

26 commodities purchased by certain state entities to be
27 grown or produced in this state under certain
28 circumstances; requiring such state entities to give
29 preference to certain food commodities; authorizing
30 certain agreements or state contracts to give
31 preference to certain vendors; requiring the
32 Department of Management Services to provide an annual
33 report to the Governor, the Cabinet, and the
34 Legislature by a specified date; providing
35 requirements for the report; amending s. 500.03, F.S.;
36 revising, redefining, and deleting terms; revising
37 construction regarding the selling of food; amending
38 s. 500.032, F.S.; requiring the Department of
39 Agriculture and Consumer Services to administer and
40 enforce certain provisions relating to the storage of
41 food; amending s. 500.12, F.S.; revising the types of
42 entities required to obtain food permits from the
43 department; conforming provisions to changes made by
44 the act; requiring food permits to be annually renewed
45 in accordance with certain provisions; authorizing the
46 department to charge a prorated fee for certain
47 purposes; requiring late fees for applications not
48 received on or before their due date; amending s.
49 500.121, F.S.; conforming provisions to changes made
50 by the act; amending s. 500.147, F.S.; requiring

51 bottled water to be processed in conformance with
52 department rule; amending s. 500.172, F.S.;
53 authorizing an agent of the department to take
54 specified actions regarding mislabeled food;
55 reordering and amending s. 502.012, F.S.; defining,
56 revising, and redefining terms; amending s. 502.013,
57 F.S.; revising the purpose of certain provisions
58 regarding milk and milk products; amending s. 502.014,
59 F.S.; revising the authority of the department to
60 permit and collect samples of products for testing at
61 certain facilities; amending s. 502.042, F.S.;
62 deleting a provision requiring the department to
63 periodically conduct certain shelf-life studies and to
64 sample certain milk products; making technical
65 changes; amending s. 502.053, F.S.; revising the milk
66 facilities required to apply for a permit to operate;
67 requiring operating permits for certain frozen dessert
68 plants; deleting a requirement that frozen dessert
69 plant permitholders submit specified reports to the
70 department; conforming provisions to changes made by
71 the act; amending s. 502.181, F.S.; deleting
72 prohibitions against certain testing for milkfat
73 content and for repasteurizing milk; amending s.
74 502.231, F.S.; conforming a provision to changes made
75 by the act; repealing s. 502.301, F.S., relating to

76 | the Dairy Industry Technical Council; creating s.
77 | 570.161, F.S.; requiring certain licensees or permit
78 | holders to notify the department in writing of the
79 | person's e-mail address; providing civil penalties;
80 | providing that service by e-mail constitutes adequate
81 | and sufficient notice; authorizing the department to
82 | achieve service by other specified means under certain
83 | circumstances; repealing s. 570.23, F.S., relating to
84 | the State Agricultural Advisory Council; amending s.
85 | 570.71, F.S.; requiring the department to submit
86 | specified conservation easement purchase agreements to
87 | the Board of Trustees of the Internal Improvement
88 | Trust Fund for approval; amending s. 570.715, F.S.;
89 | increasing the estimated value threshold for the
90 | appraisal of specified conservation easement
91 | acquisitions; repealing s. 570.843, F.S., relating to
92 | the Florida Young Farmer and Rancher Advisory Council;
93 | amending s. 570.93, F.S.; revising the required
94 | contents of the department's agricultural water
95 | conservation program; amending s. 576.011, F.S.;
96 | defining and redefining terms; repealing ss.
97 | 581.217(14) and 585.008, F.S., relating to the
98 | Industrial Hemp Advisory Council and the Animal
99 | Industry Technical Council, respectively; amending s.
100 | 586.045, F.S.; revising the timeframe during which the

101 department is required to provide written notice and
102 forms to beekeepers for annual certificate of
103 registration renewals; amending s. 595.404, F.S.;
104 requiring the department to adopt and implement an
105 exemption, waiver, and variance process by rule for
106 sponsors of certain school food and other nutrition
107 programs; amending s. 597.003, F.S.; revising the
108 powers and duties of the department regarding the
109 regulation of aquaculture in this state; providing
110 construction; amending s. 597.004, F.S.; deleting
111 requirements for rules adopted by the department for
112 aquaculture certificates of registration; deleting
113 provisions authorizing certain alligator producers to
114 be issued aquaculture certificates of registration;
115 providing legislative intent; preempting to the
116 department the regulatory and permitting authority for
117 all aquaculture products; providing construction;
118 revising the types of aquaculture products that may be
119 sold by an aquaculture producer under certain
120 circumstances; amending s. 597.005, F.S.; revising the
121 composition and responsibilities of the Aquaculture
122 Review Council; amending s. 599.002, F.S.; revising
123 the composition of the Viticulture Advisory Council;
124 amending s. 934.50, F.S.; authorizing non-law
125 enforcement employees of the department to use drones

126 for specified purposes; amending s. 259.105, F.S.;

127 conforming cross-references; reenacting ss.

