

By Senator Ausley

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1                   A bill to be entitled  
2           An act relating to the Department of Agriculture and  
3           Consumer Services; amending s. 377.601, F.S.;  
4           providing that it is the policy of this state to  
5           promote certain alternative fuels and vehicle  
6           technologies; amending s. 377.703, F.S.; revising  
7           duties of the department; deleting a requirement that  
8           the department prepare an annual assessment of the  
9           renewable energy production credit; repealing s.  
10          377.810, F.S., relating to a natural gas fuel fleet  
11          vehicle rebate program; amending s. 487.021, F.S.;  
12          defining the term "raw agricultural commodities  
13          fumigation"; amending s. 487.0435, F.S.; authorizing  
14          the department to consider the use of a fumigant as a  
15          pesticide for raw agricultural commodities fumigation  
16          when specifying certain license classifications;  
17          amending s. 500.03, F.S.; redefining and revising  
18          terms; providing construction regarding hemp extract;  
19          amending s. 500.032, F.S.; requiring the department to  
20          administer and enforce certain provisions relating to  
21          the storage of food; amending s. 500.033, F.S.;  
22          revising the membership of the Florida Food Safety and  
23          Food Defense Advisory Council; amending s. 500.12,  
24          F.S.; revising the types of minor food outlets  
25          required to obtain food permits from the department;  
26          conforming provisions to changes made by the act;  
27          providing construction; requiring food permits to be  
28          annually renewed in accordance with department rule  
29          beginning on a specified date; requiring late fees for

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30 applications not received on or before the date set by  
31 department rule; amending s. 500.121, F.S.; conforming  
32 provisions to changes made by the act; amending s.  
33 500.147, F.S.; requiring bottled water to be processed  
34 in conformance with department rule; amending s.  
35 500.148, F.S.; deleting provisions authorizing food  
36 establishments to request from the department a report  
37 certifying compliance with certain sanitation and  
38 permitting requirements and rules; amending s.  
39 501.603, F.S.; defining the term "substance abuse  
40 marketing service provider"; amending s. 501.604,  
41 F.S.; providing that substance abuse marketing service  
42 providers are subject to the Florida Telemarketing  
43 Act; amending s. 501.605, F.S.; conforming provisions  
44 to changes made by the act; creating s. 501.6055,  
45 F.S.; providing licensure requirements for substance  
46 abuse marketing service providers; amending s.  
47 501.606, F.S.; requiring substance abuse marketing  
48 service providers to disclose specified information;  
49 amending s. 501.608, F.S.; conforming provisions to  
50 changes made by the act; amending s. 501.609, F.S.;  
51 requiring substance abuse marketing service providers  
52 to submit new or revised material to the department  
53 within a specified timeframe; amending s. 501.612,  
54 F.S.; conforming provisions to changes made by the  
55 act; amending s. 501.616, F.S.; specifying unlawful  
56 acts and practices for substance abuse marketing  
57 service providers; amending s. 501.618, F.S.;  
58 conforming provisions to changes made by the act;

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59 amending s. 502.012, F.S.; revising and redefining  
60 terms; amending s. 502.013, F.S.; revising the purpose  
61 of certain provisions regarding milk and milk  
62 products; amending s. 502.014, F.S.; revising the  
63 authority of the department to permit and collect  
64 samples of products for testing at certain facilities;  
65 amending s. 502.042, F.S.; deleting a provision  
66 requiring the department to periodically conduct  
67 certain shelf-life studies and to sample certain milk  
68 products; making technical changes; amending s.  
69 502.053, F.S.; revising the milk facilities required  
70 to apply for a permit to operate; requiring operating  
71 permits for manufacturing plants that wholesale frozen  
72 dessert products; deleting a requirement that frozen  
73 dessert plant permitholders submit specified reports  
74 to the department; conforming a provision to changes  
75 made by the act; amending s. 502.181, F.S.; deleting  
76 prohibitions against certain testing for milkfat  
77 content and for repasteurizing milk; amending s.  
78 502.231, F.S.; conforming a provision to changes made  
79 by the act; repealing s. 502.301, F.S., relating to  
80 the Dairy Industry Technical Council; amending s.  
81 507.07, F.S.; providing violations for storing a  
82 shipper's goods under certain circumstances; amending  
83 ss. 531.38, 531.40, and 531.41, F.S.; clarifying  
84 references to certain national weights and measures  
85 organizations regarding certain standards used for  
86 commercial purposes; amending s. 559.935, F.S.;  
87 revising provisions of which a seller of travel is

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88 exempt; creating s. 570.161, F.S.; authorizing the  
89 department to require applicants and licensees to  
90 submit active e-mail addresses for specified purposes;  
91 providing that service by electronic or regular mail  
92 constitutes adequate and sufficient notice;  
93 authorizing the department to achieve service by  
94 publishing notice on the department's website or in  
95 the Florida Administrative Register under certain  
96 circumstances; amending s. 576.011, F.S.; defining the  
97 term "controlled release fertilizer"; redefining the  
98 term "slow or controlled release fertilizer"; amending  
99 s. 576.045, F.S.; extending the scheduled expiration  
100 of certain provisions; amending s. 576.071, F.S.;  
101 requiring the department to adopt rules regarding the  
102 commercial value used in assessing deficient  
103 fertilizer penalties; amending s. 580.031, F.S.;  
104 defining the term "dosage form animal product";  
105 amending s. 580.051, F.S.; providing label  
106 requirements for dosage form animal products; amending  
107 s. 581.217, F.S.; revising and redefining terms;  
108 deleting provisions relating to the certification of  
109 hemp seeds and cultivars; revising distribution and  
110 sale requirements for hemp extract; revising  
111 rulemaking requirements for the department; amending  
112 s. 586.045, F.S.; revising the timeframe during which  
113 the department is required to provide written notice  
114 and forms to beekeepers for annual certificate of  
115 registration renewals; repealing part I of ch. 593,  
116 F.S., relating to the Florida Boll Weevil Eradication

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117 Law; amending s. 595.404, F.S.; requiring the  
118 department to adopt and implement an exemption waiver  
119 process by rule for sponsors of certain school food  
120 and other nutrition programs; amending s. 597.004,  
121 F.S.; providing that certain aquaculture products are  
122 conditional freshwater and marine species for the  
123 purpose of certain Florida Fish and Wildlife  
124 Conservation Commission rules; exempting the culture,  
125 possession, transport, and sale of such products from  
126 certain provisions and rules; amending s. 570.321,  
127 F.S.; conforming provisions to changes made by the  
128 act; reenacting ss. 373.016(4)(a), 373.223(3), and  
129 373.701(2)(a), F.S., relating to declarations of water  
130 policy and certain conditions for a permit, to  
131 incorporate the amendment made to s. 500.03, F.S., in  
132 references thereto; reenacting ss. 559.927(2),  
133 559.9335(1) and (2), and 559.9355(1)(f), F.S.,  
134 relating to the definition of the term "certifying  
135 party," violations, and administrative remedies,  
136 respectively, to incorporate the amendment made to s.  
137 559.935, F.S., in references thereto; providing  
138 effective dates.

139

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

141

142 Section 1. Present paragraphs (h) through (k) of subsection  
143 (2) of section 377.601, Florida Statutes, are redesignated as  
144 paragraphs (i) through (l), respectively, and a new paragraph  
145 (h) is added to that subsection, to read:

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146 377.601 Legislative intent.—

147 (2) It is the policy of the State of Florida to:

148 (h) Promote the use of alternative fuels as defined in s.  
149 525.01 and the use of alternative vehicle technologies in this  
150 state.

151 Section 2. Paragraphs (f), (k), and (n) of subsection (2)  
152 of section 377.703, Florida Statutes, are amended to read:

153 377.703 Additional functions of the Department of  
154 Agriculture and Consumer Services.—

155 (2) DUTIES.—The department shall perform the following  
156 functions, unless as otherwise provided, consistent with the  
157 development of a state energy policy:

158 (f) The department shall submit an annual report to the  
159 Governor and the Legislature reflecting its activities and  
160 making recommendations for policies for improvement of the  
161 state's response to energy supply and demand and its effect on  
162 the health, safety, and welfare of the residents of this state.  
163 The report must include a report from the Florida Public Service  
164 Commission on electricity and natural gas and information on  
165 energy conservation programs conducted and underway in the past  
166 year and include recommendations for energy efficiency and  
167 conservation programs for this ~~the~~ state, including:

168 1. Formulation of specific recommendations for improvement  
169 in the efficiency of energy utilization in governmental,  
170 residential, commercial, industrial, and transportation sectors.

171 2. Collection and dissemination of information relating to  
172 energy efficiency and conservation, renewable energy,  
173 alternative fuels, and alternative vehicle technologies.

174 3. Development and conduct of educational and training

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175 programs relating to energy efficiency and conservation,  
176 renewable energy, alternative fuels, and alternative vehicle  
177 technologies.

178 4. An analysis of the ways in which state agencies are  
179 seeking to implement s. 377.601(2), the state energy policy, and  
180 recommendations for better fulfilling this policy.

181 (k) The department shall coordinate energy-related programs  
182 of state government, including, but not limited to, the programs  
183 provided in this section. To this end, the department shall:

184 1. Provide assistance to other state agencies, counties,  
185 municipalities, and regional planning agencies to further and  
186 promote their energy planning activities.

187 2. Require, in cooperation with the Department of  
188 Management Services, all state agencies to operate state-owned  
189 and state-leased buildings in accordance with energy  
190 conservation standards as adopted by the Department of  
191 Management Services. Every 3 months, the Department of  
192 Management Services shall furnish the department data on  
193 agencies' energy consumption and emissions of greenhouse gases  
194 in a format prescribed by the department.

195 3. Promote the development and use of renewable energy  
196 resources, energy efficiency technologies, ~~and~~ conservation  
197 measures, renewable energy, alternative fuels, and alternative  
198 vehicle technologies.

199 4. Promote the recovery of energy from wastes, including,  
200 but not limited to, the use of waste heat, the use of  
201 agricultural products as a source of energy, and recycling of  
202 manufactured products. Such promotion must ~~shall~~ be conducted in  
203 conjunction with, and after consultation with, the Department of

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204 Environmental Protection and the Florida Public Service  
205 Commission where electrical generation or natural gas is  
206 involved, and any other relevant federal, state, or local  
207 governmental agency having responsibility for resource recovery  
208 programs.

209 ~~(n) On an annual basis, the department shall prepare an~~  
210 ~~assessment of the renewable energy production credit authorized~~  
211 ~~in s. 220.193, which the department shall submit to the~~  
212 ~~President of the Senate, the Speaker of the House of~~  
213 ~~Representatives, and the Executive Office of the Governor by~~  
214 ~~February 1 of each year. The assessment shall include, at a~~  
215 ~~minimum, the following information:~~

216 ~~1. The name of each taxpayer receiving an allocation under~~  
217 ~~this section;~~

218 ~~2. The amount of credits allocated for that fiscal year for~~  
219 ~~each taxpayer;~~

220 ~~3. The type and amount of renewable energy produced and~~  
221 ~~sold, whether the facility producing that energy is a new or~~  
222 ~~expanded facility, and the approximate date on which production~~  
223 ~~began; and~~

224 ~~4. The aggregate amount of credits allocated for all~~  
225 ~~taxpayers claiming credits under this section for the fiscal~~  
226 ~~year.~~

227 Section 3. Section 377.810, Florida Statutes, is repealed.

228 Section 4. Present subsections (57) through (67) of section  
229 487.021, Florida Statutes, are redesignated as subsections (58)  
230 through (68), respectively, and a new subsection (57) is added  
231 to that section, to read:

232 487.021 Definitions.—For the purpose of this part:



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233       (57) "Raw agricultural commodities fumigation" means the  
234 use of a fumigant pesticide, using an application method adopted  
235 by rule of the department, in a concentration sufficient to be  
236 lethal to a given organism to treat for pests in any fruit,  
237 vegetable, nut, legume, mushroom, or other post-harvest raw  
238 agricultural commodity customarily consumed by humans or  
239 animals.

240       Section 5. Subsection (7) is added to section 487.0435,  
241 Florida Statutes, to read:

242       487.0435 License classification.—The department shall issue  
243 certified applicator licenses in the following classifications:  
244 certified public applicator; certified private applicator; and  
245 certified commercial applicator. In addition, separate  
246 classifications and subclassifications may be specified by the  
247 department in rule as deemed necessary to carry out the  
248 provisions of this part. Each classification shall be subject to  
249 requirements or testing procedures to be set forth by rule of  
250 the department and shall be restricted to the activities within  
251 the scope of the respective classification as established in  
252 statute or by rule. In specifying classifications, the  
253 department may consider, but is not limited to, the following:

254       (7) The use of a fumigant as a pesticide, solely in raw  
255 agricultural commodities fumigation.

256       Section 6. Paragraphs (d), (i), (n), (p), (q), (r), (v),  
257 and (bb) of subsection (1) and subsection (3) of section 500.03,  
258 Florida Statutes, are amended to read:

259       500.03 Definitions; construction; applicability.—

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

261       (d) "Bottled water" means water intended for human

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262 consumption and sealed in a bottle or other container with no  
263 added ingredients, except that it may contain safe and suitable  
264 antimicrobial agents a beverage, as described in 21 C.F.R. part  
265 165 (2006), that is processed in compliance with 21 C.F.R. part  
266 129 (2006).

267 ~~(i) "Convenience store" means a business that is engaged~~  
268 ~~primarily in the retail sale of groceries or motor fuels or~~  
269 ~~special fuels and may offer food services to the public.~~  
270 ~~Businesses providing motor fuel or special fuel to the public~~  
271 ~~which also offer groceries or food service are included in the~~  
272 ~~definition of a convenience store.~~

273 (m) (n) "Food" includes:

- 274 1. Articles used for food or drink for human consumption;
- 275 2. Chewing gum;
- 276 3. Articles used for components of any such article;
- 277 4. Articles for which health claims are made, which claims
- 278 are approved by the Secretary of the United States Department of
- 279 Health and Human Services and which claims are made in
- 280 accordance with s. 343(r) of the federal act, and which are not
- 281 considered drugs solely because their labels or labeling contain
- 282 health claims; ~~and~~
- 283 5. Dietary supplements as defined in 21 U.S.C. s.
- 284 321(ff)(1) and (2); ~~and~~
- 285 6. Hemp extract as defined in s. 581.217.

