

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 428

INTRODUCER: Senator Simon

SUBJECT: Country of Origin for Wild and Farm-raised Fish

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Becker	Becker	AG	Pre-meeting
2.			AEG	
3.			RC	

I. Summary:

SB 428 creates the Florida Wild Fish and Seafood Certification Program. The program shall establish a quality certification program for Florida wild fish and seafood products, including wild-caught shrimp, which are taken, harvested, or landed in this state. The Department of Agriculture and Consumer Services (department) is directed to adopt rules to establish the program and program standards.

The bill also outlines requirements for the labeling of wild and farm-raised fish. It requires a food establishment selling wild or farm-raised fish that originated outside of the United States to provide whether the fish is wild or farm-raised and the country of origin for such fish or to denote that such fish is imported. It outlines requirements for how the labeling and signage is to be displayed.

The bill also updates circumstances under which a food is considered misbranded or misrepresented to reflect changes made by the bill.

The bill takes effect July 1, 2025.

II. Present Situation:

Federal Food Labeling Requirements

The U.S. Department of Agriculture's Country of Origin Labeling (COOL) requires retailers, generally including most grocery stores and supermarkets, to label food products with information regarding the source of the food.¹ Wild and farm-raised fish and shellfish, including

¹ *Country of Origin Labeling (COOL)*, U.S. Department of Agriculture Agricultural Marketing Service, available at <https://www.ams.usda.gov/rules-regulations/cool> (last visited March 11, 2025).

frozen fillets, steaks, nuggets, and any other flesh from wild or farm-raised fish or shellfish, are required to be labeled under COOL,² unless used as an ingredient in a processed food.³ The Code of Federal Regulations further details the requirements for the country of origin labeling for fish and shellfish. Generally, labeling for fish and shellfish must include country of origin and method of production (wild and/or farm-raised) information. Labeling can either be in the form of placard, sign, label, sticker, band, twist tie, pin tag, or other format.⁴ Labels may be typed, printed, or handwritten⁵ and must be placed in a location for easy reading and comprehension.⁶ Labeling requirements are not applicable to food service establishments.⁷

Seafood Labeling in Gulf States

Today, 80% of seafood consumed in the United States is imported.⁸ Gulf states, such as Louisiana⁹ and Alabama,¹⁰ recently passed laws requiring food establishments to label imported seafood in response to an increase in imported seafood. Louisiana's law followed a study conducted by researchers at the Louisiana State University Agricultural Center. The researchers detected harmful residue from banned veterinary drugs, such as antibiotics and sulfate, in imported shrimp purchased at various retail stores in 2016 and 2017.¹¹ Through legislation requiring food establishments to label their imported seafood, states such as Louisiana and Alabama aimed to enhance public health, provide transparency, and promote seafood caught locally.

Misbranding or Misrepresenting Food

In Florida a food is deemed to be misbranded:¹²

- If its labeling is false or misleading in any particular manner;
- If it is offered for sale under the name of another food;
- If it is an imitation of another food, with exception;
- If its container is so made, formed, or filled as to be misleading;
- If in package form, unless it bears a label containing certain information;¹³
- If any word, statement, or other information required by or under authority of ch. 500, F.S., does not meet certain requirements;¹⁴

² 7 CFR 60.105(a)

³ 7 CFR 60.200(c)

⁴ 7 CFR 60.200(a)

⁵ 7 CFR 60.300(b)

⁶ 7 CFR 60.300(c)

⁷ 7 CFR 60.107

⁸ Aquaculture, U.S. Department of Agriculture Economic Research Service, (January 6, 2025), available at <https://www.ers.usda.gov/topics/animal-products/aquaculture> (last visited March 11, 2025).

⁹ [RS 3:4706](#)

¹⁰ [22-20A-3](#), [22-20A-4](#)

¹¹ [Khan and Lively](#), *Determination Of Sulfite And Antimicrobial Residue In Imported Shrimp To The USA*, School of Renewable Natural Resources, Louisiana State University Agricultural Center, LA, USA, (2020), available at <https://repository.library.noaa.gov/view/noaa/37360> (last visited March 11, 2025).

¹² Section 500.11, F.S.

¹³ Section 500.11(1)(e), F.S.

¹⁴ Section 500.11(1)(f), F.S.

- If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by statute or by rule;
- If it purports to be or is represented as:
 - A food for which a standard of quality has been prescribed by rules as provided by s. 500.09, F.S., and its quality falls below such standard unless its label bears a statement that it falls below such standard; or
 - A food for which a standard or standards or fill of container have been provided by rule as provided by s. 500.09, F.S., and it falls below the standard or fill container unless its label bears a statement that it falls below such standard.
- Unless the label bears the common or usual name of the food and specific requirements if it is fabricated from two or more ingredients.¹⁵
- If it purports to be or is represented for special dietary uses, unless its label contains certain information.¹⁶
- If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact.
- If it is a fresh fruit or vegetable, package of honey, or bee pollen not labeled in accordance with the provisions of s. 504.012, F.S., or not otherwise labeled in such a manner as to indicate to an ultimate purchaser the country of origin.
- If it is offered for sale and its label or labeling does not comply with Federal requirements pertaining to nutrition or allergen information.
- If it is offered for sale and its label or labeling does not comply with federal labeling requirements pertaining to nutritional content claims and health claims.
- If it is bottled water and does not meet certain labeling requirements.¹⁷
- If it is an animal product that fails to have directly thereon or on its container the official USDA inspection legend.

