

By Senator Collins

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; creating s. 212.0802, F.S.;
4 authorizing farmers whose property meets certain
5 requirements to apply to the Department of Revenue for
6 a Florida farm tax exempt agricultural materials
7 (TEAM) card; providing the purpose of the Florida farm
8 TEAM card; providing that the Florida farm TEAM card
9 is subject to certain review and expiration
10 provisions; requiring the department to adopt rules;
11 authorizing the Department of Agriculture and Consumer
12 Services to take certain administrative actions
13 regarding the Florida farm TEAM card; authorizing the
14 Department of Revenue to adopt emergency rules;
15 providing for the expiration of such authority;
16 amending s. 213.053, F.S.; authorizing the Department
17 of Revenue to make certain information available to
18 the Department of Agriculture and Consumer Services
19 for the purpose of administering the Florida farm TEAM
20 card; creating s. 287.0823, F.S.; requiring by a
21 specified date all food commodities purchased by
22 certain state entities to be grown or produced in this
23 state under certain circumstances; requiring such
24 state entities to give preference to certain food
25 commodities; authorizing certain agreements or state
26 contracts to give preference to certain vendors;
27 requiring the Department of Management Services to
28 provide an annual report to the Governor, the Cabinet,
29 and the Legislature by a specified date; providing

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30 requirements for the report; amending s. 500.03, F.S.;

31 revising, redefining, and deleting terms; revising

32 construction regarding the selling of food; amending

33 s. 500.032, F.S.; requiring the Department of

34 Agriculture and Consumer Services to administer and

35 enforce certain provisions relating to the storage of

36 food; amending s. 500.12, F.S.; revising the types of

37 entities required to obtain food permits from the

38 department; conforming provisions to changes made by

39 the act; requiring food permits to be annually renewed

40 in accordance with certain provisions; requiring late

41 fees for applications not received on or before their

42 due date; amending s. 500.121, F.S.; conforming

43 provisions to changes made by the act; amending s.

44 500.147, F.S.; requiring bottled water to be processed

45 in conformance with department rule; amending s.

46 500.172, F.S.; authorizing an agent of the department

47 to take specified actions regarding mislabeled food;

48 reordering and amending s. 502.012, F.S.; defining,

49 revising, and redefining terms; amending s. 502.013,

50 F.S.; revising the purpose of certain provisions

51 regarding milk and milk products; amending s. 502.014,

52 F.S.; revising the authority of the department to

53 permit and collect samples of products for testing at

54 certain facilities; amending s. 502.042, F.S.;

55 deleting a provision requiring the department to

56 periodically conduct certain shelf-life studies and to

57 sample certain milk products; making technical

58 changes; amending s. 502.053, F.S.; revising the milk

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59 facilities required to apply for a permit to operate;
60 requiring operating permits for certain frozen dessert
61 plants; deleting a requirement that frozen dessert
62 plant permitholders submit specified reports to the
63 department; conforming provisions to changes made by
64 the act; amending s. 502.181, F.S.; deleting
65 prohibitions against certain testing for milkfat
66 content and for repasteurizing milk; amending s.
67 502.231, F.S.; conforming a provision to changes made
68 by the act; repealing s. 502.301, F.S., relating to
69 the Dairy Industry Technical Council; creating s.
70 570.161, F.S.; requiring certain licensees or permit
71 holders to notify the department in writing of the
72 person's e-mail address; providing civil penalties;
73 providing that service by e-mail constitutes adequate
74 and sufficient notice; authorizing the department to
75 achieve service by other specified means under certain
76 circumstances; repealing ss. 570.23 and 570.843, F.S.,
77 relating to the State Agricultural Advisory Council
78 and the Florida Young Farmer and Rancher Advisory
79 Council, respectively; amending s. 570.93, F.S.;
80 revising the required contents of the department's
81 agricultural water conservation program; amending s.
82 576.011, F.S.; defining and redefining terms;
83 repealing ss. 581.217(14) and 585.008, F.S., relating
84 to the Industrial Hemp Advisory Council and the Animal
85 Industry Technical Council, respectively; amending s.
86 586.045, F.S.; revising the timeframe during which the
87 department is required to provide written notice and

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88 forms to beekeepers for annual certificate of
89 registration renewals; amending s. 595.404, F.S.;
90 requiring the department to adopt and implement an
91 exemption, waiver, and variance process by rule for
92 sponsors of certain school food and other nutrition
93 programs; amending s. 597.003, F.S.; revising the
94 powers and duties of the department regarding the
95 regulation of aquaculture in this state; providing
96 construction; amending s. 597.004, F.S.; deleting
97 requirements for rules adopted by the department for
98 aquaculture certificates of registration; deleting
99 provisions authorizing certain alligator producers to
100 be issued aquaculture certificates of registration;
101 providing legislative intent; preempting to the
102 department the regulatory and permitting authority for
103 all aquaculture products; providing construction;
104 revising the types of aquaculture products that may be
105 sold by an aquaculture producer under certain
106 circumstances; amending s. 597.005, F.S.; revising the
107 composition and responsibilities of the Aquaculture
108 Review Council; amending s. 599.002, F.S.; revising
109 the composition of the Viticulture Advisory Council;
110 amending s. 934.50, F.S.; authorizing non-law
111 enforcement employees of the department to use drones
112 for specified purposes; reenacting ss. 373.016(4)(a),
113 373.223(3), and 373.701(2)(a), F.S., relating to
114 declarations of state water policy and conditions for
115 a permit, respectively, to incorporate the amendment
116 made by this act to s. 500.03, F.S., in references

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117 thereto; providing an effective date.

118
119 Be It Enacted by the Legislature of the State of Florida:

120
121 Section 1. Section 212.0802, Florida Statutes, is created
122 to read:

123 212.0802 Florida Farm Tax Exempt Agricultural Materials
124 Card.—

125 (1) Notwithstanding any other law, a farmer whose property
126 has been classified as agricultural pursuant to s. 193.461 or
127 who has implemented agricultural best management practices
128 adopted by the Department of Agriculture and Consumer Services
129 pursuant to s. 403.067(7)(c)2. may apply to the Department of
130 Revenue for a Florida farm tax exempt agricultural materials
131 (TEAM) card to claim the applicable sales tax exemptions
132 provided by s. 212.08. A farmer may present the Florida farm
133 TEAM card to a selling dealer in lieu of a certificate or
134 affidavit otherwise required by this chapter.

135 (2) The Florida farm TEAM card is subject to the review and
136 expiration provisions of s. 212.084.

137 (3) The department shall adopt rules to administer this
138 section. The Department of Agriculture and Consumer Services may
139 take all actions necessary for the administration, issuance, and
140 distribution of the Florida farm TEAM cards to farmers
141 registered with the department.

142 Section 2. (1) The Department of Revenue may, and all
143 conditions are deemed met to, adopt emergency rules pursuant to
144 s. 120.54(4), Florida Statutes, for the purpose of implementing
145 s. 212.0802, Florida Statutes.

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146 (2) Notwithstanding any other law, emergency rules adopted
147 pursuant to this section are effective for 6 months after
148 adoption and may be renewed during the pendency of procedures to
149 adopt permanent rules addressing the subject of the emergency
150 rules.