286  
287 The term includes any raw, cooked, or processed edible  
288 substance; ice; any beverage; or any ingredient used, intended  
289 for use, or sold for human consumption.

290 (o) (p) "Food establishment" means a factory, ~~food outlet,~~

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291 or other facility manufacturing, processing, packing, holding,  
292 storing, or preparing food or selling food at wholesale or  
293 retail. The term does not include a business or activity that is  
294 regulated under s. 413.051, s. 500.80, chapter 509, or chapter  
295 601. The term includes:

296 1. An establishment, or section of any establishment, where  
297 food and food products are offered to the consumer and intended  
298 for off-premises consumption;

299 2. A delicatessen that offers prepared food in bulk  
300 quantities only; and

301 3. Tomato packinghouses and repackers but does not include  
302 any other establishments that pack fruits and vegetables in  
303 their raw or natural states, including those fruits or  
304 vegetables that are washed, colored, or otherwise treated in  
305 their unpeeled, natural form before they are marketed.

306 ~~(q) "Food outlet" means any grocery store; convenience~~  
307 ~~store; minor food outlet; meat, poultry, or fish and related~~  
308 ~~aquatic food market; fruit or vegetable market; food warehouse;~~  
309 ~~refrigerated storage facility; freezer locker; salvage food~~  
310 ~~facility; or any other similar place storing or offering food~~  
311 ~~for sale.~~

312 ~~(r) "Food service establishment" means any place where food~~  
313 ~~is prepared and intended for individual portion service, and~~  
314 ~~includes the site at which individual portions are provided. The~~  
315 ~~term includes any such place regardless of whether consumption~~  
316 ~~is on or off the premises and regardless of whether there is a~~  
317 ~~charge for the food. The term includes delicatessens that offer~~  
318 ~~prepared food in individual service portions. The term does not~~  
319 ~~include schools, institutions, fraternal organizations, private~~

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320 ~~homes where food is prepared or served for individual family~~  
321 ~~consumption, retail food stores, the location of food vending~~  
322 ~~machines, cottage food operations, and supply vehicles, nor does~~  
323 ~~the term include a research and development test kitchen limited~~  
324 ~~to the use of employees and which is not open to the general~~  
325 ~~public.~~

326 (s) ~~(v)~~ "Minor food outlet" means any retail establishment  
327 that sells food groceries and may offer food service to the  
328 public, but neither business activity is a major retail function  
329 based on allocated space or gross sales.

330 ~~(bb)~~ "Retail food store" means any establishment or section  
331 of an establishment where food and food products are offered to  
332 the consumer and intended for off-premises consumption. The term  
333 includes ~~delicatessens that offer prepared food in bulk~~  
334 ~~quantities only. The term does not include establishments which~~  
335 ~~handle only prepackaged, nonpotentially hazardous foods;~~  
336 ~~roadside markets that offer only fresh fruits and fresh~~  
337 ~~vegetables for sale; food service establishments; or food and~~  
338 ~~beverage vending machines.~~

339 (3) For the purpose of this chapter:7

340 (a) The selling of food includes the manufacture,  
341 production, processing, packing, exposure, offer, possession,  
342 and holding of any article of food for sale; the sale,  
343 dispensing, and giving of any article of food; and the supplying  
344 or applying of food in the conduct of any food establishment.

345 (b) Hemp extract is considered a food requiring time or  
346 temperature control for the safety and integrity of the product.

347 Section 7. Subsection (1) of section 500.032, Florida  
348 Statutes, is amended to read:

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349 500.032 Declaration of policy and cooperation among  
350 departments.-

351 (1) The department shall administer and enforce ~~is charged~~  
352 ~~with the administration and enforcement~~ of this chapter in order  
353 to prevent fraud, harm, adulteration, misbranding, or false  
354 advertising in the preparation, manufacture, storage, or sale of  
355 articles of food. The department shall ~~It is further charged to~~  
356 ~~enforce the provisions of~~ this chapter relating to the  
357 production, manufacture, storage, transportation, and sale of  
358 food, as well as articles entering into, and intended for use as  
359 ingredients in the preparation of, food.

360 Section 8. Subsection (1) of section 500.033, Florida  
361 Statutes, is amended to read:

362 500.033 Florida Food Safety and Food Defense Advisory  
363 Council.-

364 (1) There is created the Florida Food Safety and Food  
365 Defense Advisory Council for the purpose of serving as a forum  
366 for presenting, investigating, and evaluating issues of current  
367 importance to the assurance of a safe and secure food supply to  
368 the residents of this state ~~citizens of Florida~~. The Florida  
369 Food Safety and Food Defense Advisory Council shall consist of,  
370 but not be limited to, + the Commissioner of Agriculture or his  
371 or her designee; the State Surgeon General or his or her  
372 designee; the Secretary of Business and Professional Regulation  
373 or his or her designee; ~~the person responsible for domestic~~  
374 ~~security with the Department of Law Enforcement;~~ members  
375 representing the production, processing, distribution, and sale  
376 of foods; consumers or members of citizens groups;  
377 representatives of food industry groups; scientists or other

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378 experts in aspects of food safety from state universities;  
379 representatives from local, state, and federal agencies that are  
380 charged with responsibilities for food safety or food defense;  
381 and, as ex officio members, the person responsible for domestic  
382 security within the Department of Law Enforcement or his or her  
383 designee, the chairs of the Agriculture Committees of the Senate  
384 and the House of Representatives or their designees,~~†~~ and the  
385 chairs of the committees of the Senate and the House of  
386 Representatives with jurisdictional oversight of home defense  
387 issues or their designees. The Commissioner of Agriculture shall  
388 appoint the remaining members. The council shall make periodic  
389 reports to the Department of Agriculture and Consumer Services  
390 concerning findings and recommendations in the area of food  
391 safety and food defense.

392 Section 9. Paragraphs (a), (b), and (e) of subsection (1)  
393 and subsections (2) and (5) of section 500.12, Florida Statutes,  
394 are amended to read:

395 500.12 Food permits; building permits.—

396 (1) (a) A food permit from the department is required of any  
397 person who operates a food establishment ~~or retail food store,~~  
398 except:

399 1. Persons operating minor food outlets that sell food that  
400 is commercially prepackaged, is not potentially hazardous, does  
401 not contain hemp extract as defined in s. 581.217, and is not  
402 time or temperature controlled for safety, if the shelf space  
403 for food ~~these~~ items does not exceed 12 total square ~~linear~~ feet  
404 and no other food is sold ~~by the minor food outlet.~~

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

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

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

416           (b) Each food establishment ~~and retail food store~~ regulated  
417 under this chapter must apply for and receive a food permit  
418 before operation begins. An application for a food permit from  
419 the department must be accompanied by a fee in an amount  
420 determined by department rule. The department shall adopt by  
421 rule a schedule of fees to be paid by each food establishment  
422 ~~and retail food store~~ as a condition of issuance or renewal of a  
423 food permit. Such fees may not exceed \$650 and must ~~shall~~ be  
424 used solely for the recovery of costs for the services provided,  
425 except that the fee accompanying an application for a food  
426 permit for operating a bottled water plant may not exceed \$1,000  
427 and the fee accompanying an application for a food permit for  
428 operating a packaged ice plant may not exceed \$250. The fee for  
429 operating a bottled water plant or a packaged ice plant must  
430 ~~shall~~ be set by rule of the department. Food permits are not  
431 transferable from one person or physical location to another.  
432 Food permits must be renewed annually on or before January 1. If  
433 an application for renewal of a food permit is not received by  
434 the department within 30 days after its due date, a late fee not  
435 exceeding \$100 must be paid in addition to the food permit fee

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436 before the department may issue the food permit. The moneys  
437 collected must ~~shall~~ be deposited in the General Inspection  
438 Trust Fund.

439 (e) The department is the exclusive regulatory and  
440 permitting authority for all ~~food outlets, retail food stores,~~  
441 ~~food establishments, convenience stores,~~ and minor food outlets  
442 in accordance with this section. Application for a food permit  
443 must be made on forms provided by the department, which forms  
444 must also contain provision for application for registrations  
445 and permits issued by other state agencies and for collection of  
446 the food permit fee and any other fees associated with  
447 registration, licensing, or applicable surcharges. The details  
448 of the application must ~~shall~~ be prescribed by department rule.

449 (2) When any person applies for a building permit to  
450 construct, convert, or remodel any food establishment, ~~food~~  
451 ~~outlet, or retail food store,~~ the authority issuing such permit  
452 shall make available to the applicant a printed statement,  
453 provided by the department, regarding the applicable sanitation  
454 requirements for such establishments. A building permitting  
455 authority, or municipality or county under whose jurisdiction a  
456 building permitting authority operates, may not be held liable  
457 for a food establishment, ~~food outlet, or retail food store~~ that  
458 does not comply with the applicable sanitation requirements due  
459 to failure of the building permitting authority to provide the  
460 information as provided in this subsection.

461 (a) The department shall furnish, for distribution, a  
462 statement that includes the checklist to be used by the food  
463 inspector in any preoperational inspections to assure that the  
464 food establishment is constructed and equipped to meet the



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465 applicable sanitary guidelines. Such preoperational inspection  
466 is ~~shall be~~ a prerequisite for obtaining a food permit in  
467 accordance with this section.

468 (b) The department may provide assistance, when requested  
469 by the applicant, in the review of any construction or  
470 remodeling plans for food establishments. The department may  
471 charge a fee for such assistance which covers the cost of  
472 providing the assistance and which must ~~shall~~ be deposited in  
473 the General Inspection Trust Fund for use in funding the food  
474 safety program.

475 (c) A building permitting authority or other subdivision of  
476 local government may not require the department to approve  
477 construction or remodeling plans for food establishments ~~and~~  
478 ~~retail food stores~~ as a condition of any permit or license at  
479 the local level.

480 (5) It is the intent of the Legislature to eliminate  
481 duplication of regulatory inspections of food. Regulatory and  
482 permitting authority over any food establishment is preempted to  
483 the department, except as provided in chapter 379.

484 (a) Food establishments ~~or retail food stores~~ that have  
485 ancillary food service activities are ~~shall be~~ permitted and  
486 inspected by the department.

487 (b) Food service establishments, as defined in s. 381.0072,  
488 that have ancillary, prepackaged retail food sales are ~~shall be~~  
489 regulated by the Department of Health.

490 (c) Public food service establishments, as defined in s.  
491 509.013, which have ancillary, prepackaged retail food sales are  
492 ~~shall be~~ licensed and inspected by the Department of Business  
493 and Professional Regulation.

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494 (d) The department and the Department of Business and  
495 Professional Regulation shall cooperate to assure equivalency of  
496 inspection and enforcement and to share information on those  
497 establishments identified in paragraphs (a) and (c) and to  
498 address any other areas of potential duplication. The department  
499 and the Department of Business and Professional Regulation are  
500 authorized to adopt rules to enforce statutory requirements  
501 under their purview regarding foods.

502 (e) Permitting by the department, in accordance with this  
503 chapter, of any establishment producing, manufacturing,  
504 transporting, selling, offering for sale, distributing, storing,  
505 or holding prepackaged hemp extract for human consumption is not  
506 a duplication of regulatory inspection pursuant to this section.

507 Section 10. Effective January 1, 2023, paragraph (b) of  
508 subsection (1) of section 500.12, Florida Statutes, as amended  
509 by this act, is amended to read:

510 500.12 Food permits; building permits.—

511 (1)

512 (b) Each food establishment regulated under this chapter  
513 must apply for and receive a food permit before operation  
514 begins. An application for a food permit from the department  
515 must be accompanied by a fee in an amount determined by  
516 department rule. The department shall adopt by rule a schedule  
517 of fees to be paid by each food establishment as a condition of  
518 issuance or renewal of a food permit. Such fees may not exceed  
519 \$650 and must be used solely for the recovery of costs for the  
520 services provided, except that the fee accompanying an  
521 application for a food permit for operating a bottled water  
522 plant may not exceed \$1,000 and the fee accompanying an

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523 application for a food permit for operating a packaged ice plant  
524 may not exceed \$250. The fee for operating a bottled water plant  
525 or a packaged ice plant must be set by rule of the department.  
526 Food permits are not transferable from one person or physical  
527 location to another. Food permits must be renewed annually in  
528 accordance with rules adopted by the department ~~on or before~~  
529 ~~January 1~~. If an application for renewal of a food permit is not  
530 received by the department on or before ~~within 30 days after~~ its  
531 due date, a late fee not exceeding \$100 must be paid in addition  
532 to the food permit fee before the department may issue the food  
533 permit. The moneys collected must be deposited in the General  
534 Inspection Trust Fund.

535 Section 11. Subsection (1) of section 500.121, Florida  
536 Statutes, is amended to read:

537 500.121 Disciplinary procedures.—

538 (1) In addition to the suspension procedures provided in s.  
539 500.12, if applicable, the department may impose an  
540 administrative fine in the Class II category pursuant to s.  
541 570.971 against any ~~retail food store~~, food establishment, or  
542 cottage food operation that violates this chapter, which fine,  
543 when imposed and paid, must ~~shall~~ be deposited by the department  
544 into the General Inspection Trust Fund. The department may  
545 revoke or suspend the permit of any such ~~retail food store or~~  
546 food establishment if it is satisfied that the ~~retail food store~~  
547 ~~or~~ food establishment has:

548 (a) Violated this chapter.

549 (b) Violated or aided or abetted in the violation of any  
550 law of this state governing or applicable to ~~retail food stores~~  
551 ~~or~~ food establishments or any lawful rules of the department.

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552 (c) Knowingly committed, or been a party to, any material  
553 fraud, misrepresentation, conspiracy, collusion, trick, scheme,  
554 or device whereby another person, lawfully relying upon the  
555 word, representation, or conduct of a ~~retail food store or~~ food  
556 establishment, acts to her or his injury or damage.

557 (d) Committed any act or conduct of the same or different  
558 character than that enumerated which constitutes fraudulent or  
559 dishonest dealing.

560 Section 12. Paragraph (a) of subsection (3) of section  
561 500.147, Florida Statutes, is amended to read:

562 500.147 Inspection of food establishments, food records,  
563 and vehicles.—

564 (3) For bottled water plants:

565 (a) Bottled water must be from an approved source. Bottled  
566 water must be processed in conformance with department rule 21  
567 C.F.R. part 129 (2006), and must conform to ~~21 C.F.R. part 165~~  
568 ~~(2006)~~. A person operating a bottled water plant is ~~shall be~~  
569 responsible for all water sampling and analyses required by this  
570 chapter.