An operator may not knowingly and willfully misrepresent the identity of any food or food product to any of the patrons of such establishment. The identity of a food product is misrepresented if:

- The description of the food or food product is false or misleading;
- The food or food product is served, sold, or distributed under the name of another food or food product; or
- The food or food product purports to be or is represented as a food or food product that does not conform to a definition of identity and standard of quality if such standard has been established by custom and usage.¹⁸

III. Effect of Proposed Changes:

Section 1 amends s. 500.11, F.S., to provide that a food is deemed misbranded if it is wild or farm-raised fish not labeled in accordance with s. 500.65, F.S.

¹⁵ Section 500.11(1)(i), F.S.

¹⁶ Section 500.11(1)(j), F.S.

¹⁷ Section 500.11(1)(o), F.S.

¹⁸ Section 509.292(1), F.S.

Section 2 creates s. 500.601, F.S., the Florida Wild Fish and Seafood Certification Program, which shall be established by the commissioner. The program shall establish a quality certification program for Florida wild fish and seafood products, including wild-caught shrimp, which are taken, harvested, or landed in this state. The department is directed to adopt rules to establish the program and program standards which must include, but are not limited to:

- Harvest requirements;
- Compliance standards;
- Packaging requirements; and
- Certification protocols.

The bill requires that all wild fish and seafood products intended to be certified and marketed as Florida wild fish or Florida wild seafood product must meet all criteria requirements established by the department. Any fish or seafood product sold or attempted to be sold under the program that fails to meet the requirements of the program must be immediately removed from the market and disposed of.

Any fisherman or seafood dealer who wishes to participate in the program shall apply to the department to be issued a participation permit. The permit may be suspended or revoked by the department for a violation of the requirements of the program. Any holder of a permit who harvests or markets wild fish or wild seafood products in accordance with the program may market the wild fish or wild seafood products as Florida wild fish and Florida wild seafood products.

Section 3 creates s. 500.65, F.S., which outlines requirements for the labeling of wild and farm-raised fish. The bill requires each food establishment selling wild or farm-raised fish that originated outside of the United States to provide whether the fish is wild or farm-raised and the country of origin for such fish or to denote that such fish is imported in letters no smaller than the same size, font, and shade as fish being offered is listed, by means of a label, stamp, mark, placard, or other visible sign on the package, display, holding unit, or bin containing the fish at the final point of sale or by posting a sign stating such information. The sign must be at least 8.5 inches wide by 11 inches tall and placed not less than 36 inches from the floor located in a conspicuous location where the fish is held for offer using English letters no less than one inch in size. For purposes of this section, the term “wild or farm-raised fish” includes fish and shrimp but does not include crabs, lobsters, oysters, crayfish, clams, or scallops.

Section 4 creates s. 509.1011, F.S., which provides labeling requirements for wild and farm-raised fish. The bill requires each public food establishment that sells wild or farm-raised fish that originated outside of the United States to provide the country of origin for such fish and:

- Display in its menus the country of origin of the fish and whether the fish is wild or farm-raised in letters no smaller than the same size, font, and shade as the wild or farm-raised fish being sold is listed, immediately adjacent to the menu listing;
- Affix to its menus a piece of paper with the country of origin of the fish and whether the fish is wild or farm-raised in letters no smaller than the same size, font, and shade as the wild or farm-raised fish being sold is listed; or
- Post a sign stating the country of origin for the fish and whether the fish is wild or farm-raised. The sign must be at least 8.5 inches wide and 11 inches tall and placed not less than

36 inches from the floor and be located in a conspicuous location where the fish is held for sale using English letters not less than one inch in size.

The requirements of this subsection apply to any dish served by a public food establishment that contains any wild or farm-raised fish that originated outside of the United States. For purposes of this section, the term “wild or farm-raised fish” includes fish and shrimp but does not include crabs, lobsters, oysters, crayfish, clams, or scallops.

Section 5 amends s. 509.292, F.S., to add the labeling requirements of Section 4 of the bill to circumstances under which a food or food product is considered misrepresented.

Section 6 provides that this act shall take effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill creates a new optional certification program for fishermen and seafood dealers and creates new labeling and signage requirements for restaurants that sell fresh or wild-caught fish that originates outside the United States.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services could incur costs to administer the Florida Wild Fish and Seafood Certification Program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 500.11, 509.292
This bill creates the following sections of the Florida Statutes: 500.601, 500.65, 509.1011

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.