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

153 213.053 Confidentiality and information sharing.—

154 (24) The department may make available to the Department of
155 Agriculture and Consumer Services, exclusively for official
156 purposes, information for the purposes of administering or
157 issuing the Florida farm tax exempt agricultural materials card
158 pursuant to s. 212.0802.

159 Section 4. Section 287.0823, Florida Statutes, is created
160 to read:

161 287.0823 Preference to commodities grown or produced in
162 Florida.—

163 (1) By 2025 or upon expiration of any existing food service
164 contract, whichever is earlier, all food commodities purchased
165 by an agency, a state university, a Florida College System
166 institution, or any contracted food service provider thereof
167 must be grown or produced in this state when available,
168 practical, and feasible.

169 (2) Notwithstanding any other provision of this section,
170 and to the extent authorized by federal law, such state
171 agencies, state universities, Florida College System
172 institutions, and contracted food service providers thereof
173 shall give preference to food commodities grown or produced in
174 this state when purchasing food commodities, including farm

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175 products as defined in s. 823.14, produced in this state of any
176 class, variety, or use thereof in their natural state or as
177 processed by a farm operation or processor for the purpose of
178 marketing such product.

179 (3) A purchasing agreement, state term contract, or
180 contract for the purchase of food commodities required to be
181 awarded to the lowest responsive and responsible vendor may give
182 preference over other vendors to an otherwise qualified vendor
183 who agrees to fulfill the contract through the use of food
184 commodities grown or produced in this state over other vendors,
185 provided that the price included in the bid, proposal, or reply
186 for the food commodities grown or produced in this state is not
187 more than 10 percent greater than the price included in a bid,
188 proposal, or reply for food commodities grown or produced
189 outside of this state.

190 (4) By November 1, 2023, and each November 1 thereafter,
191 the department shall prepare and submit a report to the Governor
192 and Cabinet, the President of the Senate, and the Speaker of the
193 House of Representatives which describes the amount of food
194 commodities grown or produced in this state which were purchased
195 according to the requirements of this section. Any agency, state
196 university, Florida College System institution, or contracted
197 food service provider thereof that purchases food commodities
198 shall cooperate with the department to provide the information
199 required to prepare this report. The report must contain, at a
200 minimum, all of the following information:

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

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204 (b) The total expenditures on, and the quantity purchased
 205 of, food commodities grown or produced in this state by each
 206 agency, state university, and Florida College System
 207 institution.

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

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

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

218 500.03 Definitions; construction; applicability.—

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

220 (d) "Bottled water" means water intended for human
 221 consumption and sealed in a bottle or other container with no
 222 added ingredients, except that it may contain safe and suitable
 223 antimicrobial agents a beverage, as described in 21 C.F.R. part
 224 165 (2006), that is processed in compliance with 21 C.F.R. part
 225 129 (2006).

226 ~~(i) "Convenience store" means a business that is engaged~~
 227 ~~primarily in the retail sale of groceries or motor fuels or~~
 228 ~~special fuels and may offer food services to the public.~~
 229 ~~Businesses providing motor fuel or special fuel to the public~~
 230 ~~which also offer groceries or food service are included in the~~
 231 ~~definition of a convenience store.~~

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

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233 or other facility manufacturing, processing, packing, holding,
234 storing, or preparing food or selling food at wholesale or
235 retail. The term does not include a business or activity ~~that is~~
236 regulated under s. 413.051, s. 500.80, chapter 509, or chapter
237 601. The term includes tomato packinghouses and repackers but
238 does not include any other establishments that pack fruits and
239 vegetables in their raw or natural states, including those
240 fruits or vegetables that are washed, colored, or otherwise
241 treated in their unpeeled, natural form before they are
242 marketed.

243 ~~(q) "Food outlet" means any grocery store; convenience~~
244 ~~store; minor food outlet; meat, poultry, or fish and related~~
245 ~~aquatic food market; fruit or vegetable market; food warehouse;~~
246 ~~refrigerated storage facility; freezer locker; salvage food~~
247 ~~facility; or any other similar place storing or offering food~~
248 ~~for sale.~~

249 ~~(r) "Food service establishment" means any place where food~~
250 ~~is prepared and intended for individual portion service, and~~
251 ~~includes the site at which individual portions are provided. The~~
252 ~~term includes any such place regardless of whether consumption~~
253 ~~is on or off the premises and regardless of whether there is a~~
254 ~~charge for the food. The term includes delicatessens that offer~~
255 ~~prepared food in individual service portions. The term does not~~
256 ~~include schools, institutions, fraternal organizations, private~~
257 ~~homes where food is prepared or served for individual family~~
258 ~~consumption, retail food stores, the location of food vending~~
259 ~~machines, cottage food operations, and supply vehicles, nor does~~
260 ~~the term include a research and development test kitchen limited~~
261 ~~to the use of employees and which is not open to the general~~

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262 public.

263 ~~(bb) "Retail food store" means any establishment or section~~
264 ~~of an establishment where food and food products are offered to~~
265 ~~the consumer and intended for off-premises consumption. The term~~
266 ~~includes delicatessens that offer prepared food in bulk~~
267 ~~quantities only. The term does not include establishments which~~
268 ~~handle only prepackaged, nonpotentially hazardous foods;~~
269 ~~roadside markets that offer only fresh fruits and fresh~~
270 ~~vegetables for sale; food service establishments; or food and~~
271 ~~beverage vending machines.~~

272 (3) For the purpose of this chapter, the selling of food
273 includes the manufacture, production, processing, packing,
274 exposure, offer, possession, and holding of any article of food
275 for sale; the sale, dispensing, and giving of any article of
276 food; and the supplying to or applying of food in the conduct of
277 any food establishment.

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

280 500.032 Declaration of policy and cooperation among
281 departments.—

282 (1) The department shall administer and enforce ~~is charged~~
283 ~~with the administration and enforcement~~ of this chapter in order
284 to prevent fraud, harm, adulteration, misbranding, or false
285 advertising in the preparation, manufacture, storage, or sale of
286 articles of food. The department shall ~~It is further charged to~~
287 enforce the provisions of this chapter relating to the
288 production, manufacture, transportation, storage, and sale of
289 food, as well as articles entering into, and intended for use as
290 ingredients in the preparation of, food.

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

294 500.12 Food permits; building permits.—

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

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

303 2. Persons subject to continuous, onsite federal or state
304 inspection.

305 3. Persons selling only legumes in the shell, either
306 parched, roasted, or boiled.

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

314 (b) Each food establishment ~~and retail food store~~ regulated
315 under this chapter must apply for and receive a food permit
316 before operation begins. An application for a food permit from
317 the department must be accompanied by a fee in an amount
318 determined by department rule. The department shall adopt by
319 rule a schedule of fees to be paid by each food establishment

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320 ~~and retail food store~~ as a condition of issuance or renewal of a
321 food permit. Such fees may not exceed \$650 and must ~~shall~~ be
322 used solely for the recovery of costs for the services provided,
323 except that the fee accompanying an application for a food
324 permit for operating a bottled water plant may not exceed \$1,000
325 and the fee accompanying an application for a food permit for
326 operating a packaged ice plant may not exceed \$250. The fee for
327 operating a bottled water plant or a packaged ice plant must
328 ~~shall~~ be set by rule of the department. Food permits are not
329 transferable from one person or physical location to another.
330 Food permits must be renewed in accordance with subparagraphs
331 1., 2., and 3. annually on or before January 1. If an
332 application for renewal of a food permit is not received by the
333 department on or before ~~within 30 days after~~ its due date, a
334 late fee not exceeding \$100 must be paid in addition to the food
335 permit fee before the department may issue the food permit. The
336 moneys collected must ~~shall~~ be deposited in the General
337 Inspection Trust Fund.

