

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

26 | contracts to give preference to certain vendors;
27 | requiring the Department of Management Services to
28 | provide an annual report to the Governor, the Cabinet,
29 | and the Legislature by a specified date; providing
30 | requirements for the report; amending s. 500.03, F.S.;
31 | revising, redefining, and deleting terms; revising
32 | construction regarding the selling of food; amending
33 | s. 500.032, F.S.; requiring the Department of
34 | Agriculture and Consumer Services to administer and
35 | enforce certain provisions relating to the storage of
36 | food; amending s. 500.12, F.S.; revising the types of
37 | entities required to obtain food permits from the
38 | department; conforming provisions to changes made by
39 | the act; requiring food permits to be annually renewed
40 | in accordance with certain provisions; requiring late
41 | fees for applications not received on or before their
42 | due date; amending s. 500.121, F.S.; conforming
43 | provisions to changes made by the act; amending s.
44 | 500.147, F.S.; requiring bottled water to be processed
45 | in conformance with department rule; amending s.
46 | 500.172, F.S.; authorizing an agent of the department
47 | to take specified actions regarding mislabeled food;
48 | reordering and amending s. 502.012, F.S.; defining,
49 | revising, and redefining terms; amending s. 502.013,
50 | F.S.; revising the purpose of certain provisions

51 regarding milk and milk products; amending s. 502.014,
52 F.S.; revising the authority of the department to
53 permit and collect samples of products for testing at
54 certain facilities; amending s. 502.042, F.S.;
55 deleting a provision requiring the department to
56 periodically conduct certain shelf-life studies and to
57 sample certain milk products; making technical
58 changes; amending s. 502.053, F.S.; revising the milk
59 facilities required to apply for a permit to operate;
60 requiring operating permits for certain frozen dessert
61 plants; deleting a requirement that frozen dessert
62 plant permitholders submit specified reports to the
63 department; conforming provisions to changes made by
64 the act; amending s. 502.181, F.S.; deleting
65 prohibitions against certain testing for milkfat
66 content and for repasteurizing milk; amending s.
67 502.231, F.S.; conforming a provision to changes made
68 by the act; repealing s. 502.301, F.S., relating to
69 the Dairy Industry Technical Council; creating s.
70 570.161, F.S.; requiring certain licensees or permit
71 holders to notify the department in writing of the
72 person's e-mail address; providing civil penalties;
73 providing that service by e-mail constitutes adequate
74 and sufficient notice; authorizing the department to
75 achieve service by other specified means under certain

76 | circumstances; repealing ss. 570.23 and 570.843, F.S.,
77 | relating to the State Agricultural Advisory Council
78 | and the Florida Young Farmer and Rancher Advisory
79 | Council, respectively; amending s. 570.93, F.S.;
80 | revising the required contents of the department's
81 | agricultural water conservation program; amending s.
82 | 576.011, F.S.; defining and redefining terms;
83 | repealing ss. 581.217(14) and 585.008, F.S., relating
84 | to the Industrial Hemp Advisory Council and the Animal
85 | Industry Technical Council, respectively; amending s.
86 | 586.045, F.S.; revising the timeframe during which the
87 | department is required to provide written notice and
88 | forms to beekeepers for annual certificate of
89 | registration renewals; amending s. 595.404, F.S.;
90 | requiring the department to adopt and implement an
91 | exemption, waiver, and variance process by rule for
92 | sponsors of certain school food and other nutrition
93 | programs; amending s. 597.003, F.S.; revising the
94 | powers and duties of the department regarding the
95 | regulation of aquaculture in this state; providing
96 | construction; amending s. 597.004, F.S.; deleting
97 | requirements for rules adopted by the department for
98 | aquaculture certificates of registration; deleting
99 | provisions authorizing certain alligator producers to
100 | be issued aquaculture certificates of registration;

101 providing legislative intent; preempting to the
 102 department the regulatory and permitting authority for
 103 all aquaculture products; providing construction;
 104 revising the types of aquaculture products that may be
 105 sold by an aquaculture producer under certain
 106 circumstances; amending s. 597.005, F.S.; revising the
 107 composition and responsibilities of the Aquaculture
 108 Review Council; amending s. 599.002, F.S.; revising
 109 the composition of the Viticulture Advisory Council;
 110 amending s. 934.50, F.S.; authorizing non-law
 111 enforcement employees of the department to use drones
 112 for specified purposes; reenacting ss. 373.016(4)(a),
 113 373.223(3), and 373.701(2)(a), F.S., relating to
 114 declarations of state water policy and conditions for
 115 a permit, respectively, to incorporate the amendment
 116 made by this act to s. 500.03, F.S., in references
 117 thereto; providing an effective date.