128 373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S.,

129 relating to declarations of state water policy and

130 conditions for a permit, respectively, to incorporate

131 the amendment made by this act to s. 500.03, F.S., in

132 references thereto; providing an effective date.

133

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

135

136 Section 1. Subsection (19) is added to section 212.08,

137 Florida Statutes, to read:

138 212.08 Sales, rental, use, consumption, distribution, and

139 storage tax; specified exemptions.—The sale at retail, the

140 rental, the use, the consumption, the distribution, and the

141 storage to be used or consumed in this state of the following

142 are hereby specifically exempt from the tax imposed by this

143 chapter.

144 (19) FLORIDA FARM TEAM CARD.—

145 (a) Notwithstanding any other law, a farmer whose property

146 has been classified as agricultural pursuant to s. 193.461 or

147 who has implemented agricultural best management practices

148 adopted by the Department of Agriculture and Consumer Services

149 pursuant to s. 403.067(7)(c)2. may apply to the department for a

150 Florida farm tax exempt agricultural materials (TEAM) card to

151 claim the applicable sales tax exemptions provided in this
152 section. A farmer may present the Florida farm TEAM card to a
153 selling dealer in lieu of a certificate or affidavit otherwise
154 required by this chapter.

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

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

169 (d) The Department of Agriculture and Consumer Services
170 shall accept Florida farm TEAM card applications beginning on
171 January 1, 2024.

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

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

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

183 213.053 Confidentiality and information sharing.—

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

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

190 287.0823 Preference to commodities grown or produced in
 191 Florida.—

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

198 (2) Notwithstanding any other provision of this section,
 199 and to the extent authorized by federal law, such state
 200 agencies, state universities, Florida College System

201 institutions, and contracted food service providers thereof
202 shall give preference to food commodities grown or produced in
203 this state when purchasing food commodities, including farm
204 products as defined in s. 823.14, of any class, variety, or use
205 thereof in their natural state or as processed by a farm
206 operation or processor for the purpose of marketing such
207 product.

208 (3) A purchasing agreement, state term contract, or
209 contract for the purchase of food commodities required to be
210 awarded to the lowest responsive and responsible vendor may give
211 preference over other vendors to an otherwise qualified vendor
212 who agrees to fulfill the contract through the use of food
213 commodities grown or produced in this state over other vendors,
214 provided that the price included in the bid, proposal, or reply
215 for the food commodities grown or produced in this state is not
216 more than 10 percent greater than the price included in a bid,
217 proposal, or reply for food commodities grown or produced
218 outside of this state.

219 (4) By November 1, 2023, and each November 1 thereafter,
220 the department shall prepare and submit a report to the Governor
221 and Cabinet, the President of the Senate, and the Speaker of the
222 House of Representatives which describes the amount of food
223 commodities grown or produced in this state which were purchased
224 according to the requirements of this section. Any agency, state
225 university, Florida College System institution, or contracted

226 food service provider thereof that purchases food commodities
 227 shall cooperate with the department to provide the information
 228 required to prepare this report. The report must contain, at a
 229 minimum, all of the 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.

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

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

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
 325 any person who operates a food establishment ~~or retail food~~

326 | ~~store~~, except:

327 | 1. Persons operating minor food outlets that sell food
328 | that is commercially prepackaged, not potentially hazardous, and
329 | not time or temperature controlled for safety, if the shelf
330 | space for those items does not exceed 12 total linear feet and
331 | no 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~~
344 | regulated under this chapter must apply for and receive a food
345 | permit before operation begins. An application for a food permit
346 | from 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
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
 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
 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
 416 of 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
 428 tax 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
 436 s. 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~~
 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
 492 reordered and amended to read:

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

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
 513 and 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.

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
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
559 for sale or sells to another person any milk or milk product.

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

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

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

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

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

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

589 ~~(16)-(19)~~ "Milk tank truck" means either a bulk milk pickup
 590 tanker or a milk transport tank.

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

596 ~~(21)~~ "~~Quiescently frozen confection~~" means a clean and
 597 ~~wholesome frozen, sweetened, flavored product that, while being~~
 598 ~~frozen, was not stirred or agitated (generally known as~~
 599 ~~quiescent freezing). The confection may be acidulated with food-~~
 600 ~~grade acid, may contain milk solids or water, or may be made~~

601 ~~with or without added harmless pure or imitation flavoring and~~
602 ~~with or without harmless coloring. The finished product must not~~
603 ~~contain more than 0.5 percent by weight of stabilizer composed~~
604 ~~of wholesome, edible material and must not contain less than 17~~
605 ~~percent by weight of total food solids. In the production of the~~
606 ~~confection, processing or mixing before quiescent freezing that~~
607 ~~develops in the finished confection mix any physical expansion~~
608 ~~in excess of 10 percent may not be used.~~

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

624 ~~(19)-(23)~~ "Raw milk" means unpasteurized ~~unprocessed~~ milk.