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

342 2. Beginning December 31, 2023, a food permit issued before
343 September 1, 2023, expires on the month and day the initial
344 permit was issued to the food establishment and must be renewed
345 annually on or before that date thereafter.

346 3. The owner of 100 or more permitted food establishment
347 locations may elect to set the expiration of food permits for
348 such establishments as December 31 of each calendar year.

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349 (e) The department is the exclusive regulatory and
350 permitting authority for all ~~food outlets, retail food stores,~~
351 ~~food establishments, convenience stores,~~ and minor food outlets
352 in accordance with this section. Application for a food permit
353 must be made on forms provided by the department, which forms
354 must also contain provision for application for registrations
355 and permits issued by other state agencies and for collection of
356 the food permit fee and any other fees associated with
357 registration, licensing, or applicable surcharges. The details
358 of the application must ~~shall~~ be prescribed by department rule.

359 (2) When any person applies for a building permit to
360 construct, convert, or remodel any food establishment, ~~food~~
361 ~~outlet, or retail food store,~~ the authority issuing such permit
362 shall make available to the applicant a printed statement,
363 provided by the department, regarding the applicable sanitation
364 requirements for such establishments. A building permitting
365 authority, or municipality or county under whose jurisdiction a
366 building permitting authority operates, may not be held liable
367 for a food establishment, ~~food outlet, or retail food store~~ that
368 does not comply with the applicable sanitation requirements due
369 to failure of the building permitting authority to provide the
370 information as provided in this subsection.

371 (a) The department shall furnish, for distribution, a
372 statement that includes the checklist to be used by the food
373 inspector in any preoperational inspections to assure that the
374 food establishment is constructed and equipped to meet the
375 applicable sanitary guidelines. Such preoperational inspection
376 is ~~shall be~~ a prerequisite for obtaining a food permit in
377 accordance with this section.

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378 (b) The department may provide assistance, when requested
379 by the applicant, in the review of any construction or
380 remodeling plans for food establishments. The department may
381 charge a fee for such assistance which covers the cost of
382 providing the assistance and which must ~~shall~~ be deposited in
383 the General Inspection Trust Fund for use in funding the food
384 safety program.

385 (c) A building permitting authority or other subdivision of
386 local government may not require the department to approve
387 construction or remodeling plans for food establishments ~~and~~
388 ~~retail food stores~~ as a condition of any permit or license at
389 the local level.

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

394 (a) Food establishments ~~or retail food stores~~ that have
395 ancillary food service activities shall be permitted and
396 inspected by the department.

397 (8) A person who applies for or renews a local business tax
398 certificate to engage in business as a food establishment ~~or~~
399 ~~retail food store~~ must exhibit a current food permit or an
400 active letter of exemption from the department before the local
401 business tax certificate may be issued or renewed.

402 Section 8. Subsection (1) of section 500.121, Florida
403 Statutes, is amended to read:

404 500.121 Disciplinary procedures.—

405 (1) In addition to the suspension procedures provided in s.
406 500.12, if applicable, the department may impose an

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407 administrative fine in the Class II category pursuant to s.
408 570.971 against any ~~retail food store~~, food establishment, or
409 cottage food operation that violates this chapter, which fine,
410 when imposed and paid, must ~~shall~~ be deposited by the department
411 into the General Inspection Trust Fund. The department may
412 revoke or suspend the permit of any such ~~retail food store or~~
413 food establishment if it is satisfied that the ~~retail food store~~
414 ~~or~~ food establishment has:

415 (a) Violated this chapter.

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

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

424 (d) Committed any act or conduct of the same or different
425 character than that enumerated which constitutes fraudulent or
426 dishonest dealing.

427 Section 9. Paragraph (a) of subsection (3) of section
428 500.147, Florida Statutes, is amended to read:

429 500.147 Inspection of food establishments, food records,
430 and vehicles.—

431 (3) For bottled water plants:

432 (a) Bottled water must be from an approved source. Bottled
433 water must be processed in conformance with department rule 21
434 ~~C.F.R. part 129 (2006)~~, and must conform to ~~21 C.F.R. part 165~~
435 ~~(2006)~~. A person operating a bottled water plant is ~~shall be~~

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436 responsible for all water sampling and analyses required by this
437 chapter.

438 Section 10. Subsection (1) of section 500.172, Florida
439 Statutes, is amended to read:

440 500.172 Embargoing, detaining, destroying of food, food
441 processing equipment, or areas that are in violation.—

442 (1) When the department, or its duly authorized agent who
443 has received appropriate education and training regarding the
444 legal requirements of this chapter, finds or has probable cause
445 to believe that any food, food processing equipment, food
446 processing area, or food storage area is in violation of this
447 chapter or any rule adopted under this chapter so as to be
448 dangerous, unwholesome, mislabeled, fraudulent, or insanitary
449 within the meaning of this chapter, an agent of the department
450 may issue and enforce a stop-sale, stop-use, removal, or hold
451 order, which order gives notice that such article, processing
452 equipment, processing area, or storage area is or is suspected
453 of being in violation and has been detained or embargoed and
454 which order warns all persons not to remove, use, or dispose of
455 such article, processing equipment, processing area, or storage
456 area by sale or otherwise until permission for removal, use, or
457 disposal is given by the department or the court. A person may
458 not remove, use, or dispose of such detained or embargoed
459 article, processing equipment, processing area, or storage area
460 by sale or otherwise without such permission.

461 Section 11. Section 502.012, Florida Statutes, is reordered
462 and amended to read:

463 502.012 Definitions.—As used in this chapter, the term:

464 (1) "Bulk milk hauler/sampler" means a person who collects

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465 official samples and transports raw milk from a farm or raw milk
466 products to or from a milk plant, receiving station, or transfer
467 station and is permitted to sample the milk products by any
468 state regulatory agency charged with implementing the United
469 States Food and Drug Administration's Grade "A" program.

470 (2) "Bulk milk pickup tanker" means a vehicle, including
471 the truck and tank, and those appurtenances necessary for its
472 use necessary attachments, that is used by a milk hauler to
473 transport bulk raw milk for pasteurization, ultra-
474 pasteurization, aseptic processing and packaging, or retort
475 processing after packaging from a dairy farm to a milk plant,
476 receiving station, or transfer station.

477 (3)(2) "Dairy farm" means any place or premises where one
478 or more lactating animals, including cows, goats, sheep, water
479 buffalo, or other hooved mammals, are kept for milking purposes,
480 and from which a part or all of the milk is provided, sold, or
481 offered for sale.

482 (4)(3) "Department" means the Department of Agriculture and
483 Consumer Services.