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

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

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

125 (1) Notwithstanding any other law, a farmer whose property

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

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

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

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

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

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

153 213.053 Confidentiality and information sharing.—

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

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

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

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

169 (2) Notwithstanding any other provision of this section,
170 and to the extent authorized by federal law, such state
171 agencies, state universities, Florida College System
172 institutions, and contracted food service providers thereof
173 shall give preference to food commodities grown or produced in
174 this state when purchasing food commodities, including farm
175 products as defined in s. 823.14, produced in this state of any

176 class, variety, or use thereof in their natural state or as
177 processed by a farm operation or processor for the purpose of
178 marketing such product.

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

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

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

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

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

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

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

218 500.03 Definitions; construction; applicability.—

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

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

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

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

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

249 ~~(r) "Food service establishment" means any place where~~
250 ~~food is prepared and intended for individual portion service,~~

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

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

272 (3) For the purpose of this chapter, the selling of food
273 includes the manufacture, production, processing, packing,
274 exposure, offer, possession, and holding of any article of food
275 for sale; the sale, dispensing, and giving of any article of

276 | food; and the supplying to or applying of food in the conduct of
 277 | any food establishment.

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

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

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

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

294 | 500.12 Food permits; building permits.—

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

298 | 1. Persons operating minor food outlets that sell food
 299 | that is commercially prepackaged, not potentially hazardous, and
 300 | not time or temperature controlled for safety, if the shelf

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301 space for those items does not exceed 12 total linear feet and
302 no other food is sold by the minor food outlet.

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

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

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

314 (b) Each food establishment ~~and retail food store~~
315 regulated under this chapter must apply for and receive a food
316 permit before operation begins. An application for a food permit
317 from the department must be accompanied by a fee in an amount
318 determined by department rule. The department shall adopt by
319 rule a schedule of fees to be paid by each food establishment
320 ~~and retail food store~~ as a condition of issuance or renewal of a
321 food permit. Such fees may not exceed \$650 and must ~~shall~~ be
322 used solely for the recovery of costs for the services provided,
323 except that the fee accompanying an application for a food
324 permit for operating a bottled water plant may not exceed \$1,000
325 and the fee accompanying an application for a food permit for

326 operating a packaged ice plant may not exceed \$250. The fee for
327 operating a bottled water plant or a packaged ice plant must
328 ~~shall~~ be set by rule of the department. Food permits are not
329 transferable from one person or physical location to another.
330 Food permits must be renewed in accordance with subparagraphs
331 1., 2., and 3. annually on or before January 1. If an
332 application for renewal of a food permit is not received by the
333 department on or before ~~within 30 days after~~ its due date, a
334 late fee not exceeding \$100 must be paid in addition to the food
335 permit fee before the department may issue the food permit. The
336 moneys collected must ~~shall~~ be deposited in the General
337 Inspection Trust Fund.

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

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

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

349 (e) The department is the exclusive regulatory and
350 permitting authority for all ~~food outlets, retail food stores,~~

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

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

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

376 is ~~shall be~~ a prerequisite for obtaining a food permit in
 377 accordance with this section.

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

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

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

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

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

401 business tax certificate may be issued or renewed.

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

404 500.121 Disciplinary procedures.—

405 (1) In addition to the suspension procedures provided in
 406 s. 500.12, if applicable, the department may impose an
 407 administrative fine in the Class II category pursuant to s.
 408 570.971 against any ~~retail food store,~~ food establishment, or
 409 cottage food operation that violates this chapter, which fine,
 410 when imposed and paid, must ~~shall~~ be deposited by the department
 411 into the General Inspection Trust Fund. The department may
 412 revoke or suspend the permit of any such ~~retail food store or~~
 413 food establishment if it is satisfied that the ~~retail food store~~
 414 ~~or~~ food establishment has:

415 (a) Violated this chapter.