625 ~~(20)-(24)~~ "Receiving station" means any place, premises, or

626 establishment where raw milk is received, collected, handled,
627 stored, or cooled and ~~is~~ prepared for further transporting.

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

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

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

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

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

650 (26)~~(27)~~ "Washing station" means any place, premises, or

651 establishment where milk tank trucks are cleaned and sanitized.

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

654 Section 12. Paragraph (d) of subsection (1) of section
 655 502.013, Florida Statutes, is amended to read:

656 502.013 Purpose; intent.—

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

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

662 Section 13. Paragraph (a) of subsection (2) of section
 663 502.014, Florida Statutes, is amended to read:

664 502.014 Powers and duties.—

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

671 Section 14. Section 502.042, Florida Statutes, is amended
 672 to read:

673 502.042 Labeling of shelf life.—To ensure consumers full
 674 disclosure of the date beyond which milk or milk products may no
 675 longer be offered for sale, all dairy processors must ~~shall~~

676 establish, and legibly label as prescribed by rule of the
677 department, the maximum shelf-life period during which milk and
678 milk products may be offered for sale. For purposes of this
679 requirement, the term ~~to~~ "legibly label" means to label the
680 package or container with conspicuous and easily readable
681 boldfaced print or type in distinct contrast to the background,
682 by color. ~~The department shall periodically conduct shelf-life~~
683 ~~studies to review the keeping quality of milk and milk products~~
684 ~~and shall sample periodically the products of the dairy~~
685 ~~processors to determine if the shelf-life dating used by the~~
686 ~~processors complies with the minimum standards of quality.~~

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

691 502.053 Permits and fees; requirements; exemptions;
692 temporary permits.—

693 (1) PERMITS.—

694 (a) All facilities engaged in the production, processing,
695 holding, or transfer of milk and milk products ~~Each Grade "A"~~
696 ~~milk plant, whether located in the state or outside the state,~~
697 ~~and each manufacturing milk plant, milk producer, milk hauler,~~
698 ~~milk hauling service, washing station operator, milk plant~~
699 ~~operator, milk distributor, single-service container~~
700 ~~manufacturer, receiving station, and transfer station in this~~

701 ~~the state~~ must ~~shall~~ apply to the department for a permit to
 702 operate. The application must ~~shall~~ be on forms developed by the
 703 department.

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

711 (3) REQUIREMENTS.—

712 ~~(d) Each frozen dessert plant permit holder must report~~
 713 ~~monthly, quarterly, semiannually, or annually, as required by~~
 714 ~~the department, the number of gallons of frozen dessert or~~
 715 ~~frozen dessert mix sold or manufactured by the permit holder in~~
 716 ~~this state.~~

717 (4) EXEMPTIONS.—

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

720 1. Milk producers who transport milk or milk products only
 721 from their own dairy farms.

722 2. Employees of a milk distributor or milk plant operator
 723 who possesses a valid permit.

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

726 ~~(c) Frozen desserts retail establishments as defined in s.~~
 727 ~~502.012 are exempt from this chapter.~~

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

730 502.181 Prohibited acts.—It is unlawful for any person in
 731 this state to:

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

739 ~~(4) Repasteurize milk.~~

740 Section 17. Paragraph (b) of subsection (1) of section
 741 502.231, Florida Statutes, is amended to read:

742 502.231 Penalty and injunction.—

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

746 (b) Imposition of an administrative fine:

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

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

751 ~~502.053(3)(d); or~~

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

754
 755 When imposing a fine under this paragraph, the department must
 756 consider the degree and extent of harm caused by the violation,
 757 the cost of rectifying the damage, the benefit to the violator,
 758 whether the violation was committed willfully, and the
 759 violator's compliance record.

760 Section 18. Section 502.301, Florida Statutes, is
 761 repealed.

762 Section 19. Section 570.161, Florida Statutes, is created
 763 to read:

764 570.161 E-mail address of record.—

765 (1) In addition to any other requirement set forth in law,
 766 each person licensed or permitted by the department shall notify
 767 the department in writing of the person's e-mail address. The
 768 failure to notify the department of a change in any e-mail
 769 address provided to the department constitutes a violation of
 770 this section and may be subject to the penalties provided in s.
 771 570.971(3).