484 (5)(4) "Frozen dessert" means a specific standardized
485 frozen dessert described in 21 C.F.R. part 135, excluding part
486 135.160 and any other food defined by rule of the department
487 that resembles such standardized frozen dessert but does not
488 conform to the specific description of such standardized frozen
489 dessert in 21 C.F.R. part 135. The term includes, but is not
490 limited to, a quiescently frozen confection, a quiescently
491 frozen dairy confection, a frozen dietary dairy dessert, and a
492 frozen dietary dessert.

493 (5) "Frozen desserts manufacturer" means a person who

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494 ~~manufactures, processes, converts, partially freezes, or freezes~~
495 ~~any mix or frozen dessert for distribution or sale.~~

496 (6) "Frozen desserts plant" means any place that
497 pasteurizes dairy products or receives raw milk for the purpose
498 of manufacturing or processing frozen desserts ~~location or~~
499 ~~premises at which frozen desserts or mix are manufactured,~~
500 ~~processed, or frozen for distribution or sale at wholesale.~~

501 (7) ~~"Frozen desserts retail establishment" means any~~
502 ~~location or premises, including a retail store, stand, hotel,~~
503 ~~boardinghouse, restaurant, vehicle, or mobile unit, at which~~
504 ~~frozen desserts are frozen, partially frozen, or dispensed for~~
505 ~~sale at retail.~~

506 (8) ~~"Frozen dietary dairy dessert" or "frozen dietary~~
507 ~~dessert" means a food for any special dietary use, prepared by~~
508 ~~freezing, with or without agitation, and composed of a~~
509 ~~pasteurized mix that may contain fat, protein, carbohydrates,~~
510 ~~natural or artificial sweeteners, flavoring, stabilizers,~~
511 ~~emulsifiers, vitamins, and minerals.~~

512 (9) "Grade 'A' pasteurized milk ordinance" means the
513 document entitled "Grade 'A' Pasteurized Milk Ordinance, United
514 States Department of Health and Human Services, Public Health
515 Service, Food and Drug Administration," including all associated
516 appendices, as adopted by department rule.

517 (8) ~~(10)~~ "Imitation milk and imitation milk products" means
518 those foods that have the physical characteristics, such as
519 taste, flavor, body, texture, or appearance, of milk or milk
520 products as defined in this chapter and the Grade "A"
521 pasteurized milk ordinance but do not come within the definition
522 of "milk" or "milk products" and are nutritionally inferior to

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523 the product imitated.

524 (9)~~(11)~~ "Milk" means the lacteal secretion, practically
525 free from colostrum, obtained by the complete milking of one or
526 more healthy cows, goats, sheep, water buffalo, or other hooved
527 mammals.

528 (10)~~(12)~~ "Milk distributor" means any person who offers for
529 sale or sells to another person any milk or milk product.

530 (15)~~(13)~~ "Milk products" means products made with milk that
531 is processed in some manner, including being whipped, acidified,
532 cultured, concentrated, lactose-reduced, or sodium-reduced or
533 aseptically processed, or having the addition or subtraction of
534 milkfat, the addition of safe and suitable microbial organisms,
535 or the addition of safe and suitable optional ingredients for
536 protein, vitamin, or mineral fortification. The term does ~~"Milk~~
537 ~~products"~~ do not include products such as evaporated milk,
538 condensed milk, eggnog in a rigid metal container, dietary
539 products, infant formula, or ice cream and other desserts.

540 (18)~~(14)~~ "Milkfat" or "butterfat" means the fat contained
541 in milk.

542 (11)~~(15)~~ "Milk hauler" means any person who transports raw
543 milk or raw milk products to or from a milk plant, receiving
544 station, or transfer station.

545 (12)~~(16)~~ "Milk plant" means any place, premises, or
546 establishment where milk or milk products are collected,
547 handled, processed, stored, pasteurized, ultra-pasteurized,
548 aseptically processed and packaged, retort processed after
549 packaging, condensed, dried, packaged, bottled, or prepared for
550 distribution.

551 (13)~~(17)~~ "Milk plant operator" means any person responsible

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552 for receiving, processing, pasteurizing, or packaging milk and
553 milk products, or performing any other related operation.

554 (14)~~(18)~~ "Milk producer" means any person who operates a
555 dairy farm and provides, sells, or offers for sale milk to a
556 milk plant, receiving station, or transfer station.

557 (16)~~(19)~~ "Milk tank truck" means either a bulk milk pickup
558 tanker or a milk transport tank.

559 (17)~~(20)~~ "Milk transport tank" means a vehicle, including
560 the truck and tank, used by a bulk milk hauler/sampler or a milk
561 hauler to transport bulk shipments of milk from a milk plant,
562 receiving station, or transfer station to another milk plant,
563 receiving station, or transfer station.

564 ~~(21) "Quiescently frozen confection" means a clean and~~
565 ~~wholesome frozen, sweetened, flavored product that, while being~~
566 ~~frozen, was not stirred or agitated (generally known as~~
567 ~~quiescent freezing). The confection may be acidulated with food-~~
568 ~~grade acid, may contain milk solids or water, or may be made~~
569 ~~with or without added harmless pure or imitation flavoring and~~
570 ~~with or without harmless coloring. The finished product must not~~
571 ~~contain more than 0.5 percent by weight of stabilizer composed~~
572 ~~of wholesome, edible material and must not contain less than 17~~
573 ~~percent by weight of total food solids. In the production of the~~
574 ~~confection, processing or mixing before quiescent freezing that~~
575 ~~develops in the finished confection mix any physical expansion~~
576 ~~in excess of 10 percent may not be used.~~

577 ~~(22) "Quiescently frozen dairy confection" means a clean~~
578 ~~and wholesome frozen product made from water, milk products, and~~
579 ~~sugar, with added harmless pure or imitation flavoring, with or~~
580 ~~without added harmless coloring, with or without added~~

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581 ~~stabilizer, or with or without added emulsifier, that, while~~
582 ~~being frozen, was not stirred or agitated (generally known as~~
583 ~~quiescent freezing). The confection must not contain less than~~
584 ~~13 percent by weight of total milk solids, less than 33 percent~~
585 ~~by weight of total food solids, more than 0.5 percent by weight~~
586 ~~of stabilizer, or more than 0.2 percent by weight of emulsifier.~~
587 ~~Stabilizer and emulsifier must be composed of wholesome, edible~~
588 ~~material. In the production of a quiescently frozen dairy~~
589 ~~confection, processing or mixing before quiescently freezing~~
590 ~~that develops in the finished confection mix any physical~~
591 ~~expansion in excess of 10 percent may not be used.~~

592 ~~(19)-(23)~~ "Raw milk" means unpasteurized unprocessed milk.

593 ~~(20)-(24)~~ "Receiving station" means any place, premises, or
594 establishment where raw milk is received, collected, handled,
595 stored, or cooled and ~~is~~ prepared for further transporting.

596 ~~(21)~~ "Reconstituted milk or milk products" or "recombined
597 milk or milk products" means milk or milk products that result
598 from reconstituting or recombining milk constituents with
599 potable water.

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

602 ~~(23)-(25)~~ "Substitute milk and substitute milk products"
603 means those foods that have the physical characteristics, such
604 as taste, flavor, body, texture, or appearance, of milk or milk
605 products as defined in this chapter and the Grade "A"
606 pasteurized milk ordinance but do not come within the definition
607 of "milk" or "milk products" and are nutritionally equivalent to
608 the product for which they are substitutes.

