



169752

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 121 - 345

and insert:

Section 1. Subsection (19) is added to section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the



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10 rental, the use, the consumption, the distribution, and the  
11 storage to be used or consumed in this state of the following  
12 are hereby specifically exempt from the tax imposed by this  
13 chapter.

14 (19) FLORIDA FARM TEAM CARD.—

15 (a) Notwithstanding any other law, a farmer whose property  
16 has been classified as agricultural pursuant to s. 193.461 or  
17 who has implemented agricultural best management practices  
18 adopted by the Department of Agriculture and Consumer Services  
19 pursuant to s. 403.067(7)(c)2. may apply to the department for a  
20 Florida farm tax exempt agricultural materials (TEAM) card to  
21 claim the applicable sales tax exemptions provided in this  
22 section. A farmer may present the Florida farm TEAM card to a  
23 selling dealer in lieu of a certificate or affidavit otherwise  
24 required by this chapter.

25 (b) The Florida farm TEAM card is subject to the review and  
26 expiration provisions of s. 212.084. The department shall adopt  
27 rules to administer this subsection. The Department of  
28 Agriculture and Consumer Services may take all actions necessary  
29 for the administration, issuance, and distribution of the  
30 Florida farm TEAM cards to farmers registered with the  
31 department.

32 (c) For items purchased tax exempt pursuant to this  
33 subsection, proof of acceptance by a selling dealer of a Florida  
34 farm TEAM card from a purchaser relieves the selling dealer of  
35 the responsibility of collecting the tax on the sale of such  
36 items, and the department shall look solely to the purchaser for  
37 recovery of the tax if it determines that the purchaser was not  
38 entitled to the exemption.



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39           (d) The Department of Revenue shall accept Florida farm  
40 TEAM card applications beginning on January 1, 2024.

41           Section 2. (1) The Department of Revenue may, and all  
42 conditions are deemed met to, adopt emergency rules pursuant to  
43 s. 120.54(4), Florida Statutes, for the purpose of implementing  
44 s. 212.08(19), Florida Statutes.

45           (2) Notwithstanding any other law, emergency rules adopted  
46 pursuant to this section are effective for 6 months after  
47 adoption and may be renewed during the pendency of procedures to  
48 adopt permanent rules addressing the subject of the emergency  
49 rules.

50           Section 3. Subsection (24) is added to section 213.053,  
51 Florida Statutes, to read:

52           213.053 Confidentiality and information sharing.—

53           (24) The department may make available to the Department of  
54 Agriculture and Consumer Services, exclusively for official  
55 purposes, information for the purposes of administering or  
56 issuing the Florida farm TEAM card pursuant to s. 212.08(19).

57           Section 4. Section 287.0823, Florida Statutes, is created  
58 to read:

59           287.0823 Preference to commodities grown or produced in  
60 Florida.—

61           (1) By 2025 or upon expiration of any existing food service  
62 contract, whichever is earlier, all food commodities purchased  
63 by an agency, a state university, a Florida College System  
64 institution, or any contracted food service provider thereof  
65 must be grown or produced in this state when available,  
66 practical, and feasible.

67           (2) Notwithstanding any other provision of this section,



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68 and to the extent authorized by federal law, such state  
69 agencies, state universities, Florida College System  
70 institutions, and contracted food service providers thereof  
71 shall give preference to food commodities grown or produced in  
72 this state when purchasing food commodities, including farm  
73 products as defined in s. 823.14, of any class, variety, or use  
74 thereof in their natural state or as processed by a farm  
75 operation or processor for the purpose of marketing such  
76 product.

77 (3) A purchasing agreement, state term contract, or  
78 contract for the purchase of food commodities required to be  
79 awarded to the lowest responsive and responsible vendor may give  
80 preference over other vendors to an otherwise qualified vendor  
81 who agrees to fulfill the contract through the use of food  
82 commodities grown or produced in this state over other vendors,  
83 provided that the price included in the bid, proposal, or reply  
84 for the food commodities grown or produced in this state is not  
85 more than 10 percent greater than the price included in a bid,  
86 proposal, or reply for food commodities grown or produced  
87 outside of this state.

88 (4) By November 1, 2023, and each November 1 thereafter,  
89 the department shall prepare and submit a report to the Governor  
90 and Cabinet, the President of the Senate, and the Speaker of the  
91 House of Representatives which describes the amount of food  
92 commodities grown or produced in this state which were purchased  
93 according to the requirements of this section. Any agency, state  
94 university, Florida College System institution, or contracted  
95 food service provider thereof that purchases food commodities  
96 shall cooperate with the department to provide the information



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97 required to prepare this report. The report must contain, at a  
98 minimum, all of the following information:

99 (a) The total expenditures on, and the quantity purchased  
100 of, food commodities by each agency, state university, and  
101 Florida College System institution.