571 Section 13. Subsection (3) of section 500.148, Florida  
572 Statutes, is amended to read:

573 500.148 Reports and dissemination of information;  
574 confidentiality.—

575 ~~(3) (a) Upon request of a food establishment, the department~~  
576 ~~may issue a report certifying that the requesting food~~  
577 ~~establishment currently complies with the sanitation and~~  
578 ~~permitting requirements of this chapter and the rules adopted~~  
579 ~~thereunder. Such certification may be requested for the purpose~~  
580 ~~of exporting food to a foreign country.~~

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581 ~~(b) The department may recover the cost associated with~~  
582 ~~carrying out the provisions of this subsection, the amount of~~  
583 ~~which shall be set by rule.~~

584 Section 14. Subsection (13) is added to section 501.603,  
585 Florida Statutes, to read:

586 501.603 Definitions.—As used in this part, unless the  
587 context otherwise requires, the term:

588 (13) "Substance abuse marketing service provider" means an  
589 entity that provides substance abuse advertising or marketing  
590 services to a service provider or an operator of a recovery  
591 residence as described in s. 397.55. The term includes, but is  
592 not limited to, owners, operators, officers, directors,  
593 partners, or other individuals engaged in the management  
594 activities of a business entity pursuant to this part.

595 Section 15. Section 501.604, Florida Statutes, is amended  
596 to read:

597 501.604 Exemptions.—~~The provisions of~~ This part, except ss.  
598 501.608 and 501.616(6) and (7), does de not apply to any of the  
599 following persons:

600 (1) A person engaging in commercial telephone solicitation  
601 where the solicitation is an isolated transaction and not done  
602 in the course of a pattern of repeated transactions of like  
603 nature.

604 (2) A person soliciting for religious, charitable,  
605 political, or educational purposes. A person soliciting for  
606 other noncommercial purposes is exempt only if that person is  
607 soliciting for a nonprofit corporation and if that corporation  
608 is properly registered as such with the Secretary of State and  
609 is included within the exemption of s. 501(c) (3) or (6) of the

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610 Internal Revenue Code.

611 (3) A person who does not make the major sales presentation  
612 during the telephone solicitation and who does not intend to,  
613 and does not actually, complete or obtain provisional acceptance  
614 of a sale during the telephone solicitation, but who makes the  
615 major sales presentation and completes the sale at a later face-  
616 to-face meeting between the seller and the prospective purchaser  
617 in accordance with the home solicitation provisions in this  
618 chapter. However, if a seller, directly following a telephone  
619 solicitation, causes an individual whose primary purpose it is  
620 to go to the prospective purchaser to collect the payment or  
621 deliver any item purchased, this exemption does not apply.

622 (4) A licensed securities, commodities, or investment  
623 broker, dealer, or investment adviser, when soliciting within  
624 the scope of his or her license, or a licensed associated person  
625 of a securities, commodities, or investment broker, dealer, or  
626 investment adviser, when soliciting within the scope of his or  
627 her license. As used in this section, the term "licensed  
628 securities, commodities, or investment broker, dealer, or  
629 investment adviser" means a person subject to license or  
630 registration as such by the Securities and Exchange Commission,  
631 by the Financial Industry Regulatory Authority or other self-  
632 regulatory organization as defined by the Securities Exchange  
633 Act of 1934, 15 U.S.C. s. 781, or by an official or agency of  
634 this state or of any state of the United States. As used in this  
635 section, the term "licensed associated person of a securities,  
636 commodities, or investment broker, dealer, or investment  
637 adviser" means an associated person registered or licensed by  
638 the Financial Industry Regulatory Authority or other self-

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639 regulatory organization as defined by the Securities Exchange  
640 Act of 1934, 15 U.S.C. s. 781, or by an official or agency of  
641 this state or of any state of the United States.

642 (5) A person primarily soliciting the sale of a newspaper  
643 of general circulation.

644 (6) A book, video, or record club or contractual plan or  
645 arrangement:

646 (a) Under which the seller provides the consumer with a  
647 form which the consumer may use to instruct the seller not to  
648 ship the offered merchandise.

649 (b) Which is regulated by the Federal Trade Commission  
650 trade regulation concerning "use of negative option plans by  
651 sellers in commerce."

652 (c) Which provides for the sale of books, records, or  
653 videos which are not covered under paragraph (a) or paragraph  
654 (b), including continuity plans, subscription arrangements,  
655 standing order arrangements, supplements, and series  
656 arrangements under which the seller periodically ships  
657 merchandise to a consumer who has consented in advance to  
658 receive such merchandise on a periodic basis.

659 (7) A supervised financial institution or parent,  
660 subsidiary, or affiliate thereof operating within the scope of  
661 supervised activity. As used in this section, the term  
662 "supervised financial institution" means a commercial bank,  
663 trust company, savings and loan association, mutual savings  
664 bank, credit union, industrial loan company, consumer finance  
665 lender, commercial finance lender, or insurer, provided that the  
666 institution is subject to supervision by an official or agency  
667 of this state, of any state, or of the United States. For the

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668 purposes of this exemption, the term "affiliate" means a person  
669 who directly, or indirectly through one or more intermediaries,  
670 controls or is controlled by, or is under common control with, a  
671 supervised financial institution.

672 (8) Any licensed insurance broker, agent, customer  
673 representative, or solicitor when soliciting within the scope of  
674 his or her license. As used in this section, the term "licensed  
675 insurance broker, agent, customer representative, or solicitor"  
676 means any insurance broker, agent, customer representative, or  
677 solicitor licensed by an official or agency of this state or of  
678 any state of the United States.

679 (9) A person soliciting the sale of services provided by a  
680 cable television system operating under authority of a franchise  
681 or permit.

682 (10) A business-to-business sale where:

683 (a) The commercial telephone seller has been lawfully  
684 operating continuously for at least 3 years under the same  
685 business name and has at least 50 percent of its dollar volume  
686 consisting of repeat sales to existing businesses;

687 (b) The purchaser business intends to resell or offer for  
688 purposes of advertisement or as a promotional item the property  
689 or goods purchased; or

690 (c) The purchaser business intends to use the property or  
691 goods purchased in a recycling, reuse, remanufacturing, or  
692 manufacturing process.

693 (11) A person who solicits sales by periodically publishing  
694 and delivering a catalog of the seller's merchandise to  
695 prospective purchasers, if the catalog:

696 (a) Contains a written description or illustration of each



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697 item offered for sale.

698 (b) Includes the business address or home office address of  
699 the seller.

700 (c) Includes at least 20 pages of written material and  
701 illustrations and is distributed in more than one state.

702 (d) Has an annual circulation by mailing of not less than  
703 150,000.

704 (12) A person who solicits contracts for the maintenance or  
705 repair of goods previously purchased from the person making the  
706 solicitation or on whose behalf the solicitation is made.

707 (13) A commercial telephone seller licensed pursuant to  
708 chapter 516 or part III of chapter 520. For purposes of this  
709 exemption, the seller must solicit to sell a consumer good or  
710 service within the scope of his or her license and the completed  
711 transaction must be subject to ~~the provisions of~~ chapter 516 or  
712 part III of chapter 520.

713 (14) A telephone company subject to chapter 364, or  
714 affiliate thereof or its agents, or a telecommunications  
715 business that is regulated by the Florida Public Service  
716 Commission, or a Federal Communications Commission licensed  
717 cellular telephone company or other bona fide radio  
718 telecommunication services provider. For the purposes of this  
719 exemption, the term "affiliate" means a person who directly, or  
720 indirectly through one or more intermediaries, controls or is  
721 controlled by, or is under common control with, a telephone  
722 company subject to chapter 364.

723 (15) A person ~~who is~~ licensed pursuant to chapter 497 ~~and~~  
724 who is soliciting within the scope of the license.

725 (16) An issuer or a subsidiary of an issuer that has a

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726 class of securities which is subject to s. 12 of the Securities  
727 Exchange Act of 1934, 15 U.S.C. s. 781, and which is either  
728 registered or exempt from registration under paragraph (A),  
729 paragraph (B), paragraph (C), paragraph (E), paragraph (F),  
730 paragraph (G), or paragraph (H) of subsection (g)(2) of that  
731 section.

732 (17) A business soliciting exclusively the sale of  
733 telephone answering services provided that the telephone  
734 answering services will be supplied by the solicitor.

735 (18) A person soliciting a transaction regulated by the  
736 Commodity Futures Trading Commission if the person is registered  
737 or temporarily licensed for this activity with the Commodity  
738 Futures Trading Commission under the Commodity Exchange Act, 7  
739 U.S.C. ss. 1 et seq., and the registration or license has not  
740 expired or been suspended or revoked.

741 (19) A person soliciting the sale of food or produce as  
742 defined in chapter 500 or chapter 504 if the solicitation  
743 neither intends to result in, or actually results in, a sale  
744 which costs the purchaser in excess of \$500.

745 (20) A person ~~who is~~ registered pursuant to part XI of  
746 chapter 559 ~~and~~ who is soliciting within the scope of the  
747 registration.

748 (21) A person soliciting business from prospective  
749 consumers who have an existing business relationship with or who  
750 have previously purchased from the business enterprise for which  
751 the solicitor is calling, if the solicitor is operating under  
752 the same exact business name.

753 (22) A person who has been operating, for at least 1 year,  
754 a retail business establishment under the same name as that used

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755 in connection with telemarketing, and both of the following  
756 occur on a continuing basis:

757 (a) Either products are displayed and offered for sale or  
758 services are offered for sale and provided at the business  
759 establishment.

760 (b) A majority of the seller's business involves the buyer  
761 obtaining such products or services at the seller's location.

762 (23) A person who is a registered developer or exchange  
763 company pursuant to chapter 721 ~~and who is~~ soliciting within the  
764 scope of the chapter.

765 (24) Any person who has been lawfully providing  
766 telemarketing sales services continuously for at least 5 years  
767 under the same ownership and control and who derives 75 percent  
768 of its gross telemarketing sales revenues from contracts with  
769 persons exempted in this section.

770 (25) A person licensed pursuant to chapter 475 ~~and~~ who is  
771 soliciting within the scope of the chapter.

772 (26) A publisher, or an agent of a publisher by written  
773 agreement, who solicits the sale of his or her periodical or  
774 magazine of general, paid circulation. The term "paid  
775 circulation" does ~~shall~~ not include magazines that are only  
776 circulated as part of a membership package or ~~that are~~ given as  
777 a free gift or prize from the publisher or agent of the  
778 publisher by written agreement.

779 (27) A person who is a licensed operator or an  
780 identification cardholder, as defined in chapter 482, ~~and who is~~  
781 soliciting within the scope of the chapter.

782 (28) A licensee, or an affiliate of a licensee, regulated  
783 under chapter 560, the Money Transmitters' Code, for foreign

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784 currency exchange services.

785

786 The exemptions provided by this section do not apply to  
787 substance abuse marketing service providers.

788 Section 16. Section 501.605, Florida Statutes, is amended  
789 to read:

790 501.605 Licensure of commercial telephone sellers ~~and~~  
791 ~~entities providing substance abuse marketing services.-~~

792 (1) Before doing business in this state, a commercial  
793 telephone seller ~~or an entity providing substance abuse~~  
794 ~~marketing services in accordance with s. 397.55~~ shall obtain a  
795 license from the department. Doing business in this state  
796 includes either telephone solicitation from a location in  
797 Florida or solicitation from other states or nations of  
798 purchasers located in Florida.

799 (2) An applicant for a license as a commercial telephone  
800 seller ~~or as an entity providing substance abuse marketing~~  
801 ~~services~~ must submit to the department, in such form as it  
802 prescribes, a written application for the license. The  
803 application must state all of ~~set forth~~ the following  
804 information:

805 (a) The true name, date of birth, driver license number or  
806 other valid form of identification, and home address of the  
807 applicant, including each name under which he or she intends to  
808 do business.

809 (b) Each business or occupation engaged in by the applicant  
810 during the 3 years immediately preceding the date of the  
811 application, and the location thereof.

812 (c) The previous experience of the applicant as a

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813 commercial telephone seller or salesperson ~~or as an entity~~  
814 ~~providing substance abuse marketing services.~~

815 (d) Whether the applicant has previously been arrested for,  
816 convicted of, or is under indictment or information for, a  
817 felony and, if so, the nature of the felony. Conviction includes  
818 a finding of guilt where adjudication has been withheld.

819 (e) Whether the applicant has previously been convicted of,  
820 or is under indictment or information for, racketeering or any  
821 offense involving fraud, theft, embezzlement, fraudulent  
822 conversion, or misappropriation of property. Conviction includes  
823 a finding of guilt where adjudication has been withheld.

824 (f) Whether there has ever been a judicial or  
825 administrative finding that the applicant has previously been  
826 convicted of acting as a salesperson without a license, or  
827 whether such a license has previously been refused, revoked, or  
828 suspended in any jurisdiction.

829 (g) Whether the applicant has worked for, or been  
830 affiliated with, a company that has had entered against it an  
831 injunction, a temporary restraining order, or a final judgment  
832 or order, including a stipulated judgment or order, an assurance  
833 of voluntary compliance, or any similar document, in any civil  
834 or administrative action involving racketeering, fraud, theft,  
835 embezzlement, fraudulent conversion, or misappropriation of  
836 property or the use of any untrue, deceptive, or misleading  
837 representation or the use of any unfair, unlawful, or deceptive  
838 trade practice.

839 (h) Whether the applicant has had entered against him or  
840 her an injunction, a temporary restraining order, or a final  
841 judgment or order, including a stipulated judgment or order, an

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842 assurance of voluntary compliance, or any similar document, in  
843 any civil or administrative action involving racketeering,  
844 fraud, theft, embezzlement, fraudulent conversion, or  
845 misappropriation of property or the use of any untrue,  
846 deceptive, or misleading representation or the use of any  
847 unfair, unlawful, or deceptive trade practice; and whether ~~or~~  
848 ~~not~~ there is any litigation pending against the applicant.