609 ~~(24)-(26)~~ "Transfer station" means any place, premises, or

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610 establishment where milk or milk products are transferred
611 directly from one milk tank truck to another.

612 (25) "Ultra-pasteurization (UP)" means a process in which
613 milk or milk product is thermally processed at or above 138
614 degrees Celsius or 280 degrees Fahrenheit for at least 2
615 seconds, before or after packaging, so as to produce a milk or
616 milk product that has an extended shelf life under refrigerated
617 conditions.

618 (26)-(27) "Washing station" means any place, premises, or
619 establishment where milk tank trucks are cleaned and sanitized.

620 (27) "Wholesale" means the selling of goods in quantity to
621 be retailed by others.

622 Section 12. Paragraph (d) of subsection (1) of section
623 502.013, Florida Statutes, is amended to read:

624 502.013 Purpose; intent.—

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

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

629 Section 13. Paragraph (a) of subsection (2) of section
630 502.014, Florida Statutes, is amended to read:

631 502.014 Powers and duties.—

632 (2) (a) The department shall permit, conduct onsite
633 inspections of, and collect samples for testing from all
634 facilities engaged in the production, processing, holding, or
635 transfer of milk and milk products ~~dairy farms, milk plants, and~~
636 ~~frozen dessert plants and collect test samples of milk, milk~~
637 ~~products, and frozen desserts as required by this chapter.~~

638 Section 14. Section 502.042, Florida Statutes, is amended

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639 to read:

640 502.042 Labeling of shelf life.—To ensure consumers full
641 disclosure of the date beyond which milk or milk products may no
642 longer be offered for sale, all dairy processors must ~~shall~~
643 establish, and legibly label as prescribed by rule of the
644 department, the maximum shelf-life period during which milk and
645 milk products may be offered for sale. For purposes of this
646 requirement, the term ~~to~~ “legibly label” means to label the
647 package or container with conspicuous and easily readable
648 boldfaced print or type in distinct contrast to the background,
649 by color. ~~The department shall periodically conduct shelf-life~~
650 ~~studies to review the keeping quality of milk and milk products~~
651 ~~and shall sample periodically the products of the dairy~~
652 ~~processors to determine if the shelf-life dating used by the~~
653 ~~processors complies with the minimum standards of quality.~~

654 Section 15. Paragraphs (a) and (b) of subsection (1),
655 paragraph (d) of subsection (3), and paragraphs (a) and (c) of
656 subsection (4) of section 502.053, Florida Statutes, are amended
657 to read:

658 502.053 Permits and fees; requirements; exemptions;
659 temporary permits.—

660 (1) PERMITS.—

661 (a) All facilities engaged in the production, processing,
662 holding, or transfer of milk and milk products ~~Each Grade “A”~~
663 ~~milk plant, whether located in the state or outside the state,~~
664 ~~and each manufacturing milk plant, milk producer, milk hauler,~~
665 ~~milk hauling service, washing station operator, milk plant~~
666 ~~operator, milk distributor, single-service-container~~
667 ~~manufacturer, receiving station, and transfer station in this~~

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668 ~~the state~~ must ~~shall~~ apply to the department for a permit to
669 operate. The application must ~~shall~~ be on forms developed by the
670 department.

671 (b) Each frozen dessert plant, ~~whether located in the state~~
672 ~~or outside the state,~~ that manufactures frozen desserts or other
673 products defined in this chapter and offers these products for
674 wholesale ~~for sale~~ in this state must apply to the department
675 for a permit to operate. The application must be submitted on a
676 form ~~forms~~ prescribed by the department. All frozen dessert
677 permits expire on June 30 of each year.

678 (3) REQUIREMENTS.—

679 ~~(d) Each frozen dessert plant permitholder must report~~
680 ~~monthly, quarterly, semiannually, or annually, as required by~~
681 ~~the department, the number of gallons of frozen dessert or~~
682 ~~frozen dessert mix sold or manufactured by the permitholder in~~
683 ~~this state.~~

684 (4) EXEMPTIONS.—

685 (a) The following persons are ~~shall be~~ exempt from bulk
686 milk hauler/sampler ~~hauler~~ permit requirements:

687 1. Milk producers who transport milk or milk products only
688 from their own dairy farms.

689 2. Employees of a milk distributor or milk plant operator
690 who possesses a valid permit.

691 3. Drivers of bulk milk tank trucks between locations who
692 do not collect milk from farms.

693 ~~(c) Frozen desserts retail establishments as defined in s.~~
694 ~~502.012 are exempt from this chapter.~~

695 Section 16. Subsections (1) and (4) of section 502.181,
696 Florida Statutes, are amended to read:

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697 502.181 Prohibited acts.—It is unlawful for any person in
698 this state to:

699 (1) Engage in the business of producing, hauling,
700 transferring, receiving, processing, packaging, or distributing
701 milk, milk products, or frozen desserts or operating a washing
702 station, manufacturing single-service containers, or
703 manufacturing imitation or substitute milk or milk products, ~~or~~
704 ~~testing for milkfat content,~~ without first obtaining a permit or
705 license from the department.

706 ~~(4) Repasteurize milk.~~

707 Section 17. Paragraph (b) of subsection (1) of section
708 502.231, Florida Statutes, is amended to read:

709 502.231 Penalty and injunction.—

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

713 (b) Imposition of an administrative fine:

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

716 2. ~~Ten percent of the license fee or \$100, whichever is~~
717 ~~greater, for failure to report the information described in s.~~
718 ~~502.053(3)(d); or~~

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

721

722 When imposing a fine under this paragraph, the department must
723 consider the degree and extent of harm caused by the violation,
724 the cost of rectifying the damage, the benefit to the violator,
725 whether the violation was committed willfully, and the

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726 violator's compliance record.

727 Section 18. Section 502.301, Florida Statutes, is repealed.

728 Section 19. Section 570.161, Florida Statutes, is created
729 to read:

730 570.161 E-mail address of record.—

731 (1) In addition to any other requirement set forth in law,
732 each person licensed or permitted by the department shall notify
733 the department in writing of the person's e-mail address. The
734 failure to notify the department of a change in any e-mail
735 address provided to the department constitutes a violation of
736 this section and may be subject to the penalties provided in s.
737 570.971(3).

738 (2) (a) Notwithstanding any other provision of law, service
739 by e-mail to a person's e-mail address of record constitutes
740 adequate and sufficient notice when required by law, except when
741 other service is required pursuant to s. 120.60.

742 (b) If the department receives notification that service by
743 e-mail, as authorized by this section, has failed, the
744 department may provide notice to the person by calling the
745 person's last known telephone number of record, mailing the
746 notice to the last known address, or posting a short, plain
747 notice to the person on the department's website.

748 Section 20. Section 570.23, Florida Statutes, is repealed.

749 Section 21. Section 570.843, Florida Statutes, is repealed.

750 Section 22. Upon the expiration and reversion of the
751 amendment made to section 570.93, Florida Statutes, pursuant to
752 section 63 of chapter 2022-157, Laws of Florida, paragraph (a)
753 of subsection (1) of section 570.93, Florida Statutes, is
754 amended to read:

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755 570.93 Department of Agriculture and Consumer Services;
756 agricultural water conservation and agricultural water supply
757 planning.—

758 (1) The department shall establish an agricultural water
759 conservation program that includes the following:

760 (a) A cost-share program, coordinated ~~where appropriate~~
761 with the United States Department of Agriculture and other
762 federal, state, regional, and local agencies, when appropriate,
763 for irrigation system retrofit and application of mobile
764 irrigation laboratory evaluations, and for water conservation as
765 ~~provided in this section and, where applicable, for water~~
766 quality improvement pursuant to s. 403.067(7)(c).

