

By the Appropriations Committee on Agriculture, Environment, and General Government; and 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; amending s. 212.08, 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 of Revenue to
11 adopt rules; authorizing the Department of Agriculture
12 and Consumer Services to take certain administrative
13 actions regarding the Florida farm TEAM card;
14 requiring the Department of Revenue to accept Florida
15 farm TEAM card applications beginning on a specified
16 date; authorizing the Department of Revenue to adopt
17 emergency rules; providing for the expiration of such
18 authority; amending s. 213.053, F.S.; authorizing the
19 Department of Revenue to make certain information
20 available to the Department of Agriculture and
21 Consumer Services for the purpose of administering the
22 Florida farm TEAM card; creating s. 287.0823, F.S.;
23 requiring by a specified date all food commodities
24 purchased by certain state entities to be grown or
25 produced in this state under certain circumstances;
26 requiring such state entities to give preference to
27 certain food commodities; authorizing certain
28 competitive solicitations to give preference to
29 certain vendors under certain circumstances; requiring

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30 the Department of Management Services to provide a
31 biennial report to the Governor, the Cabinet, and the
32 Legislature by a specified date; requiring the
33 department to adopt by rule a specified form;
34 requiring certain state entities to submit the form to
35 the department biennially by a specified date;
36 providing requirements for the report; amending s.
37 500.03, F.S.; revising and deleting terms; revising
38 construction regarding the selling of food; amending
39 s. 500.032, F.S.; requiring the Department of
40 Agriculture and Consumer Services to administer and
41 enforce certain provisions relating to the storage of
42 food; amending s. 500.12, F.S.; revising the types of
43 entities required to obtain food permits from the
44 department; conforming provisions to changes made by
45 the act; requiring food permits to be annually renewed
46 in accordance with certain provisions ;authorizing the
47 department to charge a prorated permit fee for
48 specified purposes; requiring late fees for
49 applications not received on or before their due date;
50 amending s. 500.121, F.S.; conforming provisions to
51 changes made by the act; amending s. 500.147, F.S.;
52 requiring bottled water to be processed in conformance
53 with department rule; amending s. 500.172, F.S.;
54 authorizing an agent of the department to take
55 specified actions regarding mislabeled food;
56 reordering and amending s. 502.012, F.S.; defining,
57 revising, and redefining terms; amending s. 502.013,
58 F.S.; revising the purpose of certain provisions

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59 regarding milk and milk products; amending s. 502.014,
60 F.S.; revising the authority of the department to
61 permit and collect samples of products for testing at
62 certain facilities; amending s. 502.042, F.S.;
63 deleting a provision requiring the department to
64 periodically conduct certain shelf-life studies and to
65 sample certain milk products; making technical
66 changes; amending s. 502.053, F.S.; revising the milk
67 facilities required to apply for a permit to operate;
68 requiring operating permits for certain frozen dessert
69 plants; deleting a requirement that frozen dessert
70 plant permitholders submit specified reports to the
71 department; conforming provisions to changes made by
72 the act; amending s. 502.181, F.S.; deleting
73 prohibitions against certain testing for milkfat
74 content and for repasteurizing milk; amending s.
75 502.231, F.S.; conforming a provision to changes made
76 by the act; repealing s. 502.301, F.S., relating to
77 the Dairy Industry Technical Council; creating s.
78 570.161, F.S.; requiring certain licensees or permit
79 holders to notify the department in writing of the
80 person's e-mail address; providing civil penalties;
81 providing that service by e-mail constitutes adequate
82 and sufficient notice; authorizing the department to
83 achieve service by other specified means under certain
84 circumstances; repealing s. 570.23, F.S., relating to
85 the State Agricultural Advisory Council; amending s.
86 570.71, F.S.; requiring the department to submit
87 specified conservation easement purchase agreements to

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88 the Board of Trustees of the Internal Improvement
89 Trust Fund for approval; amending s. 570.715, F.S.;
90 increasing the estimated value threshold for the
91 appraisal of specified conservation easement
92 acquisitions; repealing s. 570.843, F.S., relating to
93 the Florida Young Farmer and Rancher Advisory Council;
94 amending s. 570.93, F.S.; revising the required
95 contents of the department's agricultural water
96 conservation program; amending s. 576.011, F.S.;
97 defining and redefining terms; repealing ss.
98 581.217(14) and 585.008, F.S., relating to the
99 Industrial Hemp Advisory Council and the Animal
100 Industry Technical Council, respectively; amending s.
101 586.045, F.S.; revising the timeframe during which the
102 department is required to provide written notice and
103 forms to beekeepers for annual certificate of
104 registration renewals; amending s. 595.404, F.S.;
105 requiring the department to adopt and implement an
106 exemption, waiver, and variance process by rule for
107 sponsors of certain school food and other nutrition
108 programs; amending s. 597.003, F.S.; revising the
109 powers and duties of the department regarding the
110 regulation of aquaculture in this state; providing
111 construction; amending s. 597.004, F.S.; deleting
112 requirements for rules adopted by the department for
113 aquaculture certificates of registration; deleting
114 provisions authorizing certain alligator producers to
115 be issued aquaculture certificates of registration;
116 providing legislative intent; preempting to the

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117 department the regulatory and permitting authority for
118 all aquaculture products; providing construction;
119 revising the types of aquaculture products that may be
120 sold by an aquaculture producer under certain
121 circumstances; amending s. 597.005, F.S.; revising the
122 composition and responsibilities of the Aquaculture
123 Review Council; amending s. 599.002, F.S.; revising
124 the composition of the Viticulture Advisory Council;
125 amending s. 934.50, F.S.; authorizing non-law
126 enforcement employees of the department to use drones
127 for specified purposes; amending s. 259.105, F.S.;
128 conforming cross-references; reenacting ss.
129 373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S.,
130 relating to declarations of state water policy and
131 conditions for a permit, respectively, to incorporate
132 the amendment made by this act to s. 500.03, F.S., in
133 references thereto; providing an appropriation;
134 providing an effective date.

135

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

137

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

140 212.08 Sales, rental, use, consumption, distribution, and
141 storage tax; specified exemptions.—The sale at retail, the
142 rental, the use, the consumption, the distribution, and the
143 storage to be used or consumed in this state of the following
144 are hereby specifically exempt from the tax imposed by this
145 chapter.

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146 (19) FLORIDA FARM TEAM CARD.—

147 (a) Notwithstanding any other law, a farmer whose property
148 has been classified as agricultural pursuant to s. 193.461 or
149 who has implemented agricultural best management practices
150 adopted by the Department of Agriculture and Consumer Services
151 pursuant to s. 403.067(7)(c)2. may apply to the department for a
152 Florida farm tax exempt agricultural materials (TEAM) card to
153 claim the applicable sales tax exemptions provided in this
154 section. A farmer may present the Florida farm TEAM card to a
155 selling dealer in lieu of a certificate or affidavit otherwise
156 required by this chapter.

157 (b) The Florida farm TEAM card is subject to the review and
158 expiration provisions of s. 212.084. The department shall adopt
159 rules to administer this subsection. The Department of
160 Agriculture and Consumer Services may take all actions necessary
161 for the administration, issuance, and distribution of the
162 Florida farm TEAM cards to farmers registered with the
163 department.

164 (c) For items purchased tax exempt pursuant to this
165 subsection, proof of acceptance by a selling dealer of a Florida
166 farm TEAM card from a purchaser relieves the selling dealer of
167 the responsibility of collecting the tax on the sale of such
168 items, and the department shall look solely to the purchaser for
169 recovery of the tax if it determines that the purchaser was not
170 entitled to the exemption.