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

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

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

783 Section 21. Subsections (10) through (13) of section
 784 570.71, Florida Statutes, are renumbered as subsections (11)
 785 through (14), respectively, and a new subsection (10) is added
 786 to that section to read:

787 570.71 Conservation easements and agreements.—

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

792 Section 22. Paragraph (b) of subsection (1) of section
 793 570.715, Florida Statutes, is amended to read:

794 570.715 Conservation easement acquisition procedures.—

795 (1) For less than fee simple acquisitions pursuant to s.
 796 570.71, the Department of Agriculture and Consumer Services
 797 shall comply with the following acquisition procedures:

798 (b) Before approval by the board of trustees of an
 799 agreement to purchase less than fee simple title to land

800 pursuant to s. 570.71, an appraisal of the parcel shall be
 801 required as follows:

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

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

817 Section 23. Section 570.843, Florida Statutes, is
 818 repealed.

819 Section 24. Upon the expiration and reversion of the
 820 amendment made to section 570.93, Florida Statutes, pursuant to
 821 section 63 of chapter 2022-157, Laws of Florida, paragraph (a)
 822 of subsection (1) of section 570.93, Florida Statutes, is
 823 amended to read:

824 570.93 Department of Agriculture and Consumer Services;

825 agricultural water conservation and agricultural water supply
 826 planning.—

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

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

836 Section 25. Present subsections (8) through (13) and (14)
 837 through (44) of section 576.011, Florida Statutes, are
 838 redesignated as subsections (9) through (14) and (16) through
 839 (46), respectively, new subsections (8) and (15) are added to
 840 that section, and present subsections (15), (19), and (36) of
 841 that section are amended, to read:

842 576.011 Definitions.—When used in this chapter, the term:

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

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

848 (a) Contains important quantities of no more than one of
 849 the primary nutrients: nitrogen (N), phosphate (P₂O₅), and potash

850 (K₂O).

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

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

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

866 (21)-(19) "Labeling" means all labels and other written,
 867 printed, or graphic matters upon an article or any of its
 868 containers or wrappers, ~~or~~ accompanying such article.

869 (38)-(36) "Slow ~~or~~ controlled release fertilizer" means a
 870 fertilizer in a form that releases, or converts to a plant-
 871 available form, plant nutrients at a slower rate relative to an
 872 appropriate reference soluble product ~~containing a plant~~
 873 ~~nutrient in a form which delays its availability for plant~~
 874 ~~uptake and use after application, or which extends its~~

875 | ~~availability to the plant significantly longer than a reference~~
 876 | ~~"rapidly available nutrient fertilizer," such as ammonium~~
 877 | ~~nitrate or urea, ammonium phosphate, or potassium chloride.~~

878 | Section 26. Subsection (14) of section 581.217, Florida
 879 | Statutes, is repealed.

880 | Section 27. Section 585.008, Florida Statutes, is
 881 | repealed.

882 | Section 28. Subsection (4) of section 586.045, Florida
 883 | Statutes, is amended to read:

884 | 586.045 Certificates of registration and inspection.—

885 | (4) The department shall provide to each person subject to
 886 | this section written notice and renewal forms at least 30 ~~60~~
 887 | days before ~~prior to~~ the annual renewal date informing the
 888 | person of the certificate of registration renewal date and the
 889 | application fee.

890 | Section 29. Subsection (16) is added to section 595.404,
 891 | Florida Statutes, to read:

892 | 595.404 School food and other nutrition programs; powers
 893 | and duties of the department.—The department has the following
 894 | powers and duties:

895 | (16) To adopt and implement an exemption, waiver, and
 896 | variance process by rule, as required by federal regulations,
 897 | for sponsors under the programs implemented pursuant to this
 898 | chapter, notwithstanding s. 120.542.

899 | Section 30. Section 597.003, Florida Statutes, is amended

900 to read:

901 597.003 Powers and duties of Department of Agriculture and
 902 Consumer Services.—

903 (1) The department is ~~hereby designated as~~ the lead agency
 904 in regulating and encouraging the development of aquaculture in
 905 this ~~the~~ state and has ~~shall have~~ and shall exercise the
 906 following functions, powers, and duties with regard to
 907 aquaculture:

908 (a) Issue or deny aquaculture certificates that identify
 909 aquaculture producers and aquaculture products, and collect all
 910 related fees. The department may revoke an aquaculture
 911 certificate of registration issued pursuant to s. 597.004 upon a
 912 finding that aquaculture is not the primary purpose of the
 913 certified entity's operation.

914 (b) Coordinate the development, annual revision, and
 915 implementation of a state aquaculture plan. The plan must ~~shall~~
 916 include prioritized recommendations for research and development
 917 as suggested by the Aquaculture Review Council and public and
 918 private institutional research, extension, and service programs.

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

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

924 (e) Forward the annually revised state aquaculture plan to

925 the commissioner and to the chairs of the House Committee on
926 Agriculture and Consumer Services and the Senate Committee on
927 Agriculture 1 month before ~~prior to~~ submission of the
928 department's legislative budget request to the Governor.