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

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

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

426 | dishonest dealing.

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

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

431 | (3) For bottled water plants:

432 | (a) Bottled water must be from an approved source. Bottled
433 | water must be processed in conformance with department rule 21
434 | C.F.R. part 129 (2006), and must conform to 21 C.F.R. part 165
435 | (2006). A person operating a bottled water plant is ~~shall be~~
436 | responsible for all water sampling and analyses required by this
437 | chapter.

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

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

442 | (1) When the department, or its duly authorized agent who
443 | has received appropriate education and training regarding the
444 | legal requirements of this chapter, finds or has probable cause
445 | to believe that any food, food processing equipment, food
446 | processing area, or food storage area is in violation of this
447 | chapter or any rule adopted under this chapter so as to be
448 | dangerous, unwholesome, mislabeled, fraudulent, or insanitary
449 | within the meaning of this chapter, an agent of the department
450 | may issue and enforce a stop-sale, stop-use, removal, or hold

451 order, which order gives notice that such article, processing
 452 equipment, processing area, or storage area is or is suspected
 453 of being in violation and has been detained or embargoed and
 454 which order warns all persons not to remove, use, or dispose of
 455 such article, processing equipment, processing area, or storage
 456 area by sale or otherwise until permission for removal, use, or
 457 disposal is given by the department or the court. A person may
 458 not remove, use, or dispose of such detained or embargoed
 459 article, processing equipment, processing area, or storage area
 460 by sale or otherwise without such permission.

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

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

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

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

476 receiving station, or transfer station.

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

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

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

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

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

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

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

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

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

524 (9)~~(11)~~ "Milk" means the lacteal secretion, practically
 525 free from colostrum, obtained by the complete milking of one or

526 | more healthy cows, goats, sheep, water buffalo, or other hooved
527 | mammals.

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

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

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

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

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

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551 distribution.

552 (13)~~(17)~~ "Milk plant operator" means any person
553 responsible for receiving, processing, pasteurizing, or
554 packaging milk and milk products, or performing any other
555 related operation.

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

559 (16)~~(19)~~ "Milk tank truck" means either a bulk milk pickup
560 tanker or a milk transport tank.

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

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

576 ~~confection, processing or mixing before quiescent freezing that~~
 577 ~~develops in the finished confection mix any physical expansion~~
 578 ~~in excess of 10 percent may not be used.~~

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

594 ~~(19)~~ ~~(23)~~ "Raw milk" means unpasteurized ~~unprocessed~~ milk.

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

598 ~~(21)~~ "Reconstituted milk or milk products" or "recombined
 599 milk or milk products" means milk or milk products that result
 600 from reconstituting or recombining milk constituents with

601 potable water.

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

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

611 (24)-(26) "Transfer station" means any place, premises, or
 612 establishment where milk or milk products are transferred
 613 directly from one milk tank truck to another.

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

620 (26)-(27) "Washing station" means any place, premises, or
 621 establishment where milk tank trucks are cleaned and sanitized.

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

624 Section 12. Paragraph (d) of subsection (1) of section
 625 502.013, Florida Statutes, is amended to read:

626 502.013 Purpose; intent.—

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

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

632 Section 13. Paragraph (a) of subsection (2) of section
 633 502.014, Florida Statutes, is amended to read:

634 502.014 Powers and duties.—

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

641 Section 14. Section 502.042, Florida Statutes, is amended
 642 to read:

643 502.042 Labeling of shelf life.—To ensure consumers full
 644 disclosure of the date beyond which milk or milk products may no
 645 longer be offered for sale, all dairy processors must ~~shall~~
 646 ~~establish~~, and legibly label as prescribed by rule of the
 647 department, the maximum shelf-life period during which milk and
 648 milk products may be offered for sale. For purposes of this
 649 requirement, the term ~~to~~ "legibly label" means to label the
 650 package or container with conspicuous and easily readable

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651 boldfaced print or type in distinct contrast to the background,
652 by color. ~~The department shall periodically conduct shelf-life~~
653 ~~studies to review the keeping quality of milk and milk products~~
654 ~~and shall sample periodically the products of the dairy~~
655 ~~processors to determine if the shelf-life dating used by the~~
656 ~~processors complies with the minimum standards of quality.~~