849 (i) The name of any parent or affiliated entity that:

850 1. Will engage in a business transaction with the purchaser  
851 relating to any sale solicited by the applicant; or

852 2. Accepts responsibility or is otherwise held out by the  
853 applicant as being responsible for any statement or act of the  
854 applicant relating to any sale solicited by the applicant.

855 (j) The complete street address of each location,  
856 designating the principal location, from which the applicant  
857 will be doing business. The street address may not be a mail  
858 drop.

859 (k) A list of all telephone numbers to be used by the  
860 applicant, with the address where each telephone using these  
861 numbers will be located.

862 (l) The true name, current home address, date of birth, and  
863 all other names by which known, or previously known, of each:

864 1. Principal officer, director, trustee, shareholder,  
865 owner, or partner of the applicant, and of each other person  
866 responsible for the management of the business of the applicant.

867 2. Office manager or other person principally responsible  
868 for a location from which the applicant will do business.

869 3. Salesperson or other person to be employed by the  
870 applicant.

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871  
872 The application must ~~shall~~ be accompanied by a copy of any+  
873 script, outline, or presentation the applicant will require or  
874 suggest a salesperson to use when soliciting, or, if no such  
875 document is used, a statement to that effect; sales information  
876 or literature to be provided by the applicant to a salesperson;  
877 and sales information or literature to be provided by the  
878 applicant to a purchaser in connection with any solicitation.

879 (3) When an application states ~~sets forth~~ information  
880 regarding an applicant as described in paragraphs (2) (d)-(h),  
881 the applicant must:

882 (a) Identify the court or administrative agency rendering  
883 the conviction, judgment, or order against the person or pending  
884 litigation.

885 (b) Provide the docket number of the matter; the date of  
886 the conviction, judgment, or order; and the name of the  
887 governmental agency, if any, that brought the action resulting  
888 in the conviction, judgment, or order. The applicant must also  
889 include litigation.

890 (4) If the applicant is other than a natural person, or if  
891 any parent or affiliated entity is identified pursuant to  
892 paragraph (2) (i), the applicant must, for itself and for any  
893 such entity, identify its place of organization and:

894 (a) In the case of a partnership, provide a copy of any  
895 written partnership agreement; or

896 (b) In the case of a corporation, provide a copy of its  
897 articles of incorporation and bylaws.

898 (5) An application filed pursuant to this part must be  
899 verified and accompanied by:

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900 (a) A bond, letter of credit, or certificate of deposit  
901 satisfying the requirements of s. 501.611. ~~An entity providing~~  
902 ~~substance abuse marketing services in accordance with s. 397.55~~  
903 ~~is exempt from this requirement.~~

904 (b) A fee for licensing in the amount of \$1,500. The fee  
905 must ~~shall~~ be deposited into the General Inspection Trust Fund.  
906 The department shall waive the initial license fee for an  
907 honorably discharged veteran of the United States Armed Forces,  
908 the spouse or surviving spouse of such a veteran, a current  
909 member of the United States Armed Forces who has served on  
910 active duty, the spouse of such a member, the surviving spouse  
911 of a member of the United States Armed Forces if such member  
912 died while serving on active duty, or a business entity that has  
913 a majority ownership held by such a veteran or spouse or  
914 surviving spouse if the department receives an application, in a  
915 format prescribed by the department. The application format must  
916 include the applicant's signature, under penalty of perjury, and  
917 supporting documentation. To qualify for the waiver:

918 1. A veteran must provide to the department a copy of his  
919 or her DD Form 214, as issued by the United States Department of  
920 Defense, or another acceptable form of identification as  
921 specified by the Department of Veterans' Affairs;

922 2. The spouse or surviving spouse of a veteran must provide  
923 to the department a copy of the veteran's DD Form 214, as issued  
924 by the United States Department of Defense, or another  
925 acceptable form of identification as specified by the Department  
926 of Veterans' Affairs, and a copy of a valid marriage license or  
927 certificate verifying that he or she was lawfully married to the  
928 veteran at the time of discharge; or



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929           3. A business entity must provide to the department proof  
930 that a veteran or the spouse or surviving spouse of a veteran  
931 holds a majority ownership in the business, a copy of the  
932 veteran's DD Form 214, as issued by the United States Department  
933 of Defense, or another acceptable form of identification as  
934 specified by the Department of Veterans' Affairs, and, if  
935 applicable, a copy of a valid marriage license or certificate  
936 verifying that the spouse or surviving spouse of the veteran was  
937 lawfully married to the veteran at the time of discharge.

938           (6) The department shall issue a license number to all  
939 commercial telephone sellers.

940           (7) It is a violation of this part for a commercial  
941 telephone seller ~~or an entity providing substance abuse~~  
942 ~~marketing services~~ to:

943           (a) Fail to maintain a valid license.

944           (b) Advertise that one is licensed as a commercial seller  
945 ~~or as an entity providing substance abuse marketing services~~ or  
946 represent that such licensing constitutes approval or  
947 endorsement by any government or governmental office or agency.

948           (c) Provide inaccurate or incomplete information to the  
949 department when making a license application.

950           (d) Misrepresent that a person is registered or that such a  
951 person has a valid license number.

952           Section 17. Section 501.6055, Florida Statutes, is created  
953 to read:

954           501.6055 Licensure of substance abuse marketing service  
955 providers.-

956           (1) Before doing business in this state, a substance abuse  
957 marketing service provider must obtain a license from the

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958 department. As used in this subsection, the term "doing business  
959 in this state" includes providing substance abuse marketing  
960 services to a service provider or operator of a recovery  
961 residence with locations in Florida, by making telephone calls  
962 from a location in Florida, making telephone calls from other  
963 states or nations to consumers located in Florida, or using  
964 advertisements to invite telephone calls from Florida consumers.

965 (2) An applicant for a license as a substance abuse  
966 marketing service provider must submit to the department a  
967 written application, in a form prescribed by the department, for  
968 the license. The application must include all of the following  
969 information:

970 (a) The true name, date of birth, driver license number or  
971 other valid form of identification, and home address of the  
972 applicant, including each name under which he or she intends to  
973 do business.

974 (b) Each business or occupation engaged in by the applicant  
975 during the 3 years immediately preceding the date of the  
976 application, and the location thereof.

977 (c) The previous experience of the applicant as a substance  
978 abuse marketing service provider.

979 (d) Whether the applicant has previously been arrested for  
980 or convicted of, or is under indictment or information for, a  
981 felony and, if so, the nature of the felony. Conviction includes  
982 a finding of guilt where adjudication has been withheld.

983 (e) Whether the applicant has previously been convicted of,  
984 or is under indictment or information for, racketeering or any  
985 offense involving fraud, theft, embezzlement, fraudulent  
986 conversion, or misappropriation of property. Conviction includes

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987 a finding of guilt where adjudication has been withheld.

988 (f) Whether there has ever been a judicial or  
989 administrative finding in any jurisdiction that the applicant  
990 has previously been convicted of acting as a substance abuse  
991 marketing service provider without a license, or whether such a  
992 license has previously been refused, revoked, or suspended.

993 (g) Whether the applicant has worked for, or been  
994 affiliated with, a company that has had entered against it an  
995 injunction, a temporary restraining order, or a final judgment  
996 or order, including a stipulated judgment or order, an assurance  
997 of voluntary compliance, or any similar document, in any civil  
998 or administrative action involving racketeering, fraud, theft,  
999 embezzlement, fraudulent conversion, or misappropriation of  
1000 property or the use of any untrue, deceptive, or misleading  
1001 representation or the use of any unfair, unlawful, or deceptive  
1002 trade practice.

1003 (h) Whether the applicant has had entered against him or  
1004 her an injunction, a temporary restraining order, or a final  
1005 judgment or order, including a stipulated judgment or order, an  
1006 assurance of voluntary compliance, or any similar document, in  
1007 any civil or administrative action involving racketeering,  
1008 fraud, theft, embezzlement, fraudulent conversion, or  
1009 misappropriation of property or the use of any untrue,  
1010 deceptive, or misleading representation or the use of any  
1011 unfair, unlawful, or deceptive trade practice; and whether there  
1012 is any litigation pending against the applicant.

1013 (i) The name of any parent or affiliated entity that:

1014 1. Will engage in a business transaction with the  
1015 individual seeking substance abuse services through the

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1016 applicant; or

1017 2. Accepts responsibility or is otherwise held out by the  
1018 applicant as being responsible for any statement or act of the  
1019 applicant relating to any service offered by the applicant.

1020 (j) The complete street address of each location,  
1021 designating the principal location, from which the applicant  
1022 will be doing business. The street address may not be a post  
1023 office box.

1024 (k) A list of all telephone numbers to be used by the  
1025 applicant, with the address where each telephone using these  
1026 numbers will be located.

1027 (l) The true name, current home address, date of birth, and  
1028 all other names by which known, or previously known, of each:

1029 1. Applicant, or if the applicant is not an individual, the  
1030 principal officer, director, trustee, shareholder, owner, or  
1031 partner of the applicant, and of each other person responsible  
1032 for the management of the business of the applicant.

1033 2. Office manager or other person principally responsible  
1034 for a location from which the applicant will do business.

1035 3. Persons to be employed by the applicant to make or  
1036 answer telephone calls in connection with the marketing of  
1037 substance abuse services.

1038  
1039 The application must be accompanied by a copy of any script,  
1040 outline, or presentation the applicant will require or suggest a  
1041 person to use when making or answering telephone calls in the  
1042 conduct of business as a substance abuse marketing service  
1043 provider, or, if no such document is used, a statement to that  
1044 effect; literature to be provided by the applicant to a person

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1045 employed to make or answer calls on behalf of the substance  
1046 abuse marketing service provider; and literature to be provided  
1047 by the applicant to an individual who requests assistance with  
1048 substance abuse services.

1049 (3) When an application states information regarding an  
1050 applicant as described in paragraphs (2) (d)-(h), the applicant  
1051 must:

1052 (a) Identify the court or administrative agency rendering  
1053 the conviction, judgment, or order against the applicant or  
1054 where there is pending litigation; and

1055 (b) Provide the docket number of the matter; the date of  
1056 the conviction, judgment, or order; and the name of the  
1057 governmental agency, if any, that brought the action resulting  
1058 in the conviction, judgment, or order.

1059 (4) If the applicant is other than a natural person, or if  
1060 any parent or affiliated entity is identified pursuant to  
1061 paragraph (2) (i), the applicant must, for itself and for any  
1062 such entity, identify its place of organization and:

1063 (a) In the case of a partnership, provide a copy of any  
1064 written partnership agreement; or

1065 (b) In the case of a corporation, provide a copy of its  
1066 articles of incorporation and bylaws.

1067 (5) The applicant must submit a fee for licensing in the  
1068 amount of \$1,500. The fee must be deposited into the General  
1069 Inspection Trust Fund. The department shall waive the initial  
1070 license fee for an honorably discharged veteran of the United  
1071 States Armed Forces, the spouse or surviving spouse of such a  
1072 veteran, a current member of the United States Armed Forces who  
1073 has served on active duty, the spouse of such a member, the

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1074 surviving spouse of a member of the United States Armed Forces  
1075 if such member died while serving on active duty, or a business  
1076 entity that has a majority ownership held by such a veteran or  
1077 spouse or surviving spouse if the department receives an  
1078 application, in a format prescribed by the department. The  
1079 application form must include the applicant's signature, under  
1080 penalty of perjury, and supporting documentation. To qualify for  
1081 the waiver:

1082 (a) A veteran must provide to the department a copy of his  
1083 or her DD Form 214, as issued by the United States Department of  
1084 Defense, or another acceptable form of identification as  
1085 specified by the Department of Veterans' Affairs;

1086 (b) The spouse or surviving spouse of a veteran must  
1087 provide to the department a copy of the veteran's DD Form 214,  
1088 as issued by the United States Department of Defense, or another  
1089 acceptable form of identification as specified by the Department  
1090 of Veterans' Affairs, and a copy of a valid marriage license or  
1091 certificate verifying that he or she was lawfully married to the  
1092 veteran at the time of discharge; or

1093 (c) A business entity must provide to the department proof  
1094 that a veteran or the spouse or surviving spouse of a veteran  
1095 holds a majority ownership in the business, a copy of the  
1096 veteran's DD Form 214, as issued by the United States Department  
1097 of Defense, or another acceptable form of identification as  
1098 specified by the Department of Veterans' Affairs, and, if  
1099 applicable, a copy of a valid marriage license or certificate  
1100 verifying that the spouse or surviving spouse of the veteran was  
1101 lawfully married to the veteran at the time of discharge.

1102 (6) The department shall issue a license number to all

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1103 substance abuse marketing service providers.

1104 (7) It is a violation of this part for a substance abuse  
 1105 marketing service provider to:

1106 (a) Fail to maintain a valid license.

1107 (b) Advertise that one is licensed as a substance abuse  
 1108 marketing service provider or represent that such licensing  
 1109 constitutes approval or endorsement by any government or  
 1110 governmental office or agency.

1111 (c) Provide inaccurate or incomplete information to the  
 1112 department when making a license application.

1113 (d) Misrepresent that a person is registered or that such a  
 1114 person has a valid license number.