102 (b) The total expenditures on, and the quantity purchased  
103 of, food commodities grown or produced in this state by each  
104 agency, state university, and Florida College System  
105 institution.

106 (c) The total expenditures of each agency, state  
107 university, and Florida College System institution on food  
108 commodities grown or produced outside of this state.

109 (d) A statement and an assessment of the good faith efforts  
110 of, and any failures by, each state agency, state university, or  
111 Florida College System institution, or any contracted food  
112 service provider thereof, to comply with this section.

113 Section 5. Paragraphs (d), (i), (p), (q), (r), and (bb) of  
114 subsection (1) and subsection (3) of section 500.03, Florida  
115 Statutes, are amended to read:

116 500.03 Definitions; construction; applicability.—

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

118 (d) "Bottled water" means water intended for human  
119 consumption and sealed in a bottle or other container with no  
120 added ingredients, except that it may contain safe and suitable  
121 antimicrobial agents a beverage, as described in 21 C.F.R. part  
122 ~~165 (2006), that is processed in compliance with 21 C.F.R. part~~  
123 ~~129 (2006).~~

124 ~~(i) "Convenience store" means a business that is engaged~~  
125 ~~primarily in the retail sale of groceries or motor fuels or~~



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126 ~~special fuels and may offer food services to the public.~~  
127 ~~Businesses providing motor fuel or special fuel to the public~~  
128 ~~which also offer groceries or food service are included in the~~  
129 ~~definition of a convenience store.~~

130       ~~(o)~~ ~~(p)~~ "Food establishment" means a factory, food outlet,  
131 or other facility manufacturing, processing, packing, holding,  
132 storing, or preparing food or selling food at wholesale or  
133 retail. The term does not include a business or activity ~~that is~~  
134 regulated under s. 413.051, s. 500.80, chapter 509, or chapter  
135 601. The term includes tomato packinghouses and repackers but  
136 does not include any other establishments that pack fruits and  
137 vegetables in their raw or natural states, including those  
138 fruits or vegetables that are washed, colored, or otherwise  
139 treated in their unpeeled, natural form before they are  
140 marketed.

141       ~~(q)~~ ~~"Food outlet"~~ means ~~any grocery store; convenience~~  
142 ~~store; minor food outlet; meat, poultry, or fish and related~~  
143 ~~aquatic food market; fruit or vegetable market; food warehouse;~~  
144 ~~refrigerated storage facility; freezer locker; salvage food~~  
145 ~~facility; or any other similar place storing or offering food~~  
146 ~~for sale.~~

147       ~~(r)~~ ~~"Food service establishment"~~ means ~~any place where food~~  
148 ~~is prepared and intended for individual portion service, and~~  
149 ~~includes the site at which individual portions are provided. The~~  
150 ~~term includes any such place regardless of whether consumption~~  
151 ~~is on or off the premises and regardless of whether there is a~~  
152 ~~charge for the food. The term includes delicatessens that offer~~  
153 ~~prepared food in individual service portions. The term does not~~  
154 ~~include schools, institutions, fraternal organizations, private~~



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155 ~~homes where food is prepared or served for individual family~~  
156 ~~consumption, retail food stores, the location of food vending~~  
157 ~~machines, cottage food operations, and supply vehicles, nor does~~  
158 ~~the term include a research and development test kitchen limited~~  
159 ~~to the use of employees and which is not open to the general~~  
160 ~~public.~~

161 ~~(bb) "Retail food store" means any establishment or section~~  
162 ~~of an establishment where food and food products are offered to~~  
163 ~~the consumer and intended for off-premises consumption. The term~~  
164 ~~includes delicatessens that offer prepared food in bulk~~  
165 ~~quantities only. The term does not include establishments which~~  
166 ~~handle only prepackaged, nonpotentially hazardous foods;~~  
167 ~~roadside markets that offer only fresh fruits and fresh~~  
168 ~~vegetables for sale; food service establishments; or food and~~  
169 ~~beverage vending machines.~~

170 (3) For the purpose of this chapter, the selling of food  
171 includes the manufacture, production, processing, packing,  
172 exposure, offer, possession, and holding of any article of food  
173 for sale; the sale, dispensing, and giving of any article of  
174 food; and the supplying to or applying of food in the conduct of  
175 any food establishment.

176 Section 6. Subsection (1) of section 500.032, Florida  
177 Statutes, is amended to read:

178 500.032 Declaration of policy and cooperation among  
179 departments.-

180 (1) The department shall administer and enforce ~~is charged~~  
181 ~~with the administration and enforcement of~~ this chapter in order  
182 to prevent fraud, harm, adulteration, misbranding, or false  
183 advertising in the preparation, manufacture, storage, or sale of



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184 articles of food. The department shall ~~It is further charged to~~  
185 enforce the provisions of this chapter relating to the  
186 production, manufacture, transportation, storage, and sale of  
187 food, as well as articles entering into, and intended for use as  
188 ingredients in the preparation of, food.