929 (f) Upon the appropriation of funds by the Legislature,
930 submit the list of research and development projects proposed to
931 be funded through the department as identified in the state
932 aquaculture plan, ~~along with the department's legislative budget~~
933 ~~request~~ to the Governor, the President of the Senate, and the
934 Speaker of the House of Representatives. ~~If funded,~~ These
935 projects must ~~shall~~ be contracted for by the Division of
936 Aquaculture and must ~~shall~~ require public-private partnerships,
937 when appropriate. The contracts must ~~shall~~ require a percentage
938 of the profit generated by the project to be deposited into the
939 General Inspection Trust Fund solely for funding aquaculture
940 projects recommended by the Aquaculture Review Council.

941 (g) Provide developmental assistance to the various
942 sectors of the aquaculture industry as determined in the state
943 aquaculture plan.

944 (h) Assist persons seeking to engage in aquaculture when
945 applying for the necessary permits and serve as ombudsman to
946 resolve complaints or otherwise resolve problems arising between
947 aquaculture producers and regulatory agencies.

948 (i) Develop and propose to the Legislature legislation
949 necessary to implement the state aquaculture plan or to

950 otherwise encourage the development of aquaculture in this ~~the~~
 951 state.

952 (j) Issue or deny any license or permit authorized or
 953 delegated to the department by the Legislature or through
 954 memorandum of understanding with other state or federal agencies
 955 that furthers the intent of the Legislature to place the
 956 regulation of aquaculture in the department.

957 (k) Make available state lands and the water column for
 958 the purpose of producing aquaculture products when the
 959 aquaculture activity is compatible with state resource
 960 management goals, environmental protection, and proprietary
 961 interest and when such state lands and waters are determined to
 962 be suitable for aquaculture development by the Board of Trustees
 963 of the Internal Improvement Trust Fund pursuant to s. 253.68;
 964 provide training as necessary to lessees; and be responsible for
 965 all saltwater aquaculture activities located on sovereignty
 966 submerged land or in the water column above such land and
 967 adjacent facilities directly related to the aquaculture
 968 activity.

969 1. The department shall act in cooperation with other
 970 state and local agencies and programs to identify and designate
 971 sovereignty lands and waters that would be suitable for
 972 aquaculture development.

973 2. The department shall identify and evaluate specific
 974 tracts of sovereignty submerged lands and water columns in

975 various areas of the state to determine where such lands and
 976 waters are suitable for leasing for aquaculture purposes.
 977 ~~Nothing in~~ This subparagraph or subparagraph 1. does not shall
 978 preclude the applicant from applying for sites identified by the
 979 applicant.

980 3. The department shall provide assistance in developing
 981 technologies applicable to aquaculture activities, evaluate
 982 practicable production alternatives, and provide agreements to
 983 develop innovative culture practices.

984 (1) Act as a clearinghouse for aquaculture applications,
 985 and act as a liaison between the Fish and Wildlife Conservation
 986 Commission, the Division of State Lands, the Department of
 987 Environmental Protection district offices, other divisions
 988 within the Department of Environmental Protection, and the water
 989 management districts. The Department of Agriculture and Consumer
 990 Services is shall be responsible for regulating marine
 991 aquaculture producers, except as specifically provided herein.

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

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

999 Section 31. Present subsections (3) through (6) of section

1000 597.004, Florida Statutes, are redesignated as subsections (4)
 1001 through (7), respectively, a new subsection (3) is added to that
 1002 section, and paragraphs (b) and (g) of subsection (2), present
 1003 subsection (3), and paragraph (a) of present subsection (5) of
 1004 that section are amended, to read:

1005 597.004 Aquaculture certificate of registration.—

1006 (2) RULES.—

1007 ~~(b) Rules adopted pursuant to this subsection shall become~~
 1008 ~~effective pursuant to the applicable provisions of chapter 120,~~
 1009 ~~but must be submitted to the President of the Senate and the~~
 1010 ~~Speaker of the House of Representatives for review by the~~
 1011 ~~Legislature. The rules shall be referred to the appropriate~~
 1012 ~~committees of substance and scheduled for review during the~~
 1013 ~~first available regular session following adoption. Except as~~
 1014 ~~otherwise provided by operation of law, such rules shall remain~~
 1015 ~~in effect until rejected or modified by act of the Legislature.~~

1016 ~~(g) Any alligator producer with an alligator farming~~
 1017 ~~license and permit to establish and operate an alligator farm~~
 1018 ~~shall be issued an aquaculture certificate of registration~~
 1019 ~~pursuant to this section. This chapter does not supersede the~~
 1020 ~~authority under chapter 379 to regulate alligator farms and~~
 1021 ~~alligator farmers.~~

1022 (3) INSPECTIONS OF AQUACULTURE PRODUCTS.—The Legislature
 1023 intends to eliminate duplication of regulatory inspections of
 1024 aquaculture products. The regulatory and permitting authority

1025 over all aquaculture products as defined in s. 597.0015 is
 1026 preempted to the department.