1115 Section 18. Section 501.606, Florida Statutes, is amended  
 1116 to read:

1117 501.606 Disclosures required of commercial telephone  
 1118 sellers and ~~entities providing~~ substance abuse marketing service  
 1119 providers services.-

1120 (1) With respect to any person identified pursuant to s.  
 1121 501.605(2)(a), (2)(i), or (2)(l) or s. 501.6055(2)(a), (2)(i),  
 1122 or (2)(l) s. 501.605, an applicant for a license as a commercial  
 1123 telephone seller or ~~as an entity providing~~ substance abuse  
 1124 marketing service provider services must state in his or her  
 1125 application the identity of any affiliated commercial seller, ~~or~~  
 1126 salesperson, or substance abuse marketing service provider who:

1127 (a) Has been convicted of, or is under indictment or  
 1128 information for, racketeering or any offense involving fraud,  
 1129 theft, embezzlement, fraudulent conversion, or misappropriation  
 1130 of property. Conviction includes a finding of guilt where  
 1131 adjudication has been withheld;

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1132 (b) Is involved in pending litigation or has had entered  
1133 against him or her an injunction, a temporary restraining order,  
1134 or a final judgment or order, including a stipulated judgment or  
1135 order, an assurance of voluntary compliance, or any similar  
1136 document, in any civil or administrative action involving  
1137 racketeering, fraud, theft, embezzlement, fraudulent conversion,  
1138 or misappropriation of property or the use of any untrue,  
1139 deceptive, or misleading representation or the use of any  
1140 unfair, unlawful, or deceptive trade practice;

1141 (c) Is, or ever has been, subject to any litigation,  
1142 injunction, temporary restraining order, or final judgment or  
1143 order, including a stipulated judgment or order, an assurance of  
1144 voluntary compliance, or any similar document or any restrictive  
1145 court order relating to a business activity as the result of any  
1146 action brought by a governmental agency, including any action  
1147 affecting any license to do business or practice an occupation  
1148 or trade;

1149 (d) Has at any time during the previous 7 years filed for  
1150 bankruptcy, been adjudged bankrupt, or been reorganized because  
1151 of insolvency; or

1152 (e) Has been a principal, director, officer, or trustee of,  
1153 or a general or limited partner in, or had responsibilities as a  
1154 manager in, any corporation, partnership, joint venture, or  
1155 other entity that filed for bankruptcy, was adjudged bankrupt,  
1156 or was reorganized because of insolvency within 1 year after the  
1157 person held that position. The disclosures required in paragraph

1158 (d) are ~~shall be~~ applicable insofar as they relate to the  
1159 commercial telephone seller or substance abuse marketing service  
1160 provider applicant, as well as any affiliated commercial seller,



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1161 ~~affiliate or salesperson, or substance abuse marketing service~~  
1162 provider.

1163 (2) (a) For any person described in subsection (1), the  
1164 applicant must:

1165 1. Identify the court or administrative agency rendering  
1166 the conviction, judgment, or order against the person or pending  
1167 litigation.

1168 2. Provide the docket number of the matter, the date of the  
1169 conviction, judgment, or order, and the name of the governmental  
1170 agency, if any, that brought the action resulting in the  
1171 conviction, judgment, or order.

1172 (b) For any person described in paragraph (1) (e), the  
1173 applicant must provide the name and address of the person filing  
1174 for bankruptcy, adjudged bankrupt, or reorganized because of  
1175 insolvency, the date of the action, the court which exercised  
1176 jurisdiction, and the docket number of the matter.

1177 (3) Each commercial telephone seller and substance abuse  
1178 marketing service provider shall disclose to the department the  
1179 name, address, and account number of each institution where  
1180 banking or similar monetary transactions are done by the  
1181 commercial telephone seller or substance abuse marketing service  
1182 provider.

1183 Section 19. Subsections (3) and (4) of section 501.608,  
1184 Florida Statutes, are amended to read:

1185 501.608 License or affidavit of exemption; occupational  
1186 license.—

1187 (3) Failure to obtain or display a license or a receipt of  
1188 filing of an affidavit of exemption is sufficient grounds for  
1189 the department to issue an immediate cease and desist order,

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1190 which shall act as an immediate final order under s.  
1191 120.569(2) (n). The order must ~~shall~~ remain in effect until the  
1192 commercial telephone seller, the ~~entity providing~~ substance  
1193 abuse marketing service provider services, or a person claiming  
1194 to be exempt shows the authorities that he or she is properly  
1195 licensed or exempt. The department may order the business to  
1196 cease operations and shall order the phones to be shut off.  
1197 Failure of a salesperson to display a license or a receipt of  
1198 filing of an affidavit of exemption may result in the  
1199 salesperson being summarily ordered by the department to leave  
1200 the office until he or she can produce a license or a receipt of  
1201 filing of an affidavit of exemption for the department.

1202 (4) Any person applying for or renewing a local  
1203 occupational license to engage in business as a commercial  
1204 telephone seller or ~~as an entity providing~~ substance abuse  
1205 marketing service provider services must exhibit an active  
1206 license or a copy of the affidavit of exemption before the local  
1207 occupational license may be issued or reissued.

1208 Section 20. Subsection (3) of section 501.609, Florida  
1209 Statutes, is amended to read:

1210 501.609 License renewal.—

1211 (3) If any change is made to any script, outline,  
1212 presentation, sales information, or literature used by a  
1213 licensee in connection with any solicitation or any services  
1214 provided by a substance abuse marketing service provider, the  
1215 new or revised material must be submitted by the licensee to the  
1216 department within 10 days after ~~of~~ the change.

1217 Section 21. Subsection (1) of section 501.612, Florida  
1218 Statutes, is amended to read:

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1219           501.612 Grounds for departmental action against licensure  
1220 applicants or licensees.—

1221           (1) The department may enter an order directing that one or  
1222 more of the actions set forth in subsection (2) be taken if the  
1223 department finds that a commercial telephone seller, ~~or~~  
1224 salesperson, ~~or an entity providing~~ substance abuse marketing  
1225 service provider services, or any person applying for licensure  
1226 as a commercial telephone seller, ~~or~~ salesperson, ~~or an entity~~  
1227 ~~providing~~ substance abuse marketing service provider services,  
1228 including, but not limited to, owners, operators, officers,  
1229 directors, partners, or other individuals engaged in the  
1230 management activities of a business entity:

1231           (a) Has, regardless of adjudication, been convicted or  
1232 found guilty of, or has entered a plea of guilty or a plea of  
1233 nolo contendere to, racketeering or any offense involving fraud,  
1234 theft, embezzlement, fraudulent conversion, or misappropriation  
1235 of property, or any other crime involving moral turpitude;

1236           (b) Has, regardless of adjudication, been convicted or  
1237 found guilty of, or has entered a plea of guilty or a plea of  
1238 nolo contendere to, any felony;

1239           (c) Has had entered against him or her or any business for  
1240 which he or she has worked or been affiliated, an injunction, a  
1241 temporary restraining order, or a final judgment or order,  
1242 including a stipulated judgment or order, an assurance of  
1243 voluntary compliance, or any similar document, in any civil or  
1244 administrative action involving racketeering, fraud, theft,  
1245 embezzlement, fraudulent conversion, or misappropriation of  
1246 property or the use of any untrue or misleading representation  
1247 in an attempt to sell or dispose of real or personal property or

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1248 the use of any unfair, unlawful, or deceptive trade practice;

1249 (d) Is subject to or has worked or been affiliated with any

1250 company which is, or ever has been, subject to any injunction,

1251 temporary restraining order, or final judgment or order,

1252 including a stipulated judgment or order, an assurance of

1253 voluntary compliance, or any similar document, or any

1254 restrictive court order relating to a business activity as the

1255 result of any action brought by a governmental agency, including

1256 any action affecting any license to do business or practice an

1257 occupation or trade;

1258 (e) Has at any time during the previous 7 years filed for

1259 bankruptcy, been adjudged bankrupt, or been reorganized because

1260 of insolvency;

1261 (f) Has been a principal, director, officer, or trustee of,

1262 or a general or limited partner in, or had responsibilities as a

1263 manager in, any corporation, partnership, joint venture, or

1264 other entity that filed the bankruptcy, was adjudged bankrupt,

1265 or was reorganized because of insolvency within 1 year after the

1266 person held that position;

1267 (g) Has been previously convicted of or found to have been

1268 acting as a salesperson, or commercial telephone seller, or ~~an~~

1269 ~~entity providing~~ substance abuse marketing service provider

1270 ~~services~~ without a license or whose licensure has previously

1271 been refused, revoked, or suspended in any jurisdiction;

1272 (h) Falsifies or willfully omits any material information

1273 asked for in any application, document, or record required to be

1274 submitted or retained under this part;

1275 (i) Makes a material false statement in response to any

1276 request or investigation by the department or the state

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1277 attorney;

1278 (j) Refuses or fails, after notice, to produce any document  
1279 or record or disclose any information required to be produced or  
1280 disclosed under this part or the rules of the department;

1281 (k) Is not of good moral character; or

1282 (l) Otherwise violates or is operating in violation of any  
1283 ~~of the provisions of~~ this part or of the rules adopted or orders  
1284 issued thereunder.

1285 Section 22. Subsections (4) and (5) of section 501.616,  
1286 Florida Statutes, are amended to read:

1287 501.616 Unlawful acts and practices.—

1288 (4) A commercial telephone seller, or salesperson, or  
1289 substance abuse marketing service provider must be licensed.

1290 (5) A salesperson, or commercial telephone seller, or  
1291 substance abuse marketing service provider may not otherwise  
1292 violate this part.

1293 Section 23. Section 501.618, Florida Statutes, is amended  
1294 to read:

1295 501.618 General civil remedies.—

1296 (1) The department may bring:

1297 (a) ~~(1)~~ An action to obtain a declaratory judgment that an  
1298 act or practice violates ~~the provisions of~~ this part.

1299 (b) ~~(2)~~ An action to enjoin a person who has violated, is  
1300 violating, or is otherwise likely to violate ~~the provisions of~~  
1301 this part.

1302 (c) ~~(3)~~ An action on behalf of one or more purchasers for  
1303 the actual damages caused by an act or practice performed in  
1304 violation of ~~the provisions of~~ this part. Such an action may  
1305 include, but is not limited to, an action to recover against a

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1306 bond, letter of credit, or certificate of deposit as otherwise  
1307 provided in this part.

1308       (2) Upon motion of the enforcing authority in any action  
1309 brought under this section, the court may make appropriate  
1310 orders, including appointment of a general or special magistrate  
1311 or receiver or sequestration of assets, to reimburse consumers  
1312 found to have been damaged, to carry out a consumer transaction  
1313 in accordance with the consumer's reasonable expectations, or to  
1314 grant other appropriate relief. The court may assess the  
1315 expenses of a general or special magistrate or receiver against  
1316 a commercial telephone seller or ~~an entity providing~~ substance  
1317 abuse marketing service provider services. Any injunctive order,  
1318 whether temporary or permanent, issued by the court is ~~shall be~~  
1319 effective throughout this ~~the~~ state unless otherwise provided in  
1320 the order.

1321       Section 24. Section 502.012, Florida Statutes, is amended  
1322 to read:

1323       502.012 Definitions.—As used in this chapter, the term:

1324       (1) "Bulk milk hauler/sampler" means a person who collects  
1325 official samples and transports raw milk from a farm or raw milk  
1326 products to or from a milk plant, receiving station, or transfer  
1327 station and is permitted to sample the milk products by any  
1328 state regulatory agency charged in implementing the United  
1329 States Food and Drug Administration's Grade "A" program.

1330       (2) "Bulk milk pickup tanker" means a vehicle, including  
1331 the truck and tank, and those appurtenances necessary for its  
1332 use necessary attachments, which is used by a milk hauler to  
1333 transport bulk raw milk for pasteurization, ultra-  
1334 pasteurization, aseptic processing and packaging, or retort

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1335 processing after packaging from a dairy farm to a milk plant,  
1336 receiving station, or transfer station.

1337 (3)~~(2)~~ "Dairy farm" means any place or premises where one  
1338 or more lactating animals, including cows, goats, sheep, water  
1339 buffalo, or other hooved mammals, or camels, are kept for  
1340 milking purposes, and from which a part or all of the milk is  
1341 provided, sold, or offered for sale.

1342 (4)~~(3)~~ "Department" means the Department of Agriculture and  
1343 Consumer Services.

1344 (5)~~(4)~~ "Frozen dessert" means a specific standardized  
1345 frozen dessert described in 21 C.F.R. part 135, excluding part  
1346 135.160 and any other food defined by rule of the department  
1347 that resembles such standardized frozen dessert but does not  
1348 conform to the specific description of such standardized frozen  
1349 dessert in 21 C.F.R. part 135. The term includes, but is not  
1350 limited to, a quiescently frozen confection, a quiescently  
1351 frozen dairy confection, a frozen dietary dairy dessert, and a  
1352 frozen dietary dessert.

1353 ~~(5) "Frozen desserts manufacturer" means a person who~~  
1354 ~~manufactures, processes, converts, partially freezes, or freezes~~  
1355 ~~any mix or frozen dessert for distribution or sale.~~

1356 (6) "Frozen desserts plant" means any place that  
1357 pasteurizes dairy products or receives raw milk for the purpose  
1358 of manufacturing or processing frozen desserts ~~location or~~  
1359 ~~premises at which frozen desserts or mix are manufactured,~~  
1360 ~~processed, or frozen for distribution or sale at wholesale.~~

1361 ~~(7) "Frozen desserts retail establishment" means any~~  
1362 ~~location or premises, including a retail store, stand, hotel,~~  
1363 ~~boardinghouse, restaurant, vehicle, or mobile unit, at which~~

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1364 ~~frozen desserts are frozen, partially frozen, or dispensed for~~  
1365 ~~sale at retail.~~

1366 ~~(8) "Frozen dietary dairy dessert" or "frozen dietary~~  
1367 ~~dessert" means a food for any special dietary use, prepared by~~  
1368 ~~freezing, with or without agitation, and composed of a~~  
1369 ~~pasteurized mix that may contain fat, protein, carbohydrates,~~  
1370 ~~natural or artificial sweeteners, flavoring, stabilizers,~~  
1371 ~~emulsifiers, vitamins, and minerals.~~

1372 ~~(9) "Grade 'A' pasteurized milk ordinance" means the~~  
1373 ~~document entitled "Grade 'A' Pasteurized Milk Ordinance, United~~  
1374 ~~States Department of Health and Human Services, Public Health~~  
1375 ~~Service, Food and Drug Administration," including all associated~~  
1376 ~~appendices, as adopted by department rule.~~

1377 ~~(8)(10) "Imitation milk and imitation milk products" means~~  
1378 ~~those foods that have the physical characteristics, such as~~  
1379 ~~taste, flavor, body, texture, or appearance, of milk or milk~~  
1380 ~~products as defined in this chapter and the Grade "A"~~  
1381 ~~pasteurized milk ordinance but do not come within the definition~~  
1382 ~~of "milk" or "milk products" and are nutritionally inferior to~~  
1383 ~~the product imitated.~~

1384 ~~(9)(11) "Milk" means the lacteal secretion, practically~~  
1385 ~~free from colostrum, obtained by the complete milking of one or~~  
1386 ~~more healthy cows, goats, sheep, water buffalo, or other hooved~~  
1387 ~~mammals or camels.~~

1388 ~~(10)(12) "Milk distributor" means any person who offers for~~  
1389 ~~sale or sells to another person any milk or milk product.~~

1390 ~~(15)(13) "Milk products" means products made with milk that~~  
1391 ~~is processed in some manner, including being whipped, acidified,~~  
1392 ~~cultured, concentrated, lactose-reduced, or sodium-reduced or~~



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1393 aseptically processed, or having the addition or subtraction of  
1394 milkfat, the addition of safe and suitable microbial organisms,  
1395 or the addition of safe and suitable optional ingredients for  
1396 protein, vitamin, or mineral fortification. The term does ~~“milk~~  
1397 ~~products”~~ do not include products such as evaporated milk,  
1398 condensed milk, eggnog in a rigid metal container, dietary  
1399 products, infant formula, or ice cream and other desserts.