767 Section 23. Present subsections (8) through (13) and (14)
768 through (44) of section 576.011, Florida Statutes, are
769 redesignated as subsections (9) through (14) and (16) through
770 (46), respectively, new subsections (8) and (15) are added to
771 that section, and present subsections (15), (19), and (36) of
772 that section are amended, to read:

773 576.011 Definitions.—When used in this chapter, the term:

774 (8) "Controlled release fertilizers" means a slow release
775 fertilizer engineered to provide nutrients over time at a
776 predictable rate under specified conditions.

777 (15) "Fertilizer material" means a fertilizer that meets
778 one of the following requirements:

779 (a) Contains important quantities of no more than one of
780 the primary nutrients: nitrogen (N), phosphate (P₂O₅), and potash
781 (K₂O).

782 (b) Has 85 percent or more of its plant nutrient content
783 present in the form of a single chemical compound.

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784 (c) Is derived from a plant or an animal residue or
785 byproduct or a natural material deposit that has been processed
786 in such a way that its content of plant nutrients has not been
787 materially changed except by purification and concentration.

788 (17)~~(15)~~ "Grade" means the percentages in fertilizer of
789 total nitrogen expressed as N, available phosphorus expressed as
790 P₂O₅, and soluble potassium expressed as K₂O, stated in whole
791 numbers in the same terms, order, and percentages as in the
792 guaranteed analysis. However, specialty fertilizer may be
793 guaranteed in fractional units of less than 1 percent of total
794 nitrogen, available phosphate, and soluble potash. Fertilizer
795 materials, bone meal, manures, and similar materials may be
796 guaranteed in fractional units ~~in that order.~~

797 (21)~~(19)~~ "Labeling" means all labels and other written,
798 printed, or graphic matters upon an article or any of its
799 containers or wrappers, ~~or~~ accompanying such article.

800 (38)~~(36)~~ "Slow ~~or controlled~~ release fertilizer" means a
801 fertilizer in a form that releases, or converts to a plant-
802 available form, plant nutrients at a slower rate relative to an
803 appropriate reference soluble product containing a plant
804 ~~nutrient in a form which delays its availability for plant~~
805 ~~uptake and use after application, or which extends its~~
806 ~~availability to the plant significantly longer than a reference~~
807 ~~"rapidly available nutrient fertilizer," such as ammonium~~
808 ~~nitrate or urea, ammonium phosphate, or potassium chloride.~~

809 Section 24. Subsection (14) of section 581.217, Florida
810 Statutes, is repealed.

811 Section 25. Section 585.008, Florida Statutes, is repealed.

812 Section 26. Subsection (4) of section 586.045, Florida

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813 Statutes, is amended to read:

814 586.045 Certificates of registration and inspection.—

815 (4) The department shall provide to each person subject to
816 this section written notice and renewal forms at least 30 ~~60~~
817 days before ~~prior to~~ the annual renewal date informing the
818 person of the certificate of registration renewal date and the
819 application fee.

820 Section 27. Subsection (16) is added to section 595.404,
821 Florida Statutes, to read:

822 595.404 School food and other nutrition programs; powers
823 and duties of the department.—The department has the following
824 powers and duties:

825 (16) To adopt and implement an exemption, waiver, and
826 variance process by rule, as required by federal regulations,
827 for sponsors under the programs implemented pursuant to this
828 chapter, notwithstanding s. 120.542.

829 Section 28. Section 597.003, Florida Statutes, is amended
830 to read:

831 597.003 Powers and duties of Department of Agriculture and
832 Consumer Services.—

833 (1) The department is ~~hereby designated as~~ the lead agency
834 in regulating and encouraging the development of aquaculture in
835 this ~~the~~ state and has ~~shall have~~ and shall exercise the
836 following functions, powers, and duties with regard to
837 aquaculture:

838 (a) Issue or deny aquaculture certificates that identify
839 aquaculture producers and aquaculture products, and collect all
840 related fees. The department may revoke an aquaculture
841 certificate of registration issued pursuant to s. 597.004 upon a

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842 finding that aquaculture is not the primary purpose of the
843 certified entity's operation.

844 (b) Coordinate the development, annual revision, and
845 implementation of a state aquaculture plan. The plan must ~~shall~~
846 include prioritized recommendations for research and development
847 as suggested by the Aquaculture Review Council and public and
848 private institutional research, extension, and service programs.

849 (c) Develop memoranda of agreement, as needed, with the
850 Department of Environmental Protection, the Fish and Wildlife
851 Conservation Commission, the Florida Sea Grant Program, and
852 other groups as provided in the state aquaculture plan.

853 (d) Provide staff for the Aquaculture Review Council.

854 (e) Forward the annually revised state aquaculture plan to
855 the commissioner and to the chairs of the House Committee on
856 Agriculture and Consumer Services and the Senate Committee on
857 Agriculture 1 month before ~~prior to~~ submission of the
858 department's legislative budget request to the Governor.

859 (f) Upon the appropriation of funds by the Legislature,
860 submit the list of research and development projects proposed to
861 be funded through the department as identified in the state
862 aquaculture plan, ~~along with the department's legislative budget~~
863 ~~request~~ to the Governor, the President of the Senate, and the
864 Speaker of the House of Representatives. ~~If funded,~~ These
865 projects must ~~shall~~ be contracted for by the Division of
866 Aquaculture and must ~~shall~~ require public-private partnerships,
867 when appropriate. The contracts must ~~shall~~ require a percentage
868 of the profit generated by the project to be deposited into the
869 General Inspection Trust Fund solely for funding aquaculture
870 projects recommended by the Aquaculture Review Council.

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871 (g) Provide developmental assistance to the various sectors
872 of the aquaculture industry as determined in the state
873 aquaculture plan.

874 (h) Assist persons seeking to engage in aquaculture when
875 applying for the necessary permits and serve as ombudsman to
876 resolve complaints or otherwise resolve problems arising between
877 aquaculture producers and regulatory agencies.

878 (i) Develop and propose to the Legislature legislation
879 necessary to implement the state aquaculture plan or to
880 otherwise encourage the development of aquaculture in this ~~the~~
881 state.

882 (j) Issue or deny any license or permit authorized or
883 delegated to the department by the Legislature or through
884 memorandum of understanding with other state or federal agencies
885 that furthers the intent of the Legislature to place the
886 regulation of aquaculture in the department.

887 (k) Make available state lands and the water column for the
888 purpose of producing aquaculture products when the aquaculture
889 activity is compatible with state resource management goals,
890 environmental protection, and proprietary interest and when such
891 state lands and waters are determined to be suitable for
892 aquaculture development by the Board of Trustees of the Internal
893 Improvement Trust Fund pursuant to s. 253.68; provide training
894 as necessary to lessees; and be responsible for all saltwater
895 aquaculture activities located on sovereignty submerged land or
896 in the water column above such land and adjacent facilities
897 directly related to the aquaculture activity.