1027 (a) Shellfish processing facilities are licensed pursuant
 1028 to s. 597.020.

1029 (b) Facilities operated by state agencies, local
 1030 governments, educational institutions, research institutions, or
 1031 restoration organizations which maintain aquaculture products
 1032 for educational, scientific, demonstration, experimental, or
 1033 restoration activities related to aquaculture are licensed
 1034 pursuant to this section.

1035 (c) Facilities culturing crocodylians of the order
 1036 Crocodylia are dually regulated by the department and the Fish
 1037 and Wildlife Conservation Commission. Any alligator producer
 1038 issued an aquaculture certificate of registration pursuant to
 1039 this section must also maintain an alligator farming license
 1040 from the Fish and Wildlife Conservation Commission. This chapter
 1041 does not supersede the authority under chapter 379 to regulate
 1042 alligator farms and alligator farmers.

1043 (4)(3) FEES.—Effective July 1, 1997, All fees collected
 1044 pursuant to this section shall be deposited into the General
 1045 Inspection Trust Fund in the Department of Agriculture and
 1046 Consumer Services.

1047 (6)(5) SALE OF AQUACULTURE PRODUCTS.—

1048 (a) Aquaculture products, except shellfish, snook, and any
 1049 fish of the genus *Micropterus*, excluding *Micropterus salmoides*

1050 ~~floridanus,~~ and prohibited and restricted nonnative freshwater
 1051 ~~and marine~~ species identified in the Aquaculture Best Management
 1052 Practices manual ~~by rules of the Fish and Wildlife Conservation~~
 1053 ~~Commission,~~ may be sold by an aquaculture producer certified
 1054 pursuant to this section or by a dealer licensed pursuant to
 1055 part VII of chapter 379 without restriction so long as the
 1056 product origin can be identified.

1057 Section 32. Subsection (1) and paragraph (c) of subsection
 1058 (3) of section 597.005, Florida Statutes, are amended, and
 1059 paragraph (e) of subsection (3) of that section is reenacted, to
 1060 read:

1061 597.005 Aquaculture Review Council.—

1062 (1) COMPOSITION.—There is created within the department
 1063 the Aquaculture Review Council to consist of eight members ~~as~~
 1064 ~~follows: the chair of the State Agricultural Advisory Council or~~
 1065 ~~designee and seven additional members to be~~ appointed by the
 1066 commissioner, including an alligator farmer, a food fish farmer,
 1067 a shellfish farmer, a tropical fish farmer, an aquatic plant
 1068 farmer, a representative of the commercial fishing industry, and
 1069 a representative of the aquaculture industry at large. Members
 1070 shall be appointed for 4-year terms. Each member shall be
 1071 selected from no fewer than two or more than three nominees
 1072 submitted by recognized statewide organizations representing
 1073 each industry segment or the aquaculture industry at large. In
 1074 the absence of nominees, the commissioner shall appoint persons

1075 | who otherwise meet the qualifications for appointment to the
 1076 | council. Members shall serve until their successors are duly
 1077 | qualified and appointed. An appointment to fill a vacancy shall
 1078 | be for the unexpired portion of the term.

1079 | (3) RESPONSIBILITIES.—The primary responsibilities of the
 1080 | Aquaculture Review Council are to:

1081 | (c) Submit to the commissioner on an annual basis:

1082 | 1. Upon the appropriation of funds by the Legislature, a
 1083 | prioritized list of research projects to be funded by the
 1084 | department ~~included in the department's legislative budget~~
 1085 | ~~request~~. Each year, the council shall review the aquaculture
 1086 | legislative budget requests submitted to the department and rank
 1087 | them according to the state aquaculture plan.

1088 | 2. Recommendations to be forwarded to the Speaker of the
 1089 | House of Representatives and the President of the Senate on
 1090 | legislation needed to help the aquaculture industry.

1091 | 3. Recommendations on aquaculture projects, activities,
 1092 | research, and regulation and other needs to further the
 1093 | development of the aquaculture industry.

1094 | (e) Assist the department in carrying out duties
 1095 | identified in s. 597.003 by studying aquaculture issues and
 1096 | making recommendations for regulating and permitting aquaculture
 1097 | and in the development, revision, and implementation of the
 1098 | state aquaculture plan.