1400 (18)~~(14)~~ “Milkfat” or “butterfat” means the fat contained  
1401 in milk.

1402 (11)~~(15)~~ “Milk hauler” means any person who transports raw  
1403 milk or raw milk products to or from a milk plant, receiving  
1404 station, or transfer station.

1405 (12)~~(16)~~ “Milk plant” means any place, premises, or  
1406 establishment where milk or milk products are collected,  
1407 handled, processed, stored, pasteurized, ultra-pasteurized,  
1408 aseptically processed and packaged, retort processed after  
1409 packaging, condensed, dried, packaged, bottled, or prepared for  
1410 distribution.

1411 (13)~~(17)~~ “Milk plant operator” means any person responsible  
1412 for receiving, processing, pasteurizing, or packaging milk and  
1413 milk products, or performing any other related operation.

1414 (14)~~(18)~~ “Milk producer” means any person who operates a  
1415 dairy farm and provides, sells, or offers for sale milk to a  
1416 milk plant, receiving station, or transfer station.

1417 (16)~~(19)~~ “Milk tank truck” means either a bulk milk pickup  
1418 tanker or a milk transport tank.

1419 (17)~~(20)~~ “Milk transport tank” means a vehicle, including  
1420 the truck and tank, used by a bulk milk hauler/sampler or a milk  
1421 hauler to transport bulk shipments of milk from a milk plant,

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1422 receiving station, or transfer station to another milk plant,  
1423 receiving station, or transfer station.

1424 ~~(21) "Quiescently frozen confection" means a clean and~~  
1425 ~~wholesome frozen, sweetened, flavored product that, while being~~  
1426 ~~frozen, was not stirred or agitated (generally known as~~  
1427 ~~quiescent freezing). The confection may be acidulated with food-~~  
1428 ~~grade acid, may contain milk solids or water, or may be made~~  
1429 ~~with or without added harmless pure or imitation flavoring and~~  
1430 ~~with or without harmless coloring. The finished product must not~~  
1431 ~~contain more than 0.5 percent by weight of stabilizer composed~~  
1432 ~~of wholesome, edible material and must not contain less than 17~~  
1433 ~~percent by weight of total food solids. In the production of the~~  
1434 ~~confection, processing or mixing before quiescent freezing that~~  
1435 ~~develops in the finished confection mix any physical expansion~~  
1436 ~~in excess of 10 percent may not be used.~~

1437 ~~(22) "Quiescently frozen dairy confection" means a clean~~  
1438 ~~and wholesome frozen product made from water, milk products, and~~  
1439 ~~sugar, with added harmless pure or imitation flavoring, with or~~  
1440 ~~without added harmless coloring, with or without added~~  
1441 ~~stabilizer, or with or without added emulsifier, that, while~~  
1442 ~~being frozen, was not stirred or agitated (generally known as~~  
1443 ~~quiescent freezing). The confection must not contain less than~~  
1444 ~~13 percent by weight of total milk solids, less than 33 percent~~  
1445 ~~by weight of total food solids, more than 0.5 percent by weight~~  
1446 ~~of stabilizer, or more than 0.2 percent by weight of emulsifier.~~  
1447 ~~Stabilizer and emulsifier must be composed of wholesome, edible~~  
1448 ~~material. In the production of a quiescently frozen dairy~~  
1449 ~~confection, processing or mixing before quiescently freezing~~  
1450 ~~that develops in the finished confection mix any physical~~

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1451 ~~expansion in excess of 10 percent may not be used.~~

1452 ~~(19)-(23)~~ "Raw milk" means unpasteurized ~~unprocessed~~ milk.

1453 ~~(20)-(24)~~ "Receiving station" means any place, premises, or  
1454 establishment where raw milk is received, collected, handled,  
1455 stored, or cooled and ~~is~~ prepared for further transporting.

1456 ~~(21)~~ "Reconstituted milk or milk products" or "recombined  
1457 milk or milk products" means milk or milk products that result  
1458 from reconstituting or recombining milk constituents with  
1459 potable water.

1460 ~~(22)~~ "Retail" means the sale of goods to the public for use  
1461 or consumption rather than for resale.

1462 ~~(23)-(25)~~ "Substitute milk and substitute milk products"  
1463 means those foods that have the physical characteristics, such  
1464 as taste, flavor, body, texture, or appearance, of milk or milk  
1465 products as defined in this chapter and the Grade "A"  
1466 pasteurized milk ordinance but do not come within the definition  
1467 of "milk" or "milk products" and are nutritionally equivalent to  
1468 the product for which they are substitutes.

1469 ~~(24)-(26)~~ "Transfer station" means any place, premises, or  
1470 establishment where milk or milk products are transferred  
1471 directly from one milk tank truck to another.

1472 ~~(25)~~ "Ultra-pasteurization" means thermally processing a  
1473 milk or milk product at or above 280 degrees Fahrenheit for at  
1474 least 2 seconds, before or after packaging, so as to produce a  
1475 milk or milk product that has an extended shelf life under  
1476 refrigerated conditions.

1477 ~~(26)-(27)~~ "Washing station" means any place, premises, or  
1478 establishment where milk tank trucks are cleaned and sanitized.

1479 ~~(27)~~ "Wholesale" means the selling of goods in quantity to

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1480 be retailed by others.

1481 Section 25. Paragraph (d) of subsection (1) of section  
1482 502.013, Florida Statutes, is amended to read:

1483 502.013 Purpose; intent.—

1484 (1) PURPOSE.—The purpose of this chapter is to:

1485 ~~(d) Ensure the normal flow of fresh wholesome milk and milk~~  
1486 ~~products from the farmer to the consumer by uniform regulation~~  
1487 ~~of the shelf life of milk and milk products in this state.~~

1488 Section 26. Paragraph (a) of subsection (2) of section  
1489 502.014, Florida Statutes, is amended to read:

1490 502.014 Powers and duties.—

1491 (2) (a) The department shall permit, conduct onsite  
1492 inspections of, and collect samples for testing from all  
1493 facilities engaged in the production, processing, holding, or  
1494 transfer of milk and milk products dairy farms, milk plants, and  
1495 ~~frozen dessert plants and collect test samples of milk, milk~~  
1496 ~~products, and frozen desserts as required by this chapter.~~

1497 Section 27. Section 502.042, Florida Statutes, is amended  
1498 to read:

1499 502.042 Labeling of shelf life.—To ensure consumers full  
1500 disclosure of the date beyond which milk or milk products may no  
1501 longer be offered for sale, all dairy processors must shall  
1502 ~~establish,~~ and legibly label ~~as prescribed by rule of the~~  
1503 ~~department,~~ the maximum shelf-life period during which milk and  
1504 milk products may be offered for sale. For purposes of this  
1505 requirement, the term ~~to~~ "legibly label" means to label the  
1506 package or container with conspicuous and easily readable  
1507 boldfaced print or type in distinct contrast to the background,  
1508 by color. ~~The department shall periodically conduct shelf-life~~

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1509 ~~studies to review the keeping quality of milk and milk products~~  
1510 ~~and shall sample periodically the products of the dairy~~  
1511 ~~processors to determine if the shelf-life dating used by the~~  
1512 ~~processors complies with the minimum standards of quality.~~

1513 Section 28. Paragraphs (a) and (b) of subsection (1),  
1514 paragraph (d) of subsection (3), and paragraph (c) of subsection  
1515 (4) of section 502.053, Florida Statutes, are amended to read:

1516 502.053 Permits and fees; requirements; exemptions;  
1517 temporary permits.-

1518 (1) PERMITS.-

1519 (a) Each facility subject to this chapter operating Grade  
1520 ~~"A" milk plant, whether located in the state or outside the~~  
1521 ~~state, and each manufacturing milk plant, milk producer, milk~~  
1522 ~~hauler, milk hauling service, washing station operator, milk~~  
1523 ~~plant operator, milk distributor, single-service-container~~  
1524 ~~manufacturer, receiving station, and transfer station in this~~  
1525 ~~the state must shall apply to the department for a permit to~~  
1526 ~~operate. The application must shall be on forms developed by the~~  
1527 ~~department.~~

1528 (b) Each frozen dessert plant, ~~whether located in the state~~  
1529 ~~or outside the state,~~ that manufactures frozen desserts or other  
1530 products defined in this chapter and offers these products  
1531 wholesale for sale in this state must apply to the department  
1532 for a permit to operate. The application must be submitted on a  
1533 form ~~forms~~ prescribed by the department. All frozen dessert  
1534 permits expire on June 30 of each year.

1535 (3) REQUIREMENTS.-

1536 ~~(d) Each frozen dessert plant permitholder must report~~  
1537 ~~monthly, quarterly, semiannually, or annually, as required by~~

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1538 ~~the department, the number of gallons of frozen dessert or~~  
1539 ~~frozen dessert mix sold or manufactured by the permitholder in~~  
1540 ~~this state.~~

1541 (4) EXEMPTIONS.—

1542 ~~(c) Frozen desserts retail establishments as defined in s.~~  
1543 ~~502.012 are exempt from this chapter.~~

1544 Section 29. Subsections (1) and (4) of section 502.181,  
1545 Florida Statutes, are amended to read:

1546 502.181 Prohibited acts.—It is unlawful for any person in  
1547 this state to:

1548 (1) Engage in the business of producing, hauling,  
1549 transferring, receiving, processing, packaging, or distributing  
1550 milk, milk products, or frozen desserts or operating a washing  
1551 station, manufacturing single-service containers, or  
1552 manufacturing imitation or substitute milk or milk products, ~~or~~  
1553 ~~testing for milkfat content,~~ without first obtaining a permit ~~or~~  
1554 license from the department.

1555 ~~(4) Repasteurize milk.~~

1556 Section 30. Paragraph (b) of subsection (1) of section  
1557 502.231, Florida Statutes, is amended to read:

1558 502.231 Penalty and injunction.—

1559 (1) The department may enter an order imposing one or more  
1560 of the following penalties against any person who violates any  
1561 provision of this chapter:

1562 (b) Imposition of an administrative fine:

1563 1. In the Class II category pursuant to s. 570.971 for each  
1564 violation in the case of a frozen dessert licensee; or

1565 2. ~~Ten percent of the license fee or \$100, whichever is~~  
1566 ~~greater, for failure to report the information described in s.~~

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1567 ~~502.053(3)(d); or~~

1568 ~~3.~~ In the Class I category pursuant to s. 570.971 for each  
1569 occurrence for any other violation.

1570

1571 When imposing a fine under this paragraph, the department must  
1572 consider the degree and extent of harm caused by the violation,  
1573 the cost of rectifying the damage, the benefit to the violator,  
1574 whether the violation was committed willfully, and the  
1575 violator's compliance record.

1576 Section 31. Section 502.301, Florida Statutes, is repealed.

1577 Section 32. Subsection (10) is added to section 507.07,  
1578 Florida Statutes, to read:

1579 507.07 Violations.—It is a violation of this chapter:

1580 (10) To place a shipper's goods in a self-service storage  
1581 unit or self-contained storage unit owned by anyone other than  
1582 the mover unless those goods are stored in the name of the  
1583 shipper and the shipper contracts directly with the owner of the  
1584 self-service storage unit or self-contained storage unit.

1585 Section 33. Section 531.38, Florida Statutes, is amended to  
1586 read:

1587 531.38 Systems of weights and measures.—The system of  
1588 weights and measures in customary use in the United States and  
1589 the metric system of weights and measures are jointly  
1590 recognized, and either one or both of these systems shall be  
1591 used for all commercial purposes in this state. The definitions  
1592 of basic units of weight and measure, the tables of weight and  
1593 measure, and weight and measure equivalents as published by the  
1594 National Institute of Standards and Technology and National  
1595 Conference on Weights and Measures are recognized and shall

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1596 govern weighing and measuring equipment and transactions in this  
1597 ~~the~~ state.

1598 Section 34. Section 531.40, Florida Statutes, is amended to  
1599 read:

1600 531.40 Technical requirements for commercial devices.—The  
1601 specifications, tolerances, and other technical requirements for  
1602 commercial weighing and measuring devices, as determined by  
1603 regulations adopted by the department, which regulations ~~shall~~  
1604 afford the greatest degree of protection to the public, must  
1605 ~~shall~~ conform to those adopted by the National Institute of  
1606 Standards and Technology and National Conference on Weights and  
1607 Measures to the extent possible. The department, notwithstanding  
1608 ~~the provisions of chapter 120, may shall have the power to~~ adopt  
1609 by reference in a regulation or regulations adopted by it the  
1610 specifications, tolerances, and technical requirements approved  
1611 by the National Conference on Weights and Measures and published  
1612 in Handbook 44 of the National Institute of Standards and  
1613 Technology and National Conference on Weights and Measures. The  
1614 department may, from time to time, adopt such regulations as ~~may~~  
1615 ~~be~~ necessary to conform the state standards to those of the  
1616 National Institute of Standards and Technology, which may be  
1617 adopted by reference to supplements to, or revisions of, the  
1618 National Institute of Standards and Technology and National  
1619 Conference on Weights and Measures, Handbook 44.

1620 Section 35. Subsection (13) of section 531.41, Florida  
1621 Statutes, is amended to read:

1622 531.41 Powers and duties of the department.—The department  
1623 shall:

1624 (13) Weigh, measure, or inspect packaged commodities kept



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1625 or offered or exposed for sale, sold, or in the process of  
1626 delivery, to determine whether they contain the amounts  
1627 represented and whether they are kept or offered or exposed for  
1628 sale in accordance with this chapter or the rules adopted  
1629 pursuant thereto. In carrying out ~~the provisions of this~~  
1630 subsection, the department may employ recognized sampling  
1631 procedures ~~that are~~ designated in the National Institute of  
1632 Standards and Technology and National Conference on Weights and  
1633 Measures Handbook 133, "Checking the Net Contents of Packaged  
1634 Goods."