898 1. The department shall act in cooperation with other state
899 and local agencies and programs to identify and designate

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900 sovereignty lands and waters that would be suitable for
901 aquaculture development.

902 2. The department shall identify and evaluate specific
903 tracts of sovereignty submerged lands and water columns in
904 various areas of the state to determine where such lands and
905 waters are suitable for leasing for aquaculture purposes.
906 ~~Nothing in~~ This subparagraph or subparagraph 1. does not ~~shall~~
907 preclude the applicant from applying for sites identified by the
908 applicant.

909 3. The department shall provide assistance in developing
910 technologies applicable to aquaculture activities, evaluate
911 practicable production alternatives, and provide agreements to
912 develop innovative culture practices.

913 (1) Act as a clearinghouse for aquaculture applications,
914 and act as a liaison between the Fish and Wildlife Conservation
915 Commission, the Division of State Lands, the Department of
916 Environmental Protection district offices, other divisions
917 within the Department of Environmental Protection, and the water
918 management districts. The Department of Agriculture and Consumer
919 Services is ~~shall be~~ responsible for regulating marine
920 aquaculture producers, except as specifically provided herein.

921 (2) The specific delegation of authority granted under
922 subsection (1) is intended to place responsibility and may not
923 be construed so as to prevent the respective state agencies from
924 cooperating with each other by exchanging information and
925 providing copies of reports when deemed advisable.

926 (3) The department may employ such persons as are necessary
927 to perform its duties under this chapter.

928 Section 29. Present subsections (3) through (6) of section

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929 597.004, Florida Statutes, are redesignated as subsections (4)
930 through (7), respectively, a new subsection (3) is added to that
931 section, and paragraphs (b) and (g) of subsection (2), present
932 subsection (3), and paragraph (a) of present subsection (5) of
933 that section are amended, to read:

934 597.004 Aquaculture certificate of registration.—

935 (2) RULES.—

936 ~~(b) Rules adopted pursuant to this subsection shall become~~
937 ~~effective pursuant to the applicable provisions of chapter 120,~~
938 ~~but must be submitted to the President of the Senate and the~~
939 ~~Speaker of the House of Representatives for review by the~~
940 ~~Legislature. The rules shall be referred to the appropriate~~
941 ~~committees of substance and scheduled for review during the~~
942 ~~first available regular session following adoption. Except as~~
943 ~~otherwise provided by operation of law, such rules shall remain~~
944 ~~in effect until rejected or modified by act of the Legislature.~~

945 ~~(g) Any alligator producer with an alligator farming~~
946 ~~license and permit to establish and operate an alligator farm~~
947 ~~shall be issued an aquaculture certificate of registration~~
948 ~~pursuant to this section. This chapter does not supersede the~~
949 ~~authority under chapter 379 to regulate alligator farms and~~
950 ~~alligator farmers.~~

951 (3) INSPECTIONS OF AQUACULTURE PRODUCTS.—The Legislature
952 intends to eliminate duplication of regulatory inspections of
953 aquaculture products. The regulatory and permitting authority
954 over all aquaculture products as defined in s. 597.0015 is
955 preempted to the department.

956 (a) Shellfish processing facilities are licensed pursuant
957 to s. 597.020.

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958 (b) Facilities operated by state agencies, local
959 governments, educational institutions, research institutions, or
960 restoration organizations which maintain aquaculture products
961 for educational, scientific, demonstration, experimental, or
962 restoration activities related to aquaculture are licensed
963 pursuant to this section.

964 (c) Facilities culturing crocodilians of the order
965 Crocodylia are dually regulated by the department and the Fish
966 and Wildlife Conservation Commission. Any alligator producer
967 issued an aquaculture certificate of registration pursuant to
968 this section must also maintain an alligator farming license
969 from the Fish and Wildlife Conservation Commission. This chapter
970 does not supersede the authority under chapter 379 to regulate
971 alligator farms and alligator farmers.

972 (4)(3) FEES.—Effective July 1, 1997, All fees collected
973 pursuant to this section shall be deposited into the General
974 Inspection Trust Fund in the Department of Agriculture and
975 Consumer Services.

976 (6)(5) SALE OF AQUACULTURE PRODUCTS.—

977 (a) Aquaculture products, except shellfish, ~~snook, and any~~
978 ~~fish of the genus *Micropterus*, excluding *Micropterus salmoides*~~
979 ~~*floridanus*,~~ and prohibited and restricted nonnative freshwater
980 and marine species identified in the Aquaculture Best Management
981 Practices manual by rules of the Fish and Wildlife Conservation
982 Commission, may be sold by an aquaculture producer certified
983 pursuant to this section or by a dealer licensed pursuant to
984 part VII of chapter 379 without restriction so long as the
985 product origin can be identified.

986 Section 30. Subsection (1) and paragraph (c) of subsection

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987 (3) of section 597.005, Florida Statutes, are amended, and
988 paragraph (e) of subsection (3) of that section is reenacted, to
989 read:

990 597.005 Aquaculture Review Council.—

991 (1) COMPOSITION.—There is created within the department the
992 Aquaculture Review Council to consist of eight members ~~as~~
993 ~~follows: the chair of the State Agricultural Advisory Council or~~
994 ~~designee and seven additional members to be~~ appointed by the
995 commissioner, including an alligator farmer, a food fish farmer,
996 a shellfish farmer, a tropical fish farmer, an aquatic plant
997 farmer, a representative of the commercial fishing industry, and
998 a representative of the aquaculture industry at large. Members
999 shall be appointed for 4-year terms. Each member shall be
1000 selected from no fewer than two or more than three nominees
1001 submitted by recognized statewide organizations representing
1002 each industry segment or the aquaculture industry at large. In
1003 the absence of nominees, the commissioner shall appoint persons
1004 who otherwise meet the qualifications for appointment to the
1005 council. Members shall serve until their successors are duly
1006 qualified and appointed. An appointment to fill a vacancy shall
1007 be for the unexpired portion of the term.

1008 (3) RESPONSIBILITIES.—The primary responsibilities of the
1009 Aquaculture Review Council are to:

1010 (c) Submit to the commissioner on an annual basis:

1011 1. Upon the appropriation of funds by the Legislature, a
1012 prioritized list of research projects to be funded by the
1013 department ~~included in the department's legislative budget~~
1014 ~~request~~. Each year, the council shall review the aquaculture
1015 legislative budget requests submitted to the department and rank

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1016 them according to the state aquaculture plan.

1017 2. Recommendations to be forwarded to the Speaker of the
1018 House of Representatives and the President of the Senate on
1019 legislation needed to help the aquaculture industry.

1020 3. Recommendations on aquaculture projects, activities,
1021 research, and regulation and other needs to further the
1022 development of the aquaculture industry.

1023 (e) Assist the department in carrying out duties identified
1024 in s. 597.003 by studying aquaculture issues and making
1025 recommendations for regulating and permitting aquaculture and in
1026 the development, revision, and implementation of the state
1027 aquaculture plan.