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

173 Section 2. (1) The Department of Revenue may, and all
174 conditions are deemed met to, adopt emergency rules pursuant to

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175 s. 120.54(4), Florida Statutes, for the purpose of implementing
176 s. 212.08(19), Florida Statutes.

177 (2) Notwithstanding any other law, emergency rules adopted
178 pursuant to this section are effective for 6 months after
179 adoption and may be renewed during the pendency of procedures to
180 adopt permanent rules addressing the subject of the emergency
181 rules.

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

184 213.053 Confidentiality and information sharing.—

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

189 Section 4. Section 287.0823, Florida Statutes, is created
190 to read:

191 287.0823 Preference to commodities grown or produced in
192 Florida.—

193 (1) By 2025 or upon expiration of any existing food service
194 contract, whichever is earlier, all food commodities purchased
195 by an agency, a state university, a Florida College System
196 institution, or any contracted food service provider thereof
197 must be grown or produced in this state when available,
198 practical, and feasible.

199 (2) Notwithstanding any other provision of this section,
200 and to the extent authorized by federal law, such state
201 agencies, state universities, Florida College System
202 institutions, and contracted food service providers thereof
203 shall give preference to food commodities grown or produced in

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204 this state when purchasing food commodities, including farm
205 products as defined in s. 823.14, of any class, variety, or use
206 thereof in their natural state or as processed by a farm
207 operation or processor for the purpose of marketing such
208 product.

209 (3) A competitive solicitation for the purchase of food
210 commodities may give preference over other vendors to a
211 responsive and responsible vendor who agrees to fulfill the
212 contract through the use of food commodities grown or produced
213 in this state, provided that such preference does not exceed 10
214 percent of the total score allocated to price or does not result
215 in a price increase greater than 10 percent.

216 (4) By November 1, 2024, and each November 1 biennially
217 thereafter, the department shall prepare and submit a report to
218 the Governor, the Cabinet, the President of the Senate, and the
219 Speaker of the House of Representatives which describes the
220 amount of food commodities grown or produced in this state which
221 were purchased according to the requirements of this section. In
222 order to compile such report, the department shall adopt by rule
223 a form to be submitted to the department by each state agency,
224 state university, Florida College System institution, or
225 contracted food service provider thereof which purchases food
226 commodities. Such state entities shall submit the form to the
227 department by August 1, 2024, and each August 1 biennially
228 thereafter. The report must contain, at a minimum, all of the
229 following information:

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

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233 (b) The total expenditures on, and the quantity purchased
234 of, food commodities grown or produced in this state by each
235 agency, state university, and Florida College System
236 institution.

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

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

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

247 500.03 Definitions; construction; applicability.—

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

249 (d) "Bottled water" means water intended for human
250 consumption and sealed in a bottle or other container with no
251 added ingredients, except that it may contain safe and suitable
252 antimicrobial agents a beverage, as described in 21 C.F.R. part
253 165 (2006), that is processed in compliance with 21 C.F.R. part
254 129 (2006).

255 ~~(i) "Convenience store" means a business that is engaged~~
256 ~~primarily in the retail sale of groceries or motor fuels or~~
257 ~~special fuels and may offer food services to the public.~~
258 ~~Businesses providing motor fuel or special fuel to the public~~
259 ~~which also offer groceries or food service are included in the~~
260 ~~definition of a convenience store.~~

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

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262 or other facility manufacturing, processing, packing, holding,
263 storing, or preparing food or selling food at wholesale or
264 retail. The term does not include a business or activity ~~that is~~
265 regulated under s. 413.051, s. 500.80, chapter 509, or chapter
266 601. The term includes tomato packinghouses and repackers but
267 does not include any other establishments that pack fruits and
268 vegetables in their raw or natural states, including those
269 fruits or vegetables that are washed, colored, or otherwise
270 treated in their unpeeled, natural form before they are
271 marketed.

272 ~~(q) "Food outlet" means any grocery store; convenience~~
273 ~~store; minor food outlet; meat, poultry, or fish and related~~
274 ~~aquatic food market; fruit or vegetable market; food warehouse;~~
275 ~~refrigerated storage facility; freezer locker; salvage food~~
276 ~~facility; or any other similar place storing or offering food~~
277 ~~for sale.~~

278 ~~(r) "Food service establishment" means any place where food~~
279 ~~is prepared and intended for individual portion service, and~~
280 ~~includes the site at which individual portions are provided. The~~
281 ~~term includes any such place regardless of whether consumption~~
282 ~~is on or off the premises and regardless of whether there is a~~
283 ~~charge for the food. The term includes delicatessens that offer~~
284 ~~prepared food in individual service portions. The term does not~~
285 ~~include schools, institutions, fraternal organizations, private~~
286 ~~homes where food is prepared or served for individual family~~
287 ~~consumption, retail food stores, the location of food vending~~
288 ~~machines, cottage food operations, and supply vehicles, nor does~~
289 ~~the term include a research and development test kitchen limited~~
290 ~~to the use of employees and which is not open to the general~~

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291 public.

292 ~~(bb) "Retail food store" means any establishment or section~~
293 ~~of an establishment where food and food products are offered to~~
294 ~~the consumer and intended for off-premises consumption. The term~~
295 ~~includes delicatessens that offer prepared food in bulk~~
296 ~~quantities only. The term does not include establishments which~~
297 ~~handle only prepackaged, nonpotentially hazardous foods;~~
298 ~~roadside markets that offer only fresh fruits and fresh~~
299 ~~vegetables for sale; food service establishments; or food and~~
300 ~~beverage vending machines.~~

301 (3) For the purpose of this chapter, the selling of food
302 includes the manufacture, production, processing, packing,
303 exposure, offer, possession, and holding of any article of food
304 for sale; the sale, dispensing, and giving of any article of
305 food; and the supplying to or applying of food in the conduct of
306 any food establishment.

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

309 500.032 Declaration of policy and cooperation among
310 departments.—

311 (1) The department shall administer and enforce ~~is charged~~
312 ~~with the administration and enforcement~~ of this chapter in order
313 to prevent fraud, harm, adulteration, misbranding, or false
314 advertising in the preparation, manufacture, storage, or sale of
315 articles of food. The department shall ~~It is further charged to~~
316 enforce the provisions of this chapter relating to the
317 production, manufacture, transportation, storage, and sale of
318 food, as well as articles entering into, and intended for use as
319 ingredients in the preparation of, food.

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

323 500.12 Food permits; building permits.—

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

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

332 2. Persons subject to continuous, onsite federal or state
333 inspection.

334 3. Persons selling only legumes in the shell, either
335 parched, roasted, or boiled.

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

343 (b) Each food establishment ~~and retail food store~~ regulated
344 under this chapter must apply for and receive a food permit
345 before operation begins. An application for a food permit from
346 the department must be accompanied by a fee in an amount
347 determined by department rule. The department shall adopt by
348 rule a schedule of fees to be paid by each food establishment

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349 ~~and retail food store~~ as a condition of issuance or renewal of a
350 food permit. Such fees may not exceed \$650 and must ~~shall~~ be
351 used solely for the recovery of costs for the services provided,
352 except that the fee accompanying an application for a food
353 permit for operating a bottled water plant may not exceed \$1,000
354 and the fee accompanying an application for a food permit for
355 operating a packaged ice plant may not exceed \$250. The fee for
356 operating a bottled water plant or a packaged ice plant must
357 ~~shall~~ be set by rule of the department. Food permits are not
358 transferable from one person or physical location to another.
359 Food permits must be renewed in accordance with subparagraphs
360 1., 2., and 3. annually on or before January 1. If an
361 application for renewal of a food permit is not received by the
362 department on or before ~~within 30 days after~~ its due date, a
363 late fee not exceeding \$100 must be paid in addition to the food
364 permit fee before the department may issue the food permit. The
365 moneys collected must ~~shall~~ be deposited in the General
366 Inspection Trust Fund.