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

661 502.053 Permits and fees; requirements; exemptions;
662 temporary permits.—

663 (1) PERMITS.—

664 (a) All facilities engaged in the production, processing,
665 holding, or transfer of milk and milk products ~~Each Grade "A"~~
666 ~~milk plant, whether located in the state or outside the state,~~
667 ~~and each manufacturing milk plant, milk producer, milk hauler,~~
668 ~~milk hauling service, washing station operator, milk plant~~
669 ~~operator, milk distributor, single-service container~~
670 ~~manufacturer, receiving station, and transfer station in this~~
671 ~~the state must shall apply to the department for a permit to~~
672 ~~operate. The application must shall be on forms developed by the~~
673 ~~department.~~

674 (b) Each frozen dessert plant, ~~whether located in the~~
675 ~~state or outside the state,~~ that manufactures frozen desserts or

676 other products defined in this chapter and offers these products
 677 for wholesale ~~for sale~~ in this state must apply to the
 678 department for a permit to operate. The application must be
 679 submitted on a form ~~forms~~ prescribed by the department. All
 680 frozen dessert permits expire on June 30 of each year.

681 (3) REQUIREMENTS.—

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

687 (4) EXEMPTIONS.—

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

690 1. Milk producers who transport milk or milk products only
 691 from their own dairy farms.

692 2. Employees of a milk distributor or milk plant operator
 693 who possesses a valid permit.

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

696 ~~(c) Frozen desserts retail establishments as defined in s.~~
 697 ~~502.012 are exempt from this chapter.~~

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

700 502.181 Prohibited acts.—It is unlawful for any person in

701 | this state to:

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

709 | ~~(4) Repasteurize milk.~~

710 | Section 17. Paragraph (b) of subsection (1) of section
 711 | 502.231, Florida Statutes, is amended to read:

712 | 502.231 Penalty and injunction.—

713 | (1) The department may enter an order imposing one or more
 714 | of the following penalties against any person who violates any
 715 | provision of this chapter:

716 | (b) Imposition of an administrative fine:

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

719 | 2. ~~Ten percent of the license fee or \$100, whichever is~~
 720 | ~~greater, for failure to report the information described in s.~~
 721 | ~~502.053(3)(d); or~~

722 | ~~3.~~ In the Class I category pursuant to s. 570.971 for each
 723 | occurrence for any other violation.

724 |
 725 | When imposing a fine under this paragraph, the department must

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726 consider the degree and extent of harm caused by the violation,
727 the cost of rectifying the damage, the benefit to the violator,
728 whether the violation was committed willfully, and the
729 violator's compliance record.

730 Section 18. Section 502.301, Florida Statutes, is
731 repealed.

732 Section 19. Section 570.161, Florida Statutes, is created
733 to read:

734 570.161 E-mail address of record.—

735 (1) In addition to any other requirement set forth in law,
736 each person licensed or permitted by the department shall notify
737 the department in writing of the person's e-mail address. The
738 failure to notify the department of a change in any e-mail
739 address provided to the department constitutes a violation of
740 this section and may be subject to the penalties provided in s.
741 570.971(3).

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

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

751 notice to the person on the department's website.

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

753 Section 21. Section 570.843, Florida Statutes, is
 754 repealed.

755 Section 22. Upon the expiration and reversion of the
 756 amendment made to section 570.93, Florida Statutes, pursuant to
 757 section 63 of chapter 2022-157, Laws of Florida, paragraph (a)
 758 of subsection (1) of section 570.93, Florida Statutes, is
 759 amended to read:

760 570.93 Department of Agriculture and Consumer Services;
 761 agricultural water conservation and agricultural water supply
 762 planning.—

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

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

772 Section 23. Present subsections (8) through (13) and (14)
 773 through (44) of section 576.011, Florida Statutes, are
 774 redesignated as subsections (9) through (14) and (16) through
 775 (46), respectively, new subsections (8) and (15) are added to

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776 that section, and present subsections (15), (19), and (36) of
777 that section are amended, to read:

778 576.011 Definitions.—When used in this chapter, the term:

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

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

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

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

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

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

801 guaranteed in fractional units ~~in that order.~~

802 ~~(21)-(19)~~ "Labeling" means all labels and other written,
 803 printed, or graphic matters upon an article or any of its
 804 containers or wrappers, ~~or~~ accompanying such article.