189 Section 7. Paragraphs (a), (b), and (e) of subsection (1),  
190 subsection (2), paragraph (a) of subsection (5), and subsection  
191 (8) of section 500.12, Florida Statutes, are amended to read:

192 500.12 Food permits; building permits.—

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

196 1. Persons operating minor food outlets that sell food that  
197 is commercially prepackaged, not potentially hazardous, and not  
198 time or temperature controlled for safety, if the shelf space  
199 for those items does not exceed 12 total linear feet and no  
200 other food is sold by the minor food outlet.

201 2. Persons subject to continuous, onsite federal or state  
202 inspection.

203 3. Persons selling only legumes in the shell, either  
204 parched, roasted, or boiled.

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

212 (b) Each food establishment ~~and retail food store~~ regulated





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213 under this chapter must apply for and receive a food permit  
214 before operation begins. An application for a food permit from  
215 the department must be accompanied by a fee in an amount  
216 determined by department rule. The department shall adopt by  
217 rule a schedule of fees to be paid by each food establishment  
218 ~~and retail food store~~ as a condition of issuance or renewal of a  
219 food permit. Such fees may not exceed \$650 and must ~~shall~~ be  
220 used solely for the recovery of costs for the services provided,  
221 except that the fee accompanying an application for a food  
222 permit for operating a bottled water plant may not exceed \$1,000  
223 and the fee accompanying an application for a food permit for  
224 operating a packaged ice plant may not exceed \$250. The fee for  
225 operating a bottled water plant or a packaged ice plant must  
226 ~~shall~~ be set by rule of the department. Food permits are not  
227 transferable from one person or physical location to another.  
228 Food permits must be renewed in accordance with subparagraphs  
229 1., 2., and 3. annually on or before January 1. If an  
230 application for renewal of a food permit is not received by the  
231 department on or before ~~within 30 days after~~ its due date, a  
232 late fee not exceeding \$100 must be paid in addition to the food  
233 permit fee before the department may issue the food permit. The  
234 moneys collected must ~~shall~~ be deposited in the General  
235 Inspection Trust Fund.

236 1. A food permit issued to a new food establishment on or  
237 after September 1, 2023, is valid for 1 calendar year after the  
238 date of issuance and must be renewed annually on or before that  
239 date thereafter.

240 2. Effective January 1, 2024, a food permit issued before  
241 September 1, 2023, expires on the month and day the initial



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242 permit was issued to the food establishment and must be renewed  
243 annually on or before that date thereafter. The department may  
244 charge a prorated permit fee for purposes of this subparagraph.

245

246 ===== T I T L E A M E N D M E N T =====

247 And the title is amended as follows:

248 Delete lines 3 - 40

249 and insert:

250 Consumer Services; amending s. 212.08, F.S.;

251 authorizing farmers whose property meets certain

252 requirements to apply to the Department of Revenue for

253 a Florida farm tax exempt agricultural materials

254 (TEAM) card; providing the purpose of the Florida farm

255 TEAM card; providing that the Florida farm TEAM card

256 is subject to certain review and expiration

257 provisions; requiring the Department of Revenue to

258 adopt rules; authorizing the Department of Agriculture

259 and Consumer Services to take certain administrative

260 actions regarding the Florida farm TEAM card;

261 requiring the Department of Revenue to accept Florida

262 farm TEAM card applications beginning on a specified

263 date; authorizing the Department of Revenue to adopt

264 emergency rules; providing for the expiration of such

265 authority; amending s. 213.053, F.S.; authorizing the

266 Department of Revenue to make certain information

267 available to the Department of Agriculture and

268 Consumer Services for the purpose of administering the

269 Florida farm TEAM card; creating s. 287.0823, F.S.;

270 requiring by a specified date all food commodities



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271 purchased by certain state entities to be grown or  
272 produced in this state under certain circumstances;  
273 requiring such state entities to give preference to  
274 certain food commodities; authorizing certain  
275 agreements or state contracts to give preference to  
276 certain vendors; requiring the Department of  
277 Management Services to provide an annual report to the  
278 Governor, the Cabinet, and the Legislature by a  
279 specified date; providing requirements for the report;  
280 amending s. 500.03, F.S.; revising and deleting terms;  
281 revising construction regarding the selling of food;  
282 amending s. 500.032, F.S.; requiring the Department of  
283 Agriculture and Consumer Services to administer and  
284 enforce certain provisions relating to the storage of  
285 food; amending s. 500.12, F.S.; revising the types of  
286 entities required to obtain food permits from the  
287 department; conforming provisions to changes made by  
288 the act; requiring food permits to be annually renewed  
289 in accordance with certain provisions ; authorizing  
290 the department to charge a prorated permit fee for  
291 specified purposes; requiring late