1099 | Section 33. Subsection (1) of section 599.002, Florida

1100 Statutes, is amended to read:

1101 599.002 Viticulture Advisory Council.—

1102 (1) There is created within the Department of Agriculture
 1103 and Consumer Services the Viticulture Advisory Council, to
 1104 consist of eight members as follows: the president of the
 1105 Florida Grape Growers' Association or a designee thereof; ~~the~~
 1106 ~~viticulture representative of the State Agricultural Advisory~~
 1107 ~~Council~~; a representative from the Institute of Food and
 1108 Agricultural Sciences; a representative from the viticultural
 1109 science program at Florida Agricultural and Mechanical
 1110 University; and five ~~four~~ additional commercial members, to be
 1111 appointed for a 2-year term each by the Commissioner of
 1112 Agriculture, including a wine producer, a fresh fruit producer,
 1113 a nonwine product (juice, jelly, pie fillings, etc.) producer,
 1114 and a viticultural nursery operator.

1115 Section 34. Paragraph (q) is added to subsection (4) of
 1116 section 934.50, Florida Statutes, to read:

1117 934.50 Searches and seizure using a drone.—

1118 (4) EXCEPTIONS.—This section does not prohibit the use of
 1119 a drone:

1120 (q) By a non-law enforcement employee of the Department of
 1121 Agriculture and Consumer Services for activities for the
 1122 purposes of managing and eradicating plant or animal diseases.

1123 Section 35. Paragraph (i) of subsection (3) of section
 1124 259.105, Florida Statutes, is amended to read:

1125 | 259.105 The Florida Forever Act.—

1126 | (3) Less the costs of issuing and the costs of funding
 1127 | reserve accounts and other costs associated with bonds, the
 1128 | proceeds of cash payments or bonds issued pursuant to this
 1129 | section shall be deposited into the Florida Forever Trust Fund
 1130 | created by s. 259.1051. The proceeds shall be distributed by the
 1131 | Department of Environmental Protection in the following manner:

1132 | (i) Three and five-tenths percent to the Department of
 1133 | Agriculture and Consumer Services for the acquisition of
 1134 | agricultural lands, through perpetual conservation easements and
 1135 | other perpetual less than fee techniques, which will achieve the
 1136 | objectives of Florida Forever and s. 570.71. Rules concerning
 1137 | the application, acquisition, and priority ranking process for
 1138 | such easements shall be developed pursuant to s. 570.71(11) ~~s.~~
 1139 | ~~570.71(10)~~ and as provided by this paragraph. The board shall
 1140 | ensure that such rules are consistent with the acquisition
 1141 | process provided for in s. 570.715. The rules developed pursuant
 1142 | to s. 570.71(11) ~~s. 570.71(10)~~, shall also provide for the
 1143 | following:

1144 | 1. An annual priority list shall be developed pursuant to
 1145 | s. 570.71(11) ~~s. 570.71(10)~~, submitted to the council for
 1146 | review, and approved by the board pursuant to s. 259.04.

1147 | 2. Terms of easements and acquisitions proposed pursuant
 1148 | to this paragraph shall be approved by the board and may not be
 1149 | delegated by the board to any other entity receiving funds under

1150 | this section.

1151 | 3. All acquisitions pursuant to this paragraph shall
 1152 | contain a clear statement that they are subject to legislative
 1153 | appropriation.

1154 |
 1155 | Funds provided under this paragraph may not be expended until
 1156 | final adoption of rules by the board pursuant to s. 570.71.

1157 | Section 36. For the purpose of incorporating the amendment
 1158 | made by this act to section 500.03, Florida Statutes, in a
 1159 | reference thereto, paragraph (a) of subsection (4) of section
 1160 | 373.016, Florida Statutes, is reenacted to read:

1161 | 373.016 Declaration of policy.—

1162 | (4) (a) Because water constitutes a public resource
 1163 | benefiting the entire state, it is the policy of the Legislature
 1164 | that the waters in the state be managed on a state and regional
 1165 | basis. Consistent with this directive, the Legislature
 1166 | recognizes the need to allocate water throughout the state so as
 1167 | to meet all reasonable-beneficial uses. However, the Legislature
 1168 | acknowledges that such allocations have in the past adversely
 1169 | affected the water resources of certain areas in this state. To
 1170 | protect such water resources and to meet the current and future
 1171 | needs of those areas with abundant water, the Legislature
 1172 | directs the department and the water management districts to
 1173 | encourage the use of water from sources nearest the area of use
 1174 | or application whenever practicable. Such sources shall include

1175 | all naturally occurring water sources and all alternative water
 1176 | sources, including, but not limited to, desalination,
 1177 | conservation, reuse of nonpotable reclaimed water and
 1178 | stormwater, and aquifer storage and recovery. Reuse of potable
 1179 | reclaimed water and stormwater shall not be subject to the
 1180 | evaluation described in s. 373.223(3)(a)-(g). However, this
 1181 | directive to encourage the use of water, whenever practicable,
 1182 | from sources nearest the area of use or application shall not
 1183 | apply to the transport and direct and indirect use of water
 1184 | within the area encompassed by the Central and Southern Florida
 1185 | Flood Control Project, nor shall it apply anywhere in the state
 1186 | to the transport and use of water supplied exclusively for
 1187 | bottled water as defined in s. 500.03(1)(d), nor shall it apply
 1188 | to the transport and use of reclaimed water for electrical power
 1189 | production by an electric utility as defined in s. 366.02(4).