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

814 Section 24. Subsection (14) of section 581.217, Florida
 815 Statutes, is repealed.

816 Section 25. Section 585.008, Florida Statutes, is
 817 repealed.

818 Section 26. Subsection (4) of section 586.045, Florida
 819 Statutes, is amended to read:

820 586.045 Certificates of registration and inspection.—

821 (4) The department shall provide to each person subject to
 822 this section written notice and renewal forms at least 30 ~~60~~
 823 days before ~~prior to~~ the annual renewal date informing the
 824 person of the certificate of registration renewal date and the
 825 application fee.

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

828 595.404 School food and other nutrition programs; powers
 829 and duties of the department.—The department has the following
 830 powers and duties:

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

835 Section 28. Section 597.003, Florida Statutes, is amended
 836 to read:

837 597.003 Powers and duties of Department of Agriculture and
 838 Consumer Services.—

839 (1) The department is ~~hereby designated as~~ the lead agency
 840 in regulating and encouraging the development of aquaculture in
 841 this ~~the~~ state and has ~~shall have~~ and shall exercise the
 842 following functions, powers, and duties with regard to
 843 aquaculture:

844 (a) Issue or deny aquaculture certificates that identify
 845 aquaculture producers and aquaculture products, and collect all
 846 related fees. The department may revoke an aquaculture
 847 certificate of registration issued pursuant to s. 597.004 upon a
 848 finding that aquaculture is not the primary purpose of the
 849 certified entity's operation.

850 (b) Coordinate the development, annual revision, and

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851 implementation of a state aquaculture plan. The plan must ~~shall~~
852 include prioritized recommendations for research and development
853 as suggested by the Aquaculture Review Council and public and
854 private institutional research, extension, and service programs.

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

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

860 (e) Forward the annually revised state aquaculture plan to
861 the commissioner and to the chairs of the House Committee on
862 Agriculture and Consumer Services and the Senate Committee on
863 Agriculture 1 month before ~~prior to~~ submission of the
864 department's legislative budget request to the Governor.

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

876 projects recommended by the Aquaculture Review Council.

877 (g) Provide developmental assistance to the various
878 sectors of the aquaculture industry as determined in the state
879 aquaculture plan.

880 (h) Assist persons seeking to engage in aquaculture when
881 applying for the necessary permits and serve as ombudsman to
882 resolve complaints or otherwise resolve problems arising between
883 aquaculture producers and regulatory agencies.

884 (i) Develop and propose to the Legislature legislation
885 necessary to implement the state aquaculture plan or to
886 otherwise encourage the development of aquaculture in this ~~the~~
887 state.

888 (j) Issue or deny any license or permit authorized or
889 delegated to the department by the Legislature or through
890 memorandum of understanding with other state or federal agencies
891 that furthers the intent of the Legislature to place the
892 regulation of aquaculture in the department.

893 (k) Make available state lands and the water column for
894 the purpose of producing aquaculture products when the
895 aquaculture activity is compatible with state resource
896 management goals, environmental protection, and proprietary
897 interest and when such state lands and waters are determined to
898 be suitable for aquaculture development by the Board of Trustees
899 of the Internal Improvement Trust Fund pursuant to s. 253.68;
900 provide training as necessary to lessees; and be responsible for

901 all saltwater aquaculture activities located on sovereignty
 902 submerged land or in the water column above such land and
 903 adjacent facilities directly related to the aquaculture
 904 activity.

905 1. The department shall act in cooperation with other
 906 state and local agencies and programs to identify and designate
 907 sovereignty lands and waters that would be suitable for
 908 aquaculture development.

909 2. The department shall identify and evaluate specific
 910 tracts of sovereignty submerged lands and water columns in
 911 various areas of the state to determine where such lands and
 912 waters are suitable for leasing for aquaculture purposes.
 913 ~~Nothing in~~ This subparagraph or subparagraph 1. does not ~~shall~~
 914 preclude the applicant from applying for sites identified by the
 915 applicant.

916 3. The department shall provide assistance in developing
 917 technologies applicable to aquaculture activities, evaluate
 918 practicable production alternatives, and provide agreements to
 919 develop innovative culture practices.