1028 Section 31. Subsection (1) of section 599.002, Florida
1029 Statutes, is amended to read:

1030 599.002 Viticulture Advisory Council.—

1031 (1) There is created within the Department of Agriculture
1032 and Consumer Services the Viticulture Advisory Council, to
1033 consist of eight members as follows: the president of the
1034 Florida Grape Growers' Association or a designee thereof; ~~the~~
1035 ~~viticulture representative of the State Agricultural Advisory~~
1036 ~~Council~~; a representative from the Institute of Food and
1037 Agricultural Sciences; a representative from the viticultural
1038 science program at Florida Agricultural and Mechanical
1039 University; and five ~~four~~ additional commercial members, to be
1040 appointed for a 2-year term each by the Commissioner of
1041 Agriculture, including a wine producer, a fresh fruit producer,
1042 a nonwine product (juice, jelly, pie fillings, etc.) producer,
1043 and a viticultural nursery operator.

1044 Section 32. Paragraph (q) is added to subsection (4) of

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1045 section 934.50, Florida Statutes, to read:

1046 934.50 Searches and seizure using a drone.—

1047 (4) EXCEPTIONS.—This section does not prohibit the use of a
1048 drone:

1049 (q) By a non-law enforcement employee of the Department of
1050 Agriculture and Consumer Services for activities for the
1051 purposes of managing and eradicating plant or animal diseases.

1052 Section 33. For the purpose of incorporating the amendment
1053 made by this act to section 500.03, Florida Statutes, in a
1054 reference thereto, paragraph (a) of subsection (4) of section
1055 373.016, Florida Statutes, is reenacted to read:

1056 373.016 Declaration of policy.—

1057 (4) (a) Because water constitutes a public resource
1058 benefiting the entire state, it is the policy of the Legislature
1059 that the waters in the state be managed on a state and regional
1060 basis. Consistent with this directive, the Legislature
1061 recognizes the need to allocate water throughout the state so as
1062 to meet all reasonable-beneficial uses. However, the Legislature
1063 acknowledges that such allocations have in the past adversely
1064 affected the water resources of certain areas in this state. To
1065 protect such water resources and to meet the current and future
1066 needs of those areas with abundant water, the Legislature
1067 directs the department and the water management districts to
1068 encourage the use of water from sources nearest the area of use
1069 or application whenever practicable. Such sources shall include
1070 all naturally occurring water sources and all alternative water
1071 sources, including, but not limited to, desalination,
1072 conservation, reuse of nonpotable reclaimed water and
1073 stormwater, and aquifer storage and recovery. Reuse of potable

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1074 reclaimed water and stormwater shall not be subject to the
1075 evaluation described in s. 373.223(3)(a)-(g). However, this
1076 directive to encourage the use of water, whenever practicable,
1077 from sources nearest the area of use or application shall not
1078 apply to the transport and direct and indirect use of water
1079 within the area encompassed by the Central and Southern Florida
1080 Flood Control Project, nor shall it apply anywhere in the state
1081 to the transport and use of water supplied exclusively for
1082 bottled water as defined in s. 500.03(1)(d), nor shall it apply
1083 to the transport and use of reclaimed water for electrical power
1084 production by an electric utility as defined in s. 366.02(4).

1085 Section 34. For the purpose of incorporating the amendment
1086 made by this act to section 500.03, Florida Statutes, in a
1087 reference thereto, subsection (3) of section 373.223, Florida
1088 Statutes, is reenacted to read:

1089 373.223 Conditions for a permit.—

1090 (3) Except for the transport and use of water supplied by
1091 the Central and Southern Florida Flood Control Project, and
1092 anywhere in the state when the transport and use of water is
1093 supplied exclusively for bottled water as defined in s.
1094 500.03(1)(d), any water use permit applications pending as of
1095 April 1, 1998, with the Northwest Florida Water Management
1096 District and self-suppliers of water for which the proposed
1097 water source and area of use or application are located on
1098 contiguous private properties, when evaluating whether a
1099 potential transport and use of ground or surface water across
1100 county boundaries is consistent with the public interest,
1101 pursuant to paragraph (1)(c), the governing board or department
1102 shall consider:

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1103 (a) The proximity of the proposed water source to the area
1104 of use or application.

1105 (b) All impoundments, streams, groundwater sources, or
1106 watercourses that are geographically closer to the area of use
1107 or application than the proposed source, and that are
1108 technically and economically feasible for the proposed transport
1109 and use.

1110 (c) All economically and technically feasible alternatives
1111 to the proposed source, including, but not limited to,
1112 desalination, conservation, reuse of nonpotable reclaimed water
1113 and stormwater, and aquifer storage and recovery.

1114 (d) The potential environmental impacts that may result
1115 from the transport and use of water from the proposed source,
1116 and the potential environmental impacts that may result from use
1117 of the other water sources identified in paragraphs (b) and (c).

1118 (e) Whether existing and reasonably anticipated sources of
1119 water and conservation efforts are adequate to supply water for
1120 existing legal uses and reasonably anticipated future needs of
1121 the water supply planning region in which the proposed water
1122 source is located.

1123 (f) Consultations with local governments affected by the
1124 proposed transport and use.

1125 (g) The value of the existing capital investment in water-
1126 related infrastructure made by the applicant.

1127
1128 Where districtwide water supply assessments and regional water
1129 supply plans have been prepared pursuant to ss. 373.036 and
1130 373.709, the governing board or the department shall use the
1131 applicable plans and assessments as the basis for its

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1132 consideration of the applicable factors in this subsection.

1133 Section 35. For the purpose of incorporating the amendment
1134 made by this act to section 500.03, Florida Statutes, in a
1135 reference thereto, paragraph (a) of subsection (2) of section
1136 373.701, Florida Statutes, is reenacted to read:

1137 373.701 Declaration of policy.—It is declared to be the
1138 policy of the Legislature:

1139 (2) (a) Because water constitutes a public resource
1140 benefiting the entire state, it is the policy of the Legislature
1141 that the waters in the state be managed on a state and regional
1142 basis. Consistent with this directive, the Legislature
1143 recognizes the need to allocate water throughout the state so as
1144 to meet all reasonable-beneficial uses. However, the Legislature
1145 acknowledges that such allocations have in the past adversely
1146 affected the water resources of certain areas in this state. To
1147 protect such water resources and to meet the current and future
1148 needs of those areas with abundant water, the Legislature
1149 directs the department and the water management districts to
1150 encourage the use of water from sources nearest the area of use
1151 or application whenever practicable. Such sources shall include
1152 all naturally occurring water sources and all alternative water
1153 sources, including, but not limited to, desalination,
1154 conservation, reuse of nonpotable reclaimed water and
1155 stormwater, and aquifer storage and recovery. Reuse of potable
1156 reclaimed water and stormwater shall not be subject to the
1157 evaluation described in s. 373.223(3)(a)-(g). However, this
1158 directive to encourage the use of water, whenever practicable,
1159 from sources nearest the area of use or application shall not
1160 apply to the transport and direct and indirect use of water

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1161 within the area encompassed by the Central and Southern Florida
1162 Flood Control Project, nor shall it apply anywhere in the state
1163 to the transport and use of water supplied exclusively for
1164 bottled water as defined in s. 500.03(1)(d), nor shall it apply
1165 to the transport and use of reclaimed water for electrical power
1166 production by an electric utility as defined in s. 366.02(4).
1167 Section 36. This act shall take effect July 1, 2023.