1635  
1636 The provisions of this chapter and rules adopted thereunder  
1637 notwithstanding, scales routinely used by providers of weight  
1638 control services shall not be considered commercial weights and  
1639 measures when used to determine human weight or to compute  
1640 charges or payments for services rendered by such providers on  
1641 the basis of said weight, measure, or count.

1642 Section 36. Subsection (2) and paragraph (d) of subsection  
1643 (3) of section 559.935, Florida Statutes, are amended to read:  
1644 559.935 Exemptions.—

1645 (2) Sections 559.928, 559.929, 559.9295, 559.931, and  
1646 559.932 ~~do shall~~ not apply to a seller+

1647 ~~(a) Sellers~~ of travel directly issuing airline tickets if  
1648 the seller of travel has ~~who have~~ contracted with the Airlines  
1649 Reporting Corporation for the most recent consecutive 3 years or  
1650 more under the same ownership and control and if the seller of  
1651 travel does, ~~who do~~ not offer any other prearranged travel or  
1652 tourist-related services ~~vacation certificates, and who annually~~  
1653 ~~certify their business activities under s. 559.9285(1)(a).~~

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1654 ~~(b) Sellers of travel offering vacation certificates who~~  
1655 ~~have contracted with the Airlines Reporting Corporation for the~~  
1656 ~~most recent consecutive 5 years or more under the same ownership~~  
1657 ~~and control and who annually certify their business activities~~  
1658 ~~under s. 559.9285(1)(a). This exemption does not apply to~~  
1659 ~~sellers of travel certifying their business activities under s.~~  
1660 ~~559.9285(1)(b) or (c).~~

1661 (3) Sections 559.928, 559.929, 559.9295, 559.931, and  
1662 559.932 also do not apply to a seller of travel that is an  
1663 affiliate of an entity exempt pursuant to subsection (2) subject  
1664 to the following conditions:

1665 (d) This subsection does not apply to:

1666 1. An affiliate that independently qualifies for another  
1667 exemption under this section.

1668 2. An affiliate that sells, or offers for sale, any  
1669 prearranged travel or tourist-related services other than  
1670 directly issuing airline tickets ~~vacation certificates.~~

1671 ~~3. An affiliate that certifies its business activities~~  
1672 ~~under s. 559.9285(1)(b) or (c).~~

1673 Section 37. Section 570.161, Florida Statutes, is created  
1674 to read:

1675 570.161 E-mail address of record.—

1676 (1) The department may require an applicant or a licensee  
1677 to submit an active e-mail address, which has the same meaning  
1678 as electronic mail address as defined in s. 668.602, for the  
1679 purposes of receiving official communications and notices  
1680 required by law from the department. The applicant or licensee  
1681 must notify the department of any change to his or her e-mail  
1682 address.

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1683       (2) Except as required by s. 120.60, service by e-mail or  
1684 regular mail constitutes adequate and sufficient notice from the  
1685 department for official communications and notices required by  
1686 law.

1687       (3) Notwithstanding any other provision of law, when an  
1688 official communication or notice required by law is served  
1689 through one of the methods provided in subsection (2) and the  
1690 department receives notification that the attempt at service  
1691 failed, the department may achieve service by publishing a  
1692 notice to the recipient on the department's website or in the  
1693 Florida Administrative Register.

1694       Section 38. Present subsections (7) through (42) of section  
1695 576.011, Florida Statutes, are redesignated as subsections (8)  
1696 through (43), respectively, a new subsection (7) is added to  
1697 that section, and present subsection (34) is amended, to read:

1698       576.011 Definitions.—When used in this chapter, the term:  
1699       (7) "Controlled release fertilizer" means a slow release  
1700 fertilizer engineered to provide nutrients over time at a  
1701 predictable rate under specified conditions.

1702       (35)-(34) "Slow or controlled release fertilizer" means a  
1703 fertilizer in a form that releases, or converts to a plant-  
1704 available form, plant nutrients at a slower rate relative to an  
1705 appropriate reference soluble product containing a plant  
1706 nutrient in a form which delays its availability for plant  
1707 uptake and use after application, or which extends its  
1708 availability to the plant significantly longer than a reference  
1709 "rapidly available nutrient fertilizer," such as ammonium  
1710 nitrate or urea, ammonium phosphate, or potassium chloride.

1711       Section 39. Subsection (8) of section 576.045, Florida

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1712 Statutes, is amended to read:

1713       576.045 Nitrogen and phosphorus; findings and intent; fees;  
1714 purpose; best management practices; waiver of liability;  
1715 compliance; rules; exclusions; expiration.—

1716       (8) EXPIRATION OF PROVISIONS.—Subsections (1), (2), (3),  
1717 (4), and (6) expire on December 31, 2032 ~~2022~~. Subsections (5)  
1718 and (7) expire on December 31, 2027.

1719       Section 40. Section 576.071, Florida Statutes, is amended  
1720 to read:

1721       576.071 Commercial value.—The department shall adopt rules  
1722 to determine the commercial value used in assessing deficient  
1723 fertilizer penalties ~~The commercial value used in assessing~~  
1724 ~~penalties for any deficiency shall be determined by surveying~~  
1725 ~~the fertilizer industry in the state using annualized plant~~  
1726 ~~nutrient values contained in one or more generally recognized~~  
1727 ~~journals.~~

1728       Section 41. Present subsections (9) through (24) of section  
1729 580.031, Florida Statutes, are redesignated as subsections (10)  
1730 through (25), respectively, and a new subsection (9) is added to  
1731 that section, to read:

1732       580.031 Definitions of words and terms.—As used in this  
1733 chapter, the term:

1734       (9) “Dosage form animal product” means a feedstuff that  
1735 includes any product intended to affect the structure or  
1736 function of the animal’s body other than by providing nutrition  
1737 to the animal. The term includes oils, tinctures, capsules,  
1738 tablets, liquids, and chewables. The term does not include a  
1739 drug, a mineral or vitamin supplement, a product represented as  
1740 a primary meal for the intended animal species, any other

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1741 product intended as a treat, or a dental product providing  
1742 mechanical or abrasive action or both.

1743  
1744 Except as provided by law or rule, all terms used in connection  
1745 with commercial feed or feedstuff have the meanings ascribed to  
1746 them by the Association of American Feed Control Officials.

1747 Section 42. Subsection (1) of section 580.051, Florida  
1748 Statutes, is amended to read:

1749 580.051 Labels; requirements; penalty.-

1750 (1) Any commercial feed or feedstuff distributed in this  
1751 state, except a customer-formula feed and feed distributed  
1752 through an integrated poultry operation or by a cooperative to  
1753 its members, must ~~shall~~ be accompanied by a legible label  
1754 bearing all information required by the federal Food and Drug  
1755 Administration and the following information:

1756 (a) An accurate statement of the net weight.

1757 (b) The name and principal address of the registrant.

1758 (c) The brand name and product name, if any, under which  
1759 the commercial feed is distributed. The word "medicated" must  
1760 ~~shall~~ be incorporated as part of the brand or product name if  
1761 the commercial feed contains a drug.

1762 1. The department may require feeding directions and  
1763 precautionary statements to be placed on the label for the safe  
1764 and effective use of medicated and other feed as deemed  
1765 necessary.

1766 2. Labels on medicated feed must ~~shall~~ include all of the  
1767 following:

1768 a. Any feeding directions prescribed by the department to  
1769 ensure safe usage.

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1770 b. The stated purpose of the medication contained in the  
1771 feed as stated in the claim statement.

1772 c. The established name of each active drug ingredient.

1773 d. The level of each drug used in the final mixture  
1774 expressed in metric units as well as the required avoirdupois.

1775 (d) The date of manufacture or expiration date of  
1776 commercial feed sold at retail as the department may by rule  
1777 require.

1778 (e) The guaranteed analysis stated in terms that advise the  
1779 consumer of the composition of the feed or feedstuff or support  
1780 claims made in the labeling. In all cases, the elements or  
1781 compounds listed in the analysis must be determinable by  
1782 laboratory methods approved by the department.

1783 1. The guaranteed analysis, listing the minimum percentage  
1784 of crude protein, minimum percentage of crude fat, and maximum  
1785 percentage of crude fiber and, when more than 10 percent mineral  
1786 ingredients are present, the minimum or maximum percentages of  
1787 mineral elements or compounds as provided by rule.

1788 2. Vitamin ingredients, when guaranteed, must ~~shall~~ be  
1789 shown in amounts and terms provided by rule. For mineral feed,  
1790 the list must ~~shall~~ include the ~~following~~: maximum or minimum  
1791 percentages of calcium (Ca), phosphorus (P), salt (NaCl), iron  
1792 (Fe), copper (Cu), cobalt (Co), magnesium (Mg), manganese (Mn),  
1793 potassium (K), selenium (Se), zinc (Zn), and fluorine (F) if  
1794 ingredients used as sources of any of these constituents are  
1795 declared. All mixtures that contain mineral or vitamin  
1796 ingredients generally regarded as dietary factors essential for  
1797 the normal nutrition of animals and that are sold or represented  
1798 for the primary purpose of supplying these minerals or vitamins

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1799 as additions to rations in which these same mineral or vitamin  
1800 factors may be deficient must ~~shall~~ be classified as mineral or  
1801 vitamin supplements. Products sold solely as mineral or vitamin  
1802 supplements and guaranteed as specified in this section need not  
1803 show guarantees for protein, fat, and fiber.

1804 3. Other nutritional substances or elements determinable by  
1805 laboratory methods may be guaranteed by permission of, or must  
1806 ~~shall~~ be guaranteed at the request of, the department as may be  
1807 provided by rule.

1808 4. Products sold solely as a dosage form animal product and  
1809 guaranteed as specified in this section need not show a  
1810 guaranteed analysis.

1811 (f) The common or usual name of each ingredient used in the  
1812 manufacture of the commercial feed; however, for all commercial  
1813 feed except horse feed, the department by rule may permit the  
1814 use of collective terms for a group of ingredients which perform  
1815 a similar nutritional function.

1816 (g) A label on a dosage form animal product must comply  
1817 with paragraphs (a)-(d) and (f) and include all of the  
1818 following:

1819 1. The amount of each active ingredient per serving.

1820 2. The stated purpose of the product in supporting the  
1821 structure or function of the animal.

1822 3. Precautionary statements and warnings required to ensure  
1823 the safe and effective use of the dosage form animal product.

1824 4. Recommended dosage by animal weight.

1825 5. The statement "Not for human consumption."

1826 Section 43. Subsections (3), (6), (7), (11), (12), and (13)  
1827 of section 581.217, Florida Statutes, are amended to read:

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1828 581.217 State hemp program.—

1829 (3) DEFINITIONS.—As used in this section, the term:

1830 (a) ~~“Certifying agency” has the same meaning as in s.~~

1831 ~~578.011(8).~~

1832 ~~(b)~~ “Contaminants unsafe for human consumption” includes,  
1833 but is not limited to, any microbe, fungus, yeast, mildew,  
1834 herbicide, pesticide, fungicide, residual solvent, metal, or  
1835 other contaminant found in any amount originating from hemp,  
1836 hemp extract, or a device intended to deliver hemp or hemp  
1837 extract, whether by ingestion or inhalation, which ~~that~~ exceeds  
1838 any of the accepted limitations as determined by rules adopted  
1839 by the Department of Health in accordance with s. 381.986, or  
1840 other limitation pursuant to the laws of this state, whichever  
1841 amount is less.

1842 ~~(b)(e)~~ “Cultivate” means planting, watering, growing, or  
1843 harvesting hemp.

1844 (c) “Device” means an apparatus that may be used to inhale  
1845 hemp or hemp extract.

1846 (d) “Hemp” means the plant *Cannabis sativa* L. and any part  
1847 of that plant, including the seeds thereof, and all derivatives,  
1848 extracts, cannabinoids, isomers, acids, salts, and salts of  
1849 isomers thereof, whether growing or not, which ~~that~~ has a total  
1850 delta-9-tetrahydrocannabinol concentration that does not exceed  
1851 0.3 percent on a dry-weight basis.

1852 (e) “Hemp extract” means a substance or compound intended  
1853 for ingestion, containing more than trace amounts of  
1854 cannabinoids that do not exceed 0.3 percent total delta-9-  
1855 tetrahydrocannabinol on a wet weight basis ~~cannabinoid,~~ or for  
1856 inhalation, whether by device or other means, which is derived



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1857 from or contains hemp, and which does not contain other  
1858 controlled substances. The term includes snuff, chewing gum, and  
1859 smokeless products derived from or containing hemp, but does not  
1860 include cannabinoids that have been synthesized ~~synthetic-CBD~~ or  
1861 seeds or seed-derived ingredients ~~that are~~ generally recognized  
1862 as safe by the United States Food and Drug Administration.

1863 (f) "Independent testing laboratory" means a laboratory  
1864 that:

1865 1. Does not have a direct or indirect interest in the  
1866 entity whose product is being tested;

1867 2. Does not have a direct or indirect interest in a  
1868 facility that cultivates, processes, distributes, dispenses, or  
1869 sells hemp or hemp extract in the state or in another  
1870 jurisdiction or cultivates, processes, distributes, dispenses,  
1871 or sells marijuana, as defined in s. 381.986; and

1872 3. Is accredited by a third-party accrediting body as a  
1873 competent testing laboratory pursuant to ISO/IEC 17025 of the  
1874 International Organization for Standardization.

1875 (6) ~~HEMP SEED. A licensee may only use hemp seeds and~~  
1876 ~~cultivars certified by a certifying agency or a university~~  
1877 ~~conducting an industrial hemp pilot project pursuant to s.~~  
1878 ~~1004.4473.~~

1879 ~~(7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.-~~

1880 (a) Hemp extract may only be distributed and sold in this  
1881 ~~the~~ state if the product:

1882 1. Has a certificate of analysis prepared by an independent  
1883 testing laboratory that states:

1884 a. The hemp extract is the product of a batch tested by the  
1885 independent testing laboratory;

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1886           b. The batch contained a total delta-9-tetrahydrocannabinol  
1887 concentration that did not exceed 0.3 percent pursuant to the  
1888 testing of a random sample of the batch; ~~and~~

1889           c. The batch does not contain contaminants unsafe for human  
1890 consumption; ~~-~~

1891           d. The batch was processed in a facility holding a current  
1892 and valid permit issued by a human health or food safety  
1893 regulatory entity having authority over the facility; and

1894           e. The batch was processed in a facility meeting the human  
1895 health or food safety sanitization requirements for the  
1896 inspecting jurisdiction. A facility must demonstrate that it has  
1897 met such requirements by verifying compliance through a report  
1898 issued by an inspecting jurisdiction having authority over human  
1899 health or food safety sanitization.