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

371 2. Effective January 1, 2024, a food permit issued before
372 September 1, 2023, expires on the month and day the initial
373 permit was issued to the food establishment and must be renewed
374 annually on or before that date thereafter. The department may
375 charge a prorated permit fee for purposes of this subparagraph.

376 3. The owner of 100 or more permitted food establishment
377 locations may elect to set the expiration of food permits for

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378 such establishments as December 31 of each calendar year.

379 (e) The department is the exclusive regulatory and
380 permitting authority for all ~~food outlets, retail food stores,~~
381 food establishments, ~~convenience stores,~~ and minor food outlets
382 in accordance with this section. Application for a food permit
383 must be made on forms provided by the department, which forms
384 must also contain provision for application for registrations
385 and permits issued by other state agencies and for collection of
386 the food permit fee and any other fees associated with
387 registration, licensing, or applicable surcharges. The details
388 of the application must ~~shall~~ be prescribed by department rule.

389 (2) When any person applies for a building permit to
390 construct, convert, or remodel any food establishment, ~~food~~
391 ~~outlet, or retail food store,~~ the authority issuing such permit
392 shall make available to the applicant a printed statement,
393 provided by the department, regarding the applicable sanitation
394 requirements for such establishments. A building permitting
395 authority, or municipality or county under whose jurisdiction a
396 building permitting authority operates, may not be held liable
397 for a food establishment, ~~food outlet, or retail food store~~ that
398 does not comply with the applicable sanitation requirements due
399 to failure of the building permitting authority to provide the
400 information as provided in this subsection.

401 (a) The department shall furnish, for distribution, a
402 statement that includes the checklist to be used by the food
403 inspector in any preoperational inspections to assure that the
404 food establishment is constructed and equipped to meet the
405 applicable sanitary guidelines. Such preoperational inspection
406 is ~~shall be~~ a prerequisite for obtaining a food permit in

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407 accordance with this section.

408 (b) The department may provide assistance, when requested
409 by the applicant, in the review of any construction or
410 remodeling plans for food establishments. The department may
411 charge a fee for such assistance which covers the cost of
412 providing the assistance and which must ~~shall~~ be deposited in
413 the General Inspection Trust Fund for use in funding the food
414 safety program.

415 (c) A building permitting authority or other subdivision of
416 local government may not require the department to approve
417 construction or remodeling plans for food establishments ~~and~~
418 ~~retail food stores~~ as a condition of any permit or license at
419 the local level.

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

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

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

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

434 500.121 Disciplinary procedures.—

435 (1) In addition to the suspension procedures provided in s.

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436 500.12, if applicable, the department may impose an
437 administrative fine in the Class II category pursuant to s.
438 570.971 against any ~~retail food store~~, food establishment, or
439 cottage food operation that violates this chapter, which fine,
440 when imposed and paid, must ~~shall~~ be deposited by the department
441 into the General Inspection Trust Fund. The department may
442 revoke or suspend the permit of any such ~~retail food store or~~
443 food establishment if it is satisfied that the ~~retail food store~~
444 ~~or~~ food establishment has:

445 (a) Violated this chapter.

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

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

454 (d) Committed any act or conduct of the same or different
455 character than that enumerated which constitutes fraudulent or
456 dishonest dealing.

457 Section 9. Paragraph (a) of subsection (3) of section
458 500.147, Florida Statutes, is amended to read:

459 500.147 Inspection of food establishments, food records,
460 and vehicles.—

461 (3) For bottled water plants:

462 (a) Bottled water must be from an approved source. Bottled
463 water must be processed in conformance with department rule 21
464 ~~C.F.R. part 129 (2006), and must conform to 21 C.F.R. part 165~~

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465 ~~(2006)~~. A person operating a bottled water plant is ~~shall be~~
466 responsible for all water sampling and analyses required by this
467 chapter.

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

470 500.172 Embargoing, detaining, destroying of food, food
471 processing equipment, or areas that are in violation.—

472 (1) When the department, or its duly authorized agent who
473 has received appropriate education and training regarding the
474 legal requirements of this chapter, finds or has probable cause
475 to believe that any food, food processing equipment, food
476 processing area, or food storage area is in violation of this
477 chapter or any rule adopted under this chapter so as to be
478 dangerous, unwholesome, mislabeled, fraudulent, or insanitary
479 within the meaning of this chapter, an agent of the department
480 may issue and enforce a stop-sale, stop-use, removal, or hold
481 order, which order gives notice that such article, processing
482 equipment, processing area, or storage area is or is suspected
483 of being in violation and has been detained or embargoed and
484 which order warns all persons not to remove, use, or dispose of
485 such article, processing equipment, processing area, or storage
486 area by sale or otherwise until permission for removal, use, or
487 disposal is given by the department or the court. A person may
488 not remove, use, or dispose of such detained or embargoed
489 article, processing equipment, processing area, or storage area
490 by sale or otherwise without such permission.

491 Section 11. Section 502.012, Florida Statutes, is reordered
492 and amended to read:

493 502.012 Definitions.—As used in this chapter, the term:

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494 (1) "Bulk milk hauler/sampler" means a person who collects
495 official samples and transports raw milk from a farm or raw milk
496 products to or from a milk plant, receiving station, or transfer
497 station and is permitted to sample the milk products by any
498 state regulatory agency charged with implementing the United
499 States Food and Drug Administration's Grade "A" program.

500 (2) "Bulk milk pickup tanker" means a vehicle, including
501 the truck and tank, ~~and~~ those appurtenances necessary for its
502 use necessary attachments, that is used by a milk hauler to
503 transport bulk raw milk for pasteurization, ultra-
504 pasteurization, aseptic processing and packaging, or retort
505 processing after packaging from a dairy farm to a milk plant,
506 receiving station, or transfer station.

507 (3)~~(2)~~ "Dairy farm" means any place or premises where one
508 or more lactating animals, including cows, goats, sheep, water
509 buffalo, or other hooved mammals, are kept for milking purposes,
510 and from which a part or all of the milk is provided, sold, or
511 offered for sale.

512 (4)~~(3)~~ "Department" means the Department of Agriculture and
513 Consumer Services.

514 (5)~~(4)~~ "Frozen dessert" means a specific standardized
515 frozen dessert described in 21 C.F.R. part 135, excluding part
516 135.160 and any other food defined by rule of the department
517 that resembles such standardized frozen dessert but does not
518 conform to the specific description of such standardized frozen
519 dessert in 21 C.F.R. part 135. The term includes, but is not
520 limited to, a quiescently frozen confection, a quiescently
521 frozen dairy confection, a frozen dietary dairy dessert, and a
522 frozen dietary dessert.

