Florida Statutes, are amended to read:

1610 288.1175 Agriculture education and promotion facility.—

1611 (4) The Department of Agriculture and Consumer Services
1612 shall certify a facility as an agriculture education and
1613 promotion facility if the Department of Agriculture and Consumer
1614 Services determines that:

1615 (a) The applicant is a unit of local government as defined
1616 in s. 218.369, or a fair association as defined in s. 616.001(8)
1617 ~~s. 616.001(11)~~, which is responsible for the planning, design,
1618 permitting, construction, renovation, management, and operation
1619 of the agriculture education and promotion facility or holds
1620 title to the property on which such facility is to be developed
1621 and located.

1622 (6) Funds may not be expended to develop or subsidize
1623 privately owned facilities, except for facilities owned by fair
1624 associations as defined in s. 616.001(8) ~~s. 616.001(11)~~.

575-01714-26

2026290c1

Section 44. For the purpose of incorporating the amendment made by this act to section 287.1351, Florida Statutes, in a reference thereto, subsection (4) of section 287.056, Florida Statutes, is reenacted to read:

287.056 Purchases from purchasing agreements and state term contracts; vendor disqualification.—

(4) A firm or individual placed on the suspended vendor list pursuant to s. 287.1351 or placed on a disqualified vendor list pursuant to s. 287.133 or s. 287.134 is immediately disqualified from state term contract eligibility.

Section 45. For the purpose of incorporating the amendment made by this act to section 287.1351, Florida Statutes, in a reference thereto, subsection (5) of section 287.138, Florida Statutes, is reenacted to read:

287.138 Contracting with entities of foreign countries of concern prohibited.—

(5) The Attorney General may bring a civil action in any court of competent jurisdiction against an entity that violates this section. Violations of this section may result in:

(a) A civil penalty equal to twice the amount of the contract for which the entity submitted a bid or proposal for, replied to, or entered into;

(b) Ineligibility to enter into, renew, or extend any contract, including any grant agreements, with any governmental entity for up to 5 years;

(c) Ineligibility to receive or renew any license, certification, or credential issued by a governmental entity for up to 5 years; and

(d) Placement on the suspended vendor list pursuant to s.

575-01714-26

2026290c1

287.1351.

Section 46. For the purpose of incorporating the amendment made by this act to section 500.04, Florida Statutes, in a reference thereto, subsection (1) of section 500.177, Florida Statutes, is reenacted to read:

500.177 Penalty for violation of s. 500.04; dissemination of false advertisement.—

(1) Any person who violates any provision of s. 500.04 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; but, if the violation is committed after a conviction of such person under this section has become final, such person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 47. For the purpose of incorporating the amendment made by this act to section 616.07, Florida Statutes, in a reference thereto, subsection (13) of section 212.08, Florida Statutes, is reenacted to read:

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

(13) LIMITATIONS ON EXEMPTIONS.—No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated

575-01714-26

2026290c1

laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, 616.07, and 623.09, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.

Section 48. For the purpose of incorporating the amendment made by this act to section 616.15, Florida Statutes, in a reference thereto, section 616.185, Florida Statutes, is reenacted to read:

616.185 Trespass upon grounds or facilities of public fair; penalty; arrests.—

(1) For the purposes of this chapter, trespass upon the grounds of the Florida State Fair Authority or any other fair association permitted under s. 616.15 means:

(a) Entering and remaining upon any grounds or facilities owned, operated, or controlled by the Florida State Fair Authority or any other association permitted under s. 616.15 and committing any act that disrupts the orderly conduct of any authorized activity of the fair association in charge, or its lessees, licensees, or the general public on those grounds or

575-01714-26

2026290c1

1712 facilities; or

1713 (b) Entering and remaining on those grounds or facilities
1714 after being directed not to enter or to leave them by the
1715 executive director of the authority, chief administrative
1716 officer of the fair association, or any employee or agent of the
1717 association designated by the executive director or
1718 administrator to maintain order on those grounds and facilities,
1719 after a determination by the executive director, administrator,
1720 employee, or agent that the entering or remaining on those
1721 grounds or facilities is in violation of the rules and
1722 regulations of the Florida State Fair Authority or permitted
1723 fair association or is disrupting the orderly conduct of any
1724 authorized activity of the fair association in charge, or its
1725 lessees, licensees, or the general public on those grounds or
1726 facilities.

1727 (2) Any person committing the offense of trespass upon the
1728 grounds of the Florida State Fair Authority or any other fair
1729 association permitted under s. 616.15 commits a misdemeanor of
1730 the second degree, punishable as provided in s. 775.082 or s.
1731 775.083.

1732 (3) A law enforcement officer may arrest any person on or
1733 off the premises, without a warrant, if the officer has probable
1734 cause for believing such person has committed the offense of
1735 trespass upon the grounds of the Florida State Fair Authority or
1736 any fair association permitted under s. 616.15. Such an arrest
1737 does not render the law enforcement officer criminally or
1738 civilly liable for false arrest, false imprisonment, or unlawful
1739 detention.

1740 Section 49. This act shall take effect July 1, 2026.