1190 | Section 37. For the purpose of incorporating the amendment
 1191 | made by this act to section 500.03, Florida Statutes, in a
 1192 | reference thereto, subsection (3) of section 373.223, Florida
 1193 | Statutes, is reenacted to read:

1194 | 373.223 Conditions for a permit.—

1195 | (3) Except for the transport and use of water supplied by
 1196 | the Central and Southern Florida Flood Control Project, and
 1197 | anywhere in the state when the transport and use of water is
 1198 | supplied exclusively for bottled water as defined in s.
 1199 | 500.03(1)(d), any water use permit applications pending as of

1200 April 1, 1998, with the Northwest Florida Water Management
 1201 District and self-suppliers of water for which the proposed
 1202 water source and area of use or application are located on
 1203 contiguous private properties, when evaluating whether a
 1204 potential transport and use of ground or surface water across
 1205 county boundaries is consistent with the public interest,
 1206 pursuant to paragraph (1) (c), the governing board or department
 1207 shall consider:

1208 (a) The proximity of the proposed water source to the area
 1209 of use or application.

1210 (b) All impoundments, streams, groundwater sources, or
 1211 watercourses that are geographically closer to the area of use
 1212 or application than the proposed source, and that are
 1213 technically and economically feasible for the proposed transport
 1214 and use.

1215 (c) All economically and technically feasible alternatives
 1216 to the proposed source, including, but not limited to,
 1217 desalination, conservation, reuse of nonpotable reclaimed water
 1218 and stormwater, and aquifer storage and recovery.

1219 (d) The potential environmental impacts that may result
 1220 from the transport and use of water from the proposed source,
 1221 and the potential environmental impacts that may result from use
 1222 of the other water sources identified in paragraphs (b) and (c).

1223 (e) Whether existing and reasonably anticipated sources of
 1224 water and conservation efforts are adequate to supply water for

1225 existing legal uses and reasonably anticipated future needs of
 1226 the water supply planning region in which the proposed water
 1227 source is located.

1228 (f) Consultations with local governments affected by the
 1229 proposed transport and use.

1230 (g) The value of the existing capital investment in water-
 1231 related infrastructure made by the applicant.

1232
 1233 Where districtwide water supply assessments and regional water
 1234 supply plans have been prepared pursuant to ss. 373.036 and
 1235 373.709, the governing board or the department shall use the
 1236 applicable plans and assessments as the basis for its
 1237 consideration of the applicable factors in this subsection.

1238 Section 38. For the purpose of incorporating the amendment
 1239 made by this act to section 500.03, Florida Statutes, in a
 1240 reference thereto, paragraph (a) of subsection (2) of section
 1241 373.701, Florida Statutes, is reenacted to read:

1242 373.701 Declaration of policy.—It is declared to be the
 1243 policy of the Legislature:

1244 (2) (a) Because water constitutes a public resource
 1245 benefiting the entire state, it is the policy of the Legislature
 1246 that the waters in the state be managed on a state and regional
 1247 basis. Consistent with this directive, the Legislature
 1248 recognizes the need to allocate water throughout the state so as
 1249 to meet all reasonable-beneficial uses. However, the Legislature

1250 acknowledges that such allocations have in the past adversely
 1251 affected the water resources of certain areas in this state. To
 1252 protect such water resources and to meet the current and future
 1253 needs of those areas with abundant water, the Legislature
 1254 directs the department and the water management districts to
 1255 encourage the use of water from sources nearest the area of use
 1256 or application whenever practicable. Such sources shall include
 1257 all naturally occurring water sources and all alternative water
 1258 sources, including, but not limited to, desalination,
 1259 conservation, reuse of nonpotable reclaimed water and
 1260 stormwater, and aquifer storage and recovery. Reuse of potable
 1261 reclaimed water and stormwater shall not be subject to the
 1262 evaluation described in s. 373.223(3)(a)-(g). However, this
 1263 directive to encourage the use of water, whenever practicable,
 1264 from sources nearest the area of use or application shall not
 1265 apply to the transport and direct and indirect use of water
 1266 within the area encompassed by the Central and Southern Florida
 1267 Flood Control Project, nor shall it apply anywhere in the state
 1268 to the transport and use of water supplied exclusively for
 1269 bottled water as defined in s. 500.03(1)(d), nor shall it apply
 1270 to the transport and use of reclaimed water for electrical power
 1271 production by an electric utility as defined in s. 366.02(4).
 1272 Section 39. This act shall take effect July 1, 2023.