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

526 (6) "Frozen desserts plant" means any place that
527 pasteurizes dairy products or receives raw milk for the purpose
528 of manufacturing or processing frozen desserts ~~location or~~
529 ~~premises at which frozen desserts or mix are manufactured,~~
530 ~~processed, or frozen for distribution or sale at wholesale.~~

531 ~~(7) "Frozen desserts retail establishment" means any~~
532 ~~location or premises, including a retail store, stand, hotel,~~
533 ~~boardinghouse, restaurant, vehicle, or mobile unit, at which~~
534 ~~frozen desserts are frozen, partially frozen, or dispensed for~~
535 ~~sale at retail.~~

536 ~~(8) "Frozen dietary dairy dessert" or "frozen dietary~~
537 ~~dessert" means a food for any special dietary use, prepared by~~
538 ~~freezing, with or without agitation, and composed of a~~
539 ~~pasteurized mix that may contain fat, protein, carbohydrates,~~
540 ~~natural or artificial sweeteners, flavoring, stabilizers,~~
541 ~~emulsifiers, vitamins, and minerals.~~

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

547 (8)~~(10)~~ "Imitation milk and imitation milk products" means
548 those foods that have the physical characteristics, such as
549 taste, flavor, body, texture, or appearance, of milk or milk
550 products as defined in this chapter and the Grade "A"
551 pasteurized milk ordinance but do not come within the definition

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552 of "milk" or "milk products" and are nutritionally inferior to
553 the product imitated.

554 (9)~~(11)~~ "Milk" means the lacteal secretion, practically
555 free from colostrum, obtained by the complete milking of one or
556 more healthy cows, goats, sheep, water buffalo, or other hooved
557 mammals.

558 (10)~~(12)~~ "Milk distributor" means any person who offers for
559 sale or sells to another person any milk or milk product.

560 (15)~~(13)~~ "Milk products" means products made with milk that
561 is processed in some manner, including being whipped, acidified,
562 cultured, concentrated, lactose-reduced, or sodium-reduced or
563 aseptically processed, or having the addition or subtraction of
564 milkfat, the addition of safe and suitable microbial organisms,
565 or the addition of safe and suitable optional ingredients for
566 protein, vitamin, or mineral fortification. The term does ~~"Milk~~
567 ~~products"~~ do not include products such as evaporated milk,
568 condensed milk, eggnog in a rigid metal container, dietary
569 products, infant formula, or ice cream and other desserts.

570 (18)~~(14)~~ "Milkfat" or "butterfat" means the fat contained
571 in milk.

572 (11)~~(15)~~ "Milk hauler" means any person who transports raw
573 milk or raw milk products to or from a milk plant, receiving
574 station, or transfer station.

575 (12)~~(16)~~ "Milk plant" means any place, premises, or
576 establishment where milk or milk products are collected,
577 handled, processed, stored, pasteurized, ultra-pasteurized,
578 aseptically processed and packaged, retort processed after
579 packaging, condensed, dried, packaged, bottled, or prepared for
580 distribution.

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581 (13)~~(17)~~ "Milk plant operator" means any person responsible
582 for receiving, processing, pasteurizing, or packaging milk and
583 milk products, or performing any other related operation.

584 (14)~~(18)~~ "Milk producer" means any person who operates a
585 dairy farm and provides, sells, or offers for sale milk to a
586 milk plant, receiving station, or transfer station.

587 (16)~~(19)~~ "Milk tank truck" means either a bulk milk pickup
588 tanker or a milk transport tank.

589 (17)~~(20)~~ "Milk transport tank" means a vehicle, including
590 the truck and tank, used by a bulk milk hauler/sampler or a milk
591 hauler to transport bulk shipments of milk from a milk plant,
592 receiving station, or transfer station to another milk plant,
593 receiving station, or transfer station.

594 ~~(21) "Quiescently frozen confection" means a clean and~~
595 ~~wholesome frozen, sweetened, flavored product that, while being~~
596 ~~frozen, was not stirred or agitated (generally known as~~
597 ~~quiescent freezing). The confection may be acidulated with food-~~
598 ~~grade acid, may contain milk solids or water, or may be made~~
599 ~~with or without added harmless pure or imitation flavoring and~~
600 ~~with or without harmless coloring. The finished product must not~~
601 ~~contain more than 0.5 percent by weight of stabilizer composed~~
602 ~~of wholesome, edible material and must not contain less than 17~~
603 ~~percent by weight of total food solids. In the production of the~~
604 ~~confection, processing or mixing before quiescent freezing that~~
605 ~~develops in the finished confection mix any physical expansion~~
606 ~~in excess of 10 percent may not be used.~~

607 ~~(22) "Quiescently frozen dairy confection" means a clean~~
608 ~~and wholesome frozen product made from water, milk products, and~~
609 ~~sugar, with added harmless pure or imitation flavoring, with or~~

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610 ~~without added harmless coloring, with or without added~~
611 ~~stabilizer, or with or without added emulsifier, that, while~~
612 ~~being frozen, was not stirred or agitated (generally known as~~
613 ~~quiescent freezing). The confection must not contain less than~~
614 ~~13 percent by weight of total milk solids, less than 33 percent~~
615 ~~by weight of total food solids, more than 0.5 percent by weight~~
616 ~~of stabilizer, or more than 0.2 percent by weight of emulsifier.~~
617 ~~Stabilizer and emulsifier must be composed of wholesome, edible~~
618 ~~material. In the production of a quiescently frozen dairy~~
619 ~~confection, processing or mixing before quiescently freezing~~
620 ~~that develops in the finished confection mix any physical~~
621 ~~expansion in excess of 10 percent may not be used.~~

622 ~~(19)-(23)~~ "Raw milk" means unpasteurized unprocessed milk.

623 ~~(20)-(24)~~ "Receiving station" means any place, premises, or
624 establishment where raw milk is received, collected, handled,
625 stored, or cooled and ~~is~~ prepared for further transporting.

626 (21) "Reconstituted milk or milk products" or "recombined
627 milk or milk products" means milk or milk products that result
628 from reconstituting or recombining milk constituents with
629 potable water.

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

632 ~~(23)-(25)~~ "Substitute milk and substitute milk products"
633 means those foods that have the physical characteristics, such
634 as taste, flavor, body, texture, or appearance, of milk or milk
635 products as defined in this chapter and the Grade "A"
636 pasteurized milk ordinance but do not come within the definition
637 of "milk" or "milk products" and are nutritionally equivalent to
638 the product for which they are substitutes.

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639 ~~(24)~~~~(26)~~ "Transfer station" means any place, premises, or
640 establishment where milk or milk products are transferred
641 directly from one milk tank truck to another.

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

648 ~~(26)~~~~(27)~~ "Washing station" means any place, premises, or
649 establishment where milk tank trucks are cleaned and sanitized.