1900           2. Is distributed or sold in a container that includes:

1901           a. A scannable barcode or quick response code linked to the  
1902 certificate of analysis of the hemp extract batch by an  
1903 independent testing laboratory;

1904           b. The batch number;

1905           c. The Internet address of a website where batch  
1906 information may be obtained;

1907           d. The expiration date; and

1908           e. The number of milligrams of each marketed cannabinoid  
1909 per serving.

1910           3. Is distributed or sold in a container that is:

1911           a. Suitable to contain products for human consumption; and

1912           b. Made from materials designed to minimize exposure to  
1913 light.

1914           (b) A hemp extract product intended for human ingestion or

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1915 inhalation distributed or sold in this state is subject to the  
1916 requirements of ~~in violation of this section shall be considered~~  
1917 ~~adulterated or misbranded pursuant to~~ chapter 500, chapter 502,  
1918 or chapter 580, whichever is applicable.

1919 (c) A hemp extract product ~~products that are~~ intended for  
1920 ingestion or inhalation and contain hemp extract may not be sold  
1921 in this state to a person ~~who is~~ under 21 years of age.

1922 (d) A hemp extract product may only be distributed or sold  
1923 in this state to a food establishment permitted in accordance  
1924 with chapter 500 or chapter 502, except that an individual may  
1925 purchase a hemp extract product for his or her personal  
1926 consumption.

1927 (e) A hemp extract product must be maintained at a  
1928 temperature that will avoid degradation of any cannabinoids.

1929 (10)-(11) ENFORCEMENT.-

1930 (a) The department shall enforce this section.

1931 (b) Every state attorney, sheriff, police officer, and  
1932 other appropriate county or municipal officer shall enforce, or  
1933 assist any agent of the department in enforcing, this section  
1934 and rules adopted by the department.

1935 (c) The department, or its agent, is authorized to enter  
1936 any public or private premises during regular business hours in  
1937 the performance of its duties relating to hemp cultivation.

1938 (d) The department shall conduct random inspections, at  
1939 least annually, of each licensee to ensure ~~that only certified~~  
1940 ~~hemp seeds are being used and~~ that hemp is being cultivated in  
1941 compliance with this section.

1942 (11)-(12) RULES.-The department shall adopt rules necessary  
1943 By August 1, 2019, the department, in consultation with the

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1944 ~~Department of Health and the Department of Business and~~  
1945 ~~Professional Regulation, shall initiate rulemaking~~ to administer  
1946 the state hemp program. The rules must provide, at a minimum,  
1947 for:

1948 (a) A procedure that uses post-decarboxylation or other  
1949 similarly reliable methods for testing the delta-9-  
1950 tetrahydrocannabinol concentration of cultivated hemp.

1951 (b) A procedure for the effective disposal of plants,  
1952 whether growing or not, that are cultivated in violation of this  
1953 section or department rules, and products derived from those  
1954 plants.

1955 (12) ~~(13)~~ APPLICABILITY.—Notwithstanding any other law:

1956 (a) This section does not authorize a licensee to violate  
1957 any federal or state law or regulation.

1958 (b) This section does not apply to a pilot project  
1959 developed in accordance with 7 U.S.C. 5940 and s. 1004.4473.

1960 (c) A licensee who negligently violates this section or  
1961 department rules is not subject to any criminal or civil  
1962 enforcement action by the state or a local government other than  
1963 the enforcement of violations of this section as authorized  
1964 under subsection (9) ~~(10)~~.

1965 Section 44. Subsection (4) of section 586.045, Florida  
1966 Statutes, is amended to read:

1967 586.045 Certificates of registration and inspection.—

1968 (4) The department shall provide to each person subject to  
1969 this section written notice and renewal forms 30 ~~60~~ days before  
1970 ~~prior to~~ the annual renewal date informing the person of the  
1971 certificate of registration renewal date and the application  
1972 fee.

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1973           Section 45. Part I of chapter 593, Florida Statutes,  
1974 consisting of ss. 593.101-593.117, Florida Statutes, is  
1975 repealed.

1976           Section 46. Subsection (16) is added to section 595.404,  
1977 Florida Statutes, to read:

1978           595.404 School food and other nutrition programs; powers  
1979 and duties of the department.—The department has the following  
1980 powers and duties:

1981           (16) To adopt and implement an exemption waiver process by  
1982 rule, as required by federal regulations, for sponsors under the  
1983 programs implemented pursuant to this chapter, notwithstanding  
1984 ss. 120.542.

1985           Section 47. Subsection (5) of section 597.004, Florida  
1986 Statutes, is amended to read:

1987           597.004 Aquaculture certificate of registration.—

1988           (5) CULTURE, POSSESSION, TRANSPORT, AND SALE OF AQUACULTURE  
1989 PRODUCTS.—

1990           (a) Aquaculture products, except shellfish, snook, and any  
1991 fish of the genus *Micropterus*, excluding *Micropterus salmoides*  
1992 *floridanus*, and prohibited and conditional ~~restricted~~ freshwater  
1993 and marine species as identified in nonnative aquatic species ~~by~~  
1994 rules of the Fish and Wildlife Conservation Commission, may be  
1995 sold by an aquaculture producer certified pursuant to this  
1996 section or by a dealer licensed pursuant to part VII of chapter  
1997 379 without restriction so long as the product origin can be  
1998 identified.

1999           (b) Except as provided in paragraph (a), the culture,  
2000 possession, transport, and sale of aquaculture products is  
2001 exempt from all Florida Fish and Wildlife Conservation

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2002 Commission statutes and rules.

2003 (c) Aquaculture shellfish must be sold and handled in  
2004 accordance with s. 597.020.

2005 Section 48. Subsection (2) of section 570.321, Florida  
2006 Statutes, is amended to read:

2007 570.321 Plant Industry Trust Fund.—

2008 (2) Funds to be credited to and uses of the trust fund must  
2009 ~~shall~~ be administered in accordance with ss. 581.031, 581.141,  
2010 581.211, 581.212, 586.045, 586.15, and 586.16, ~~593.114, and~~  
2011 ~~593.117.~~

2012 Section 49. For the purpose of incorporating the amendment  
2013 made by this act to section 500.03, Florida Statutes, in a  
2014 reference thereto, paragraph (a) of subsection (4) of section  
2015 373.016, Florida Statutes, is reenacted to read:

2016 373.016 Declaration of policy.—

2017 (4) (a) Because water constitutes a public resource  
2018 benefiting the entire state, it is the policy of the Legislature  
2019 that the waters in the state be managed on a state and regional  
2020 basis. Consistent with this directive, the Legislature  
2021 recognizes the need to allocate water throughout the state so as  
2022 to meet all reasonable-beneficial uses. However, the Legislature  
2023 acknowledges that such allocations have in the past adversely  
2024 affected the water resources of certain areas in this state. To  
2025 protect such water resources and to meet the current and future  
2026 needs of those areas with abundant water, the Legislature  
2027 directs the department and the water management districts to  
2028 encourage the use of water from sources nearest the area of use  
2029 or application whenever practicable. Such sources shall include  
2030 all naturally occurring water sources and all alternative water

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2031 sources, including, but not limited to, desalination,  
2032 conservation, reuse of nonpotable reclaimed water and  
2033 stormwater, and aquifer storage and recovery. Reuse of potable  
2034 reclaimed water and stormwater shall not be subject to the  
2035 evaluation described in s. 373.223(3)(a)-(g). However, this  
2036 directive to encourage the use of water, whenever practicable,  
2037 from sources nearest the area of use or application shall not  
2038 apply to the transport and direct and indirect use of water  
2039 within the area encompassed by the Central and Southern Florida  
2040 Flood Control Project, nor shall it apply anywhere in the state  
2041 to the transport and use of water supplied exclusively for  
2042 bottled water as defined in s. 500.03(1)(d), nor shall it apply  
2043 to the transport and use of reclaimed water for electrical power  
2044 production by an electric utility as defined in s. 366.02(2).

2045 Section 50. For the purpose of incorporating the amendment  
2046 made by this act to section 500.03, Florida Statutes, in a  
2047 reference thereto, subsection (3) of section 373.223, Florida  
2048 Statutes, is reenacted to read:

2049 373.223 Conditions for a permit.—

2050 (3) Except for the transport and use of water supplied by  
2051 the Central and Southern Florida Flood Control Project, and  
2052 anywhere in the state when the transport and use of water is  
2053 supplied exclusively for bottled water as defined in s.  
2054 500.03(1)(d), any water use permit applications pending as of  
2055 April 1, 1998, with the Northwest Florida Water Management  
2056 District and self-suppliers of water for which the proposed  
2057 water source and area of use or application are located on  
2058 contiguous private properties, when evaluating whether a  
2059 potential transport and use of ground or surface water across

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2060 county boundaries is consistent with the public interest,  
2061 pursuant to paragraph (1)(c), the governing board or department  
2062 shall consider:

2063 (a) The proximity of the proposed water source to the area  
2064 of use or application.

2065 (b) All impoundments, streams, groundwater sources, or  
2066 watercourses that are geographically closer to the area of use  
2067 or application than the proposed source, and that are  
2068 technically and economically feasible for the proposed transport  
2069 and use.

2070 (c) All economically and technically feasible alternatives  
2071 to the proposed source, including, but not limited to,  
2072 desalination, conservation, reuse of nonpotable reclaimed water  
2073 and stormwater, and aquifer storage and recovery.

2074 (d) The potential environmental impacts that may result  
2075 from the transport and use of water from the proposed source,  
2076 and the potential environmental impacts that may result from use  
2077 of the other water sources identified in paragraphs (b) and (c).

2078 (e) Whether existing and reasonably anticipated sources of  
2079 water and conservation efforts are adequate to supply water for  
2080 existing legal uses and reasonably anticipated future needs of  
2081 the water supply planning region in which the proposed water  
2082 source is located.

2083 (f) Consultations with local governments affected by the  
2084 proposed transport and use.

2085 (g) The value of the existing capital investment in water-  
2086 related infrastructure made by the applicant.

2087  
2088 Where districtwide water supply assessments and regional water



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2089 supply plans have been prepared pursuant to ss. 373.036 and  
2090 373.709, the governing board or the department shall use the  
2091 applicable plans and assessments as the basis for its  
2092 consideration of the applicable factors in this subsection.

2093 Section 51. For the purpose of incorporating the amendment  
2094 made by this act to section 500.03, Florida Statutes, in a  
2095 reference thereto, paragraph (a) of subsection (2) of section  
2096 373.701, Florida Statutes, is reenacted to read:

2097 373.701 Declaration of policy.—It is declared to be the  
2098 policy of the Legislature:

2099 (2) (a) Because water constitutes a public resource  
2100 benefiting the entire state, it is the policy of the Legislature  
2101 that the waters in the state be managed on a state and regional  
2102 basis. Consistent with this directive, the Legislature  
2103 recognizes the need to allocate water throughout the state so as  
2104 to meet all reasonable-beneficial uses. However, the Legislature  
2105 acknowledges that such allocations have in the past adversely  
2106 affected the water resources of certain areas in this state. To  
2107 protect such water resources and to meet the current and future  
2108 needs of those areas with abundant water, the Legislature  
2109 directs the department and the water management districts to  
2110 encourage the use of water from sources nearest the area of use  
2111 or application whenever practicable. Such sources shall include  
2112 all naturally occurring water sources and all alternative water  
2113 sources, including, but not limited to, desalination,  
2114 conservation, reuse of nonpotable reclaimed water and  
2115 stormwater, and aquifer storage and recovery. Reuse of potable  
2116 reclaimed water and stormwater shall not be subject to the  
2117 evaluation described in s. 373.223(3) (a)-(g). However, this

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2118 directive to encourage the use of water, whenever practicable,  
2119 from sources nearest the area of use or application shall not  
2120 apply to the transport and direct and indirect use of water  
2121 within the area encompassed by the Central and Southern Florida  
2122 Flood Control Project, nor shall it apply anywhere in the state  
2123 to the transport and use of water supplied exclusively for  
2124 bottled water as defined in s. 500.03(1)(d), nor shall it apply  
2125 to the transport and use of reclaimed water for electrical power  
2126 production by an electric utility as defined in s. 366.02(2).

2127 Section 52. For the purpose of incorporating the amendment  
2128 made by this act to section 559.935, Florida Statutes, in a  
2129 reference thereto, subsection (2) of section 559.927, Florida  
2130 Statutes, is reenacted to read:

2131 559.927 Definitions.—For the purposes of this part, the  
2132 term:

2133 (2) "Certifying party" means a seller of travel registering  
2134 under s. 559.928 or a seller of travel who is exempt under s.  
2135 559.935(2) or (3).

2136 Section 53. For the purpose of incorporating the amendment  
2137 made by this act to section 559.935, Florida Statutes, in  
2138 references thereto, subsections (1) and (2) of section 559.9335,  
2139 Florida Statutes, are reenacted to read:

2140 559.9335 Violations.—It is a violation of this part for any  
2141 seller of travel, independent agent, assignee, or other person:

2142 (1) To conduct business as a seller of travel without  
2143 registering annually with the department unless exempt pursuant  
2144 to s. 559.935.

2145 (2) To conduct business as a seller of travel without an  
2146 annual purchase of a performance bond in the amount set by the

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2147 department unless exempt pursuant to s. 559.935.

2148       Section 54. For the purpose of incorporating the amendment  
2149 made by this act to section 559.935, Florida Statutes, in a  
2150 reference thereto, paragraph (f) of subsection (1) of section  
2151 559.9355, Florida Statutes, is reenacted to read:

2152       559.9355 Administrative remedies; penalties.—

2153       (1) The department may enter an order doing one or more of  
2154 the following if the department finds that a person has violated  
2155 or is operating in violation of this part or the rules or orders  
2156 issued thereunder:

2157       (f) Canceling an exemption granted under s. 559.935.

2158       Section 55. Except as otherwise expressly provided in this  
2159 act, this act shall take effect July 1, 2022.