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

652 Section 12. Paragraph (d) of subsection (1) of section
653 502.013, Florida Statutes, is amended to read:

654 502.013 Purpose; intent.—

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

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

659 Section 13. Paragraph (a) of subsection (2) of section
660 502.014, Florida Statutes, is amended to read:

661 502.014 Powers and duties.—

662 (2) (a) The department shall permit, conduct onsite
663 inspections of, and collect samples for testing from all
664 facilities engaged in the production, processing, holding, or
665 transfer of milk and milk products ~~dairy farms, milk plants, and~~
666 ~~frozen dessert plants and collect test samples of milk, milk~~
667 ~~products, and frozen desserts as required by this chapter.~~

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668 Section 14. Section 502.042, Florida Statutes, is amended
669 to read:

670 502.042 Labeling of shelf life.—To ensure consumers full
671 disclosure of the date beyond which milk or milk products may no
672 longer be offered for sale, all dairy processors must ~~shall~~
673 establish, and legibly label as prescribed by rule of the
674 department, the maximum shelf-life period during which milk and
675 milk products may be offered for sale. For purposes of this
676 requirement, the term ~~to~~ "legibly label" means to label the
677 package or container with conspicuous and easily readable
678 boldfaced print or type in distinct contrast to the background,
679 by color. ~~The department shall periodically conduct shelf-life~~
680 ~~studies to review the keeping quality of milk and milk products~~
681 ~~and shall sample periodically the products of the dairy~~
682 ~~processors to determine if the shelf-life dating used by the~~
683 ~~processors complies with the minimum standards of quality.~~

684 Section 15. Paragraphs (a) and (b) of subsection (1),
685 paragraph (d) of subsection (3), and paragraphs (a) and (c) of
686 subsection (4) of section 502.053, Florida Statutes, are amended
687 to read:

688 502.053 Permits and fees; requirements; exemptions;
689 temporary permits.—

690 (1) PERMITS.—

691 (a) All facilities engaged in the production, processing,
692 holding, or transfer of milk and milk products ~~Each Grade "A"~~
693 ~~milk plant, whether located in the state or outside the state,~~
694 ~~and each manufacturing milk plant, milk producer, milk hauler,~~
695 ~~milk hauling service, washing station operator, milk plant~~
696 ~~operator, milk distributor, single service container~~

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697 ~~manufacturer, receiving station, and transfer station in this~~
698 ~~the state must shall~~ apply to the department for a permit to
699 operate. The application must ~~shall~~ be on forms developed by the
700 department.

701 (b) Each frozen dessert plant, ~~whether located in the state~~
702 ~~or outside the state,~~ that manufactures frozen desserts or other
703 products defined in this chapter and offers these products for
704 wholesale ~~for sale~~ in this state must apply to the department
705 for a permit to operate. The application must be submitted on a a
706 form ~~forms~~ prescribed by the department. All frozen dessert
707 permits expire on June 30 of each year.

708 (3) REQUIREMENTS.—

709 ~~(d) Each frozen dessert plant permitholder must report~~
710 ~~monthly, quarterly, semiannually, or annually, as required by~~
711 ~~the department, the number of gallons of frozen dessert or~~
712 ~~frozen dessert mix sold or manufactured by the permitholder in~~
713 ~~this state.~~

714 (4) EXEMPTIONS.—

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

717 1. Milk producers who transport milk or milk products only
718 from their own dairy farms.

719 2. Employees of a milk distributor or milk plant operator
720 who possesses a valid permit.

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

723 ~~(e) Frozen desserts retail establishments as defined in s.~~
724 ~~502.012 are exempt from this chapter.~~

725 Section 16. Subsections (1) and (4) of section 502.181,

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726 Florida Statutes, are amended to read:

727 502.181 Prohibited acts.—It is unlawful for any person in
728 this state to:

729 (1) Engage in the business of producing, hauling,
730 transferring, receiving, processing, packaging, or distributing
731 milk, milk products, or frozen desserts or operating a washing
732 station, manufacturing single-service containers, or
733 manufacturing imitation or substitute milk or milk products, ~~or~~
734 ~~testing for milkfat content,~~ without first obtaining a permit or
735 license from the department.

736 ~~(4) Repasteurize milk.~~

737 Section 17. Paragraph (b) of subsection (1) of section
738 502.231, Florida Statutes, is amended to read:

739 502.231 Penalty and injunction.—

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

743 (b) Imposition of an administrative fine:

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

746 2. ~~Ten percent of the license fee or \$100, whichever is~~
747 ~~greater, for failure to report the information described in s.~~
748 ~~502.053(3)(d); or~~

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

751

752 When imposing a fine under this paragraph, the department must
753 consider the degree and extent of harm caused by the violation,
754 the cost of rectifying the damage, the benefit to the violator,

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755 whether the violation was committed willfully, and the
756 violator's compliance record.

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

758 Section 19. Section 570.161, Florida Statutes, is created
759 to read:

760 570.161 E-mail address of record.—

761 (1) In addition to any other requirement set forth in law,
762 each person licensed or permitted by the department shall notify
763 the department in writing of the person's e-mail address. The
764 failure to notify the department of a change in any e-mail
765 address provided to the department constitutes a violation of
766 this section and may be subject to the penalties provided in s.
767 570.971(3).

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

772 (b) If the department receives notification that service by
773 e-mail, as authorized by this section, has failed, the
774 department may provide notice to the person by calling the
775 person's last known telephone number of record, mailing the
776 notice to the last known address, or posting a short, plain
777 notice to the person on the department's website.

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

779 Section 21. Present subsections (10) through (13) of
780 section 570.71, Florida Statutes, are redesignated as
781 subsections (11) through (14), respectively, and a new
782 subsection (10) is added to that section, to read:

783 570.71 Conservation easements and agreements.—

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784 (10) Notwithstanding any other law or rule, the department
785 shall submit a purchase agreement authorized by this section to
786 the Board of Trustees of the Internal Improvement Trust Fund for
787 approval if the purchase price exceeds \$5 million.

788 Section 22. Paragraph (b) of subsection (1) of section
789 570.715, Florida Statutes, is amended to read:

790 570.715 Conservation easement acquisition procedures.—

791 (1) For less than fee simple acquisitions pursuant to s.
792 570.71, the Department of Agriculture and Consumer Services
793 shall comply with the following acquisition procedures:

794 (b) Before approval by the board of trustees of an
795 agreement to purchase less than fee simple title to land
796 pursuant to s. 570.71, an appraisal of the parcel shall be
797 required as follows:

798 1. Each parcel to be acquired shall have at least one
799 appraisal. Two appraisals are required when the estimated value
800 of the parcel exceeds \$5 ~~\$1~~ million. However, when both
801 appraisals exceed \$5 ~~\$1~~ million and differ significantly, a
802 third appraisal may be obtained.

803 2. Appraisal fees and associated costs shall be paid by the
804 department. All appraisals used for the acquisition of less than
805 fee simple interest in lands pursuant to this section shall be
806 prepared by a state-certified appraiser who meets the standards
807 and criteria established by rule of the board of trustees. Each
808 appraiser selected to appraise a particular parcel shall, before
809 contracting with the department or a participant in a multiparty
810 agreement, submit to the department or participant an affidavit
811 substantiating that he or she has no vested or fiduciary
812 interest in such parcel.

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813 Section 23. Section 570.843, Florida Statutes, is repealed.

814 Section 24. Upon the expiration and reversion of the
815 amendment made to section 570.93, Florida Statutes, pursuant to
816 section 63 of chapter 2022-157, Laws of Florida, paragraph (a)
817 of subsection (1) of section 570.93, Florida Statutes, is
818 amended to read:

819 570.93 Department of Agriculture and Consumer Services;
820 agricultural water conservation and agricultural water supply
821 planning.—

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

824 (a) A cost-share program, coordinated ~~where appropriate~~
825 with the United States Department of Agriculture and other
826 federal, state, regional, and local agencies, when appropriate,
827 for irrigation system retrofit and application of mobile
828 irrigation laboratory evaluations, and for water conservation ~~as~~
829 ~~provided in this section and, where applicable, for water~~
830 quality improvement pursuant to s. 403.067(7)(c).

831 Section 25. Present subsections (8) through (13) and (14)
832 through (44) of section 576.011, Florida Statutes, are
833 redesignated as subsections (9) through (14) and (16) through
834 (46), respectively, new subsections (8) and (15) are added to
835 that section, and present subsections (15), (19), and (36) of
836 that section are amended, to read:

837 576.011 Definitions.—When used in this chapter, the term:

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

841 (15) "Fertilizer material" means a fertilizer that meets

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842 one of the following requirements:

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

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

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

852 (17)-(15) "Grade" means the percentages in fertilizer of
853 total nitrogen expressed as N, available phosphorus expressed as
854 P₂O₅, and soluble potassium expressed as K₂O, stated in whole
855 numbers in the same terms, order, and percentages as in the
856 guaranteed analysis. However, specialty fertilizer may be
857 guaranteed in fractional units of less than 1 percent of total
858 nitrogen, available phosphate, and soluble potash. Fertilizer
859 materials, bone meal, manures, and similar materials may be
860 guaranteed in fractional units in that order.

861 (21)-(19) "Labeling" means all labels and other written,
862 printed, or graphic matters upon an article or any of its
863 containers or wrappers, or accompanying such article.

864 (38)-(36) "Slow or controlled release fertilizer" means a
865 fertilizer in a form that releases, or converts to a plant-
866 available form, plant nutrients at a slower rate relative to an
867 appropriate reference soluble product containing a plant
868 nutrient in a form which delays its availability for plant
869 uptake and use after application, or which extends its
870 availability to the plant significantly longer than a reference

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871 ~~"rapidly available nutrient fertilizer," such as ammonium~~
872 ~~nitrate or urea, ammonium phosphate, or potassium chloride.~~

873 Section 26. Subsection (14) of section 581.217, Florida
874 Statutes, is repealed.

875 Section 27. Section 585.008, Florida Statutes, is repealed.

876 Section 28. Subsection (4) of section 586.045, Florida
877 Statutes, is amended to read:

878 586.045 Certificates of registration and inspection.—

879 (4) The department shall provide to each person subject to
880 this section written notice and renewal forms at least 30 ~~60~~
881 days before ~~prior to~~ the annual renewal date informing the
882 person of the certificate of registration renewal date and the
883 application fee.

884 Section 29. Subsection (16) is added to section 595.404,
885 Florida Statutes, to read:

886 595.404 School food and other nutrition programs; powers
887 and duties of the department.—The department has the following
888 powers and duties:

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

893 Section 30. Section 597.003, Florida Statutes, is amended
894 to read:

895 597.003 Powers and duties of Department of Agriculture and
896 Consumer Services.—

897 (1) The department is ~~hereby designated as~~ the lead agency
898 in regulating and encouraging the development of aquaculture in
899 this ~~the~~ state and has ~~shall have~~ and shall exercise the

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900 following functions, powers, and duties with regard to
901 aquaculture:

902 (a) Issue or deny aquaculture certificates that identify
903 aquaculture producers and aquaculture products, and collect all
904 related fees. The department may revoke an aquaculture
905 certificate of registration issued pursuant to s. 597.004 upon a
906 finding that aquaculture is not the primary purpose of the
907 certified entity's operation.

908 (b) Coordinate the development, annual revision, and
909 implementation of a state aquaculture plan. The plan must ~~shall~~
910 include prioritized recommendations for research and development
911 as suggested by the Aquaculture Review Council and public and
912 private institutional research, extension, and service programs.

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

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

918 (e) Forward the annually revised state aquaculture plan to
919 the commissioner and to the chairs of the House Committee on
920 Agriculture and Consumer Services and the Senate Committee on
921 Agriculture 1 month before ~~prior to~~ submission of the
922 department's legislative budget request to the Governor.

923 (f) Upon the appropriation of funds by the Legislature,
924 submit the list of research and development projects proposed to
925 be funded through the department as identified in the state
926 aquaculture plan, ~~along with the department's legislative budget~~
927 ~~request~~ to the Governor, the President of the Senate, and the
928 Speaker of the House of Representatives. ~~If funded,~~ These

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929 projects must ~~shall~~ be contracted for by the Division of
930 Aquaculture and must ~~shall~~ require public-private partnerships,
931 when appropriate. The contracts must ~~shall~~ require a percentage
932 of the profit generated by the project to be deposited into the
933 General Inspection Trust Fund solely for funding aquaculture
934 projects recommended by the Aquaculture Review Council.

935 (g) Provide developmental assistance to the various sectors
936 of the aquaculture industry as determined in the state
937 aquaculture plan.

938 (h) Assist persons seeking to engage in aquaculture when
939 applying for the necessary permits and serve as ombudsman to
940 resolve complaints or otherwise resolve problems arising between
941 aquaculture producers and regulatory agencies.

942 (i) Develop and propose to the Legislature legislation
943 necessary to implement the state aquaculture plan or to
944 otherwise encourage the development of aquaculture in this ~~the~~
945 state.

946 (j) Issue or deny any license or permit authorized or
947 delegated to the department by the Legislature or through
948 memorandum of understanding with other state or federal agencies
949 that furthers the intent of the Legislature to place the
950 regulation of aquaculture in the department.

951 (k) Make available state lands and the water column for the
952 purpose of producing aquaculture products when the aquaculture
953 activity is compatible with state resource management goals,
954 environmental protection, and proprietary interest and when such
955 state lands and waters are determined to be suitable for
956 aquaculture development by the Board of Trustees of the Internal
957 Improvement Trust Fund pursuant to s. 253.68; provide training

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958 as necessary to lessees; and be responsible for all saltwater
959 aquaculture activities located on sovereignty submerged land or
960 in the water column above such land and adjacent facilities
961 directly related to the aquaculture activity.

962 1. The department shall act in cooperation with other state
963 and local agencies and programs to identify and designate
964 sovereignty lands and waters that would be suitable for
965 aquaculture development.

966 2. The department shall identify and evaluate specific
967 tracts of sovereignty submerged lands and water columns in
968 various areas of the state to determine where such lands and
969 waters are suitable for leasing for aquaculture purposes.
970 ~~Nothing in~~ This subparagraph or subparagraph 1. does not ~~shall~~
971 preclude the applicant from applying for sites identified by the
972 applicant.

973 3. The department shall provide assistance in developing
974 technologies applicable to aquaculture activities, evaluate
975 practicable production alternatives, and provide agreements to
976 develop innovative culture practices.

977 (1) Act as a clearinghouse for aquaculture applications,
978 and act as a liaison between the Fish and Wildlife Conservation
979 Commission, the Division of State Lands, the Department of
980 Environmental Protection district offices, other divisions
981 within the Department of Environmental Protection, and the water
982 management districts. The Department of Agriculture and Consumer
983 Services is ~~shall be~~ responsible for regulating marine
984 aquaculture producers, except as specifically provided herein.

985 (2) The specific delegation of authority granted under
986 subsection (1) is intended to place responsibility and may not

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987 be construed so as to prevent the respective state agencies from
988 cooperating with each other by exchanging information and
989 providing copies of reports when deemed advisable.

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

992 Section 31. Present subsections (3) through (6) of section
993 597.004, Florida Statutes, are redesignated as subsections (4)
994 through (7), respectively, a new subsection (3) is added to that
995 section, and paragraphs (b) and (g) of subsection (2), present
996 subsection (3), and paragraph (a) of present subsection (5) of
997 that section are amended, to read:

998 597.004 Aquaculture certificate of registration.—

999 (2) RULES.—

1000 ~~(b) Rules adopted pursuant to this subsection shall become~~
1001 ~~effective pursuant to the applicable provisions of chapter 120,~~
1002 ~~but must be submitted to the President of the Senate and the~~
1003 ~~Speaker of the House of Representatives for review by the~~
1004 ~~Legislature. The rules shall be referred to the appropriate~~
1005 ~~committees of substance and scheduled for review during the~~
1006 ~~first available regular session following adoption. Except as~~
1007 ~~otherwise provided by operation of law, such rules shall remain~~
1008 ~~in effect until rejected or modified by act of the Legislature.~~

1009 ~~(g) Any alligator producer with an alligator farming~~
1010 ~~license and permit to establish and operate an alligator farm~~
1011 ~~shall be issued an aquaculture certificate of registration~~
1012 ~~pursuant to this section. This chapter does not supersede the~~
1013 ~~authority under chapter 379 to regulate alligator farms and~~
1014 ~~alligator farmers.~~

1015 (3) INSPECTIONS OF AQUACULTURE PRODUCTS.—The Legislature

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1016 intends to eliminate duplication of regulatory inspections of
1017 aquaculture products. The regulatory and permitting authority
1018 over all aquaculture products as defined in s. 597.0015 is
1019 preempted to the department.

1020 (a) Shellfish processing facilities are licensed pursuant
1021 to s. 597.020.

1022 (b) Facilities operated by state agencies, local
1023 governments, educational institutions, research institutions, or
1024 restoration organizations which maintain aquaculture products
1025 for educational, scientific, demonstration, experimental, or
1026 restoration activities related to aquaculture are licensed
1027 pursuant to this section.

1028 (c) Facilities culturing crocodilians of the order
1029 Crocodylia are dually regulated by the department and the Fish
1030 and Wildlife Conservation Commission. Any alligator producer
1031 issued an aquaculture certificate of registration pursuant to
1032 this section must also maintain an alligator farming license
1033 from the Fish and Wildlife Conservation Commission. This chapter
1034 does not supersede the authority under chapter 379 to regulate
1035 alligator farms and alligator farmers.

1036 (4)(3) FEES.—Effective July 1, 1997, All fees collected
1037 pursuant to this section shall be deposited into the General
1038 Inspection Trust Fund in the Department of Agriculture and
1039 Consumer Services.

1040 (6)(5) SALE OF AQUACULTURE PRODUCTS.—

1041 (a) Aquaculture products, except shellfish, snook, and any
1042 fish of the genus *Micropterus*, excluding *Micropterus salmoides*
1043 *floridanus*, and prohibited and restricted nonnative freshwater
1044 and marine species identified in the Aquaculture Best Management

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1045 Practices manual ~~by rules of the Fish and Wildlife Conservation~~
1046 ~~Commission~~, may be sold by an aquaculture producer certified
1047 pursuant to this section or by a dealer licensed pursuant to
1048 part VII of chapter 379 without restriction so long as the
1049 product origin can be identified.

1050 Section 32. Subsection (1) and paragraph (c) of subsection
1051 (3) of section 597.005, Florida Statutes, are amended, and
1052 paragraph (e) of subsection (3) of that section is reenacted, to
1053 read:

1054 597.005 Aquaculture Review Council.—

1055 (1) COMPOSITION.—There is created within the department the
1056 Aquaculture Review Council to consist of eight members ~~as~~
1057 ~~follows: the chair of the State Agricultural Advisory Council or~~
1058 ~~designee and seven additional members to be~~ appointed by the
1059 commissioner, including an alligator farmer, a food fish farmer,
1060 a shellfish farmer, a tropical fish farmer, an aquatic plant
1061 farmer, a representative of the commercial fishing industry, and
1062 a representative of the aquaculture industry at large. Members
1063 shall be appointed for 4-year terms. Each member shall be
1064 selected from no fewer than two or more than three nominees
1065 submitted by recognized statewide organizations representing
1066 each industry segment or the aquaculture industry at large. In
1067 the absence of nominees, the commissioner shall appoint persons
1068 who otherwise meet the qualifications for appointment to the
1069 council. Members shall serve until their successors are duly
1070 qualified and appointed. An appointment to fill a vacancy shall
1071 be for the unexpired portion of the term.

1072 (3) RESPONSIBILITIES.—The primary responsibilities of the
1073 Aquaculture Review Council are to:

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1074 (c) Submit to the commissioner on an annual basis:

1075 1. Upon the appropriation of funds by the Legislature, a
1076 prioritized list of research projects to be funded by the
1077 department included in the department's legislative budget
1078 ~~request~~. Each year, the council shall review the aquaculture
1079 legislative budget requests submitted to the department and rank
1080 them according to the state aquaculture plan.

1081 2. Recommendations to be forwarded to the Speaker of the
1082 House of Representatives and the President of the Senate on
1083 legislation needed to help the aquaculture industry.

1084 3. Recommendations on aquaculture projects, activities,
1085 research, and regulation and other needs to further the
1086 development of the aquaculture industry.

1087 (e) Assist the department in carrying out duties identified
1088 in s. 597.003 by studying aquaculture issues and making
1089 recommendations for regulating and permitting aquaculture and in
1090 the development, revision, and implementation of the state
1091 aquaculture plan.

1092 Section 33. Subsection (1) of section 599.002, Florida
1093 Statutes, is amended to read:

1094 599.002 Viticulture Advisory Council.—

1095 (1) There is created within the Department of Agriculture
1096 and Consumer Services the Viticulture Advisory Council, to
1097 consist of eight members as follows: the president of the
1098 Florida Grape Growers' Association or a designee thereof; ~~the~~
1099 ~~viticulture representative of the State Agricultural Advisory~~
1100 ~~Council~~; a representative from the Institute of Food and
1101 Agricultural Sciences; a representative from the viticultural
1102 science program at Florida Agricultural and Mechanical

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1103 University; and five ~~four~~ additional commercial members, to be
1104 appointed for a 2-year term each by the Commissioner of
1105 Agriculture, including a wine producer, a fresh fruit producer,
1106 a nonwine product (juice, jelly, pie fillings, etc.) producer,
1107 and a viticultural nursery operator.

1108 Section 34. Paragraph (q) is added to subsection (4) of
1109 section 934.50, Florida Statutes, to read:

1110 934.50 Searches and seizure using a drone.—

1111 (4) EXCEPTIONS.—This section does not prohibit the use of a
1112 drone:

1113 (q) By a non-law enforcement employee of the Department of
1114 Agriculture and Consumer Services for activities for the
1115 purposes of managing and eradicating plant or animal diseases.

1116 Section 35. Paragraph (i) of subsection (3) of section
1117 259.105, Florida Statutes, is amended to read:

1118 259.105 The Florida Forever Act.—

1119 (3) Less the costs of issuing and the costs of funding
1120 reserve accounts and other costs associated with bonds, the
1121 proceeds of cash payments or bonds issued pursuant to this
1122 section shall be deposited into the Florida Forever Trust Fund
1123 created by s. 259.1051. The proceeds shall be distributed by the
1124 Department of Environmental Protection in the following manner:

1125 (i) Three and five-tenths percent to the Department of
1126 Agriculture and Consumer Services for the acquisition of
1127 agricultural lands, through perpetual conservation easements and
1128 other perpetual less than fee techniques, which will achieve the
1129 objectives of Florida Forever and s. 570.71. Rules concerning
1130 the application, acquisition, and priority ranking process for
1131 such easements shall be developed pursuant to s. 570.71(11) ~~s.~~

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1132 ~~570.71(10)~~ and as provided by this paragraph. The board shall
1133 ensure that such rules are consistent with the acquisition
1134 process provided for in s. 570.715. The rules developed pursuant
1135 to s. 570.71(11) ~~s. 570.71(10)~~, shall also provide for the
1136 following:

1137 1. An annual priority list shall be developed pursuant to
1138 s. 570.71(11) ~~s. 570.71(10)~~, submitted to the council for
1139 review, and approved by the board pursuant to s. 259.04.

1140 2. Terms of easements and acquisitions proposed pursuant to
1141 this paragraph shall be approved by the board and may not be
1142 delegated by the board to any other entity receiving funds under
1143 this section.

1144 3. All acquisitions pursuant to this paragraph shall
1145 contain a clear statement that they are subject to legislative
1146 appropriation.

1147
1148 Funds provided under this paragraph may not be expended until
1149 final adoption of rules by the board pursuant to s. 570.71.

1150 Section 36. For the purpose of incorporating the amendment
1151 made by this act to section 500.03, Florida Statutes, in a
1152 reference thereto, paragraph (a) of subsection (4) of section
1153 373.016, Florida Statutes, is reenacted to read:

1154 373.016 Declaration of policy.—

1155 (4) (a) Because water constitutes a public resource
1156 benefiting the entire state, it is the policy of the Legislature
1157 that the waters in the state be managed on a state and regional
1158 basis. Consistent with this directive, the Legislature
1159 recognizes the need to allocate water throughout the state so as
1160 to meet all reasonable-beneficial uses. However, the Legislature

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1161 acknowledges that such allocations have in the past adversely
1162 affected the water resources of certain areas in this state. To
1163 protect such water resources and to meet the current and future
1164 needs of those areas with abundant water, the Legislature
1165 directs the department and the water management districts to
1166 encourage the use of water from sources nearest the area of use
1167 or application whenever practicable. Such sources shall include
1168 all naturally occurring water sources and all alternative water
1169 sources, including, but not limited to, desalination,
1170 conservation, reuse of nonpotable reclaimed water and
1171 stormwater, and aquifer storage and recovery. Reuse of potable
1172 reclaimed water and stormwater shall not be subject to the
1173 evaluation described in s. 373.223(3)(a)-(g). However, this
1174 directive to encourage the use of water, whenever practicable,
1175 from sources nearest the area of use or application shall not
1176 apply to the transport and direct and indirect use of water
1177 within the area encompassed by the Central and Southern Florida
1178 Flood Control Project, nor shall it apply anywhere in the state
1179 to the transport and use of water supplied exclusively for
1180 bottled water as defined in s. 500.03(1)(d), nor shall it apply
1181 to the transport and use of reclaimed water for electrical power
1182 production by an electric utility as defined in s. 366.02(4).

1183 Section 37. For the purpose of incorporating the amendment
1184 made by this act to section 500.03, Florida Statutes, in a
1185 reference thereto, subsection (3) of section 373.223, Florida
1186 Statutes, is reenacted to read:

1187 373.223 Conditions for a permit.—

1188 (3) Except for the transport and use of water supplied by
1189 the Central and Southern Florida Flood Control Project, and

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1190 anywhere in the state when the transport and use of water is
1191 supplied exclusively for bottled water as defined in s.
1192 500.03(1)(d), any water use permit applications pending as of
1193 April 1, 1998, with the Northwest Florida Water Management
1194 District and self-suppliers of water for which the proposed
1195 water source and area of use or application are located on
1196 contiguous private properties, when evaluating whether a
1197 potential transport and use of ground or surface water across
1198 county boundaries is consistent with the public interest,
1199 pursuant to paragraph (1)(c), the governing board or department
1200 shall consider:

1201 (a) The proximity of the proposed water source to the area
1202 of use or application.

1203 (b) All impoundments, streams, groundwater sources, or
1204 watercourses that are geographically closer to the area of use
1205 or application than the proposed source, and that are
1206 technically and economically feasible for the proposed transport
1207 and use.

1208 (c) All economically and technically feasible alternatives
1209 to the proposed source, including, but not limited to,
1210 desalination, conservation, reuse of nonpotable reclaimed water
1211 and stormwater, and aquifer storage and recovery.

1212 (d) The potential environmental impacts that may result
1213 from the transport and use of water from the proposed source,
1214 and the potential environmental impacts that may result from use
1215 of the other water sources identified in paragraphs (b) and (c).

1216 (e) Whether existing and reasonably anticipated sources of
1217 water and conservation efforts are adequate to supply water for
1218 existing legal uses and reasonably anticipated future needs of

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1219 the water supply planning region in which the proposed water
1220 source is located.

1221 (f) Consultations with local governments affected by the
1222 proposed transport and use.

1223 (g) The value of the existing capital investment in water-
1224 related infrastructure made by the applicant.

1225

1226 Where districtwide water supply assessments and regional water
1227 supply plans have been prepared pursuant to ss. 373.036 and
1228 373.709, the governing board or the department shall use the
1229 applicable plans and assessments as the basis for its
1230 consideration of the applicable factors in this subsection.

1231 Section 38. For the purpose of incorporating the amendment
1232 made by this act to section 500.03, Florida Statutes, in a
1233 reference thereto, paragraph (a) of subsection (2) of section
1234 373.701, Florida Statutes, is reenacted to read:

1235 373.701 Declaration of policy.—It is declared to be the
1236 policy of the Legislature:

1237 (2) (a) Because water constitutes a public resource
1238 benefiting the entire state, it is the policy of the Legislature
1239 that the waters in the state be managed on a state and regional
1240 basis. Consistent with this directive, the Legislature
1241 recognizes the need to allocate water throughout the state so as
1242 to meet all reasonable-beneficial uses. However, the Legislature
1243 acknowledges that such allocations have in the past adversely
1244 affected the water resources of certain areas in this state. To
1245 protect such water resources and to meet the current and future
1246 needs of those areas with abundant water, the Legislature
1247 directs the department and the water management districts to

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1248 encourage the use of water from sources nearest the area of use
1249 or application whenever practicable. Such sources shall include
1250 all naturally occurring water sources and all alternative water
1251 sources, including, but not limited to, desalination,
1252 conservation, reuse of nonpotable reclaimed water and
1253 stormwater, and aquifer storage and recovery. Reuse of potable
1254 reclaimed water and stormwater shall not be subject to the
1255 evaluation described in s. 373.223(3)(a)-(g). However, this
1256 directive to encourage the use of water, whenever practicable,
1257 from sources nearest the area of use or application shall not
1258 apply to the transport and direct and indirect use of water
1259 within the area encompassed by the Central and Southern Florida
1260 Flood Control Project, nor shall it apply anywhere in the state
1261 to the transport and use of water supplied exclusively for
1262 bottled water as defined in s. 500.03(1)(d), nor shall it apply
1263 to the transport and use of reclaimed water for electrical power
1264 production by an electric utility as defined in s. 366.02(4).

1265 Section 39. For the 2023-2024 fiscal year, the sum of
1266 \$143,104 in nonrecurring funds is appropriated from the
1267 Operating Trust Fund to the Department of Revenue for the
1268 purpose of modifying the System for Unified Taxation to
1269 implement the Florida farm TEAM card, as created by this act.

1270 Section 40. This act shall take effect July 1, 2023.