920 (1) Act as a clearinghouse for aquaculture applications,
 921 and act as a liaison between the Fish and Wildlife Conservation
 922 Commission, the Division of State Lands, the Department of
 923 Environmental Protection district offices, other divisions
 924 within the Department of Environmental Protection, and the water
 925 management districts. The Department of Agriculture and Consumer

926 Services is ~~shall be~~ responsible for regulating marine
 927 aquaculture producers, except as specifically provided herein.

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

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

935 Section 29. Present subsections (3) through (6) of section
 936 597.004, Florida Statutes, are redesignated as subsections (4)
 937 through (7), respectively, a new subsection (3) is added to that
 938 section, and paragraphs (b) and (g) of subsection (2), present
 939 subsection (3), and paragraph (a) of present subsection (5) of
 940 that section are amended, to read:

941 597.004 Aquaculture certificate of registration.—

942 (2) RULES.—

943 ~~(b) Rules adopted pursuant to this subsection shall become~~
 944 ~~effective pursuant to the applicable provisions of chapter 120,~~
 945 ~~but must be submitted to the President of the Senate and the~~
 946 ~~Speaker of the House of Representatives for review by the~~
 947 ~~Legislature. The rules shall be referred to the appropriate~~
 948 ~~committees of substance and scheduled for review during the~~
 949 ~~first available regular session following adoption. Except as~~
 950 ~~otherwise provided by operation of law, such rules shall remain~~

951 ~~in effect until rejected or modified by act of the Legislature.~~

952 ~~(g) Any alligator producer with an alligator farming~~
953 ~~license and permit to establish and operate an alligator farm~~
954 ~~shall be issued an aquaculture certificate of registration~~
955 ~~pursuant to this section. This chapter does not supersede the~~
956 ~~authority under chapter 379 to regulate alligator farms and~~
957 ~~alligator farmers.~~

958 (3) INSPECTIONS OF AQUACULTURE PRODUCTS.—The Legislature
959 intends to eliminate duplication of regulatory inspections of
960 aquaculture products. The regulatory and permitting authority
961 over all aquaculture products as defined in s. 597.0015 is
962 preempted to the department.

963 (a) Shellfish processing facilities are licensed pursuant
964 to s. 597.020.

965 (b) Facilities operated by state agencies, local
966 governments, educational institutions, research institutions, or
967 restoration organizations which maintain aquaculture products
968 for educational, scientific, demonstration, experimental, or
969 restoration activities related to aquaculture are licensed
970 pursuant to this section.

971 (c) Facilities culturing crocodylians of the order
972 Crocodylia are dually regulated by the department and the Fish
973 and Wildlife Conservation Commission. Any alligator producer
974 issued an aquaculture certificate of registration pursuant to
975 this section must also maintain an alligator farming license

976 from the Fish and Wildlife Conservation Commission. This chapter
 977 does not supersede the authority under chapter 379 to regulate
 978 alligator farms and alligator farmers.

979 (4)(3) FEES.—Effective July 1, 1997, All fees collected
 980 pursuant to this section shall be deposited into the General
 981 Inspection Trust Fund in the Department of Agriculture and
 982 Consumer Services.

983 (6)(5) SALE OF AQUACULTURE PRODUCTS.—

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

993 Section 30. Subsection (1) and paragraph (c) of subsection
 994 (3) of section 597.005, Florida Statutes, are amended, and
 995 paragraph (e) of subsection (3) of that section is reenacted, to
 996 read:

997 597.005 Aquaculture Review Council.—

998 (1) COMPOSITION.—There is created within the department
 999 the Aquaculture Review Council to consist of eight members ~~as~~
 1000 ~~follows: the chair of the State Agricultural Advisory Council or~~

1001 ~~designee and seven additional members to be~~ appointed by the
 1002 commissioner, including an alligator farmer, a food fish farmer,
 1003 a shellfish farmer, a tropical fish farmer, an aquatic plant
 1004 farmer, a representative of the commercial fishing industry, and
 1005 a representative of the aquaculture industry at large. Members
 1006 shall be appointed for 4-year terms. Each member shall be
 1007 selected from no fewer than two or more than three nominees
 1008 submitted by recognized statewide organizations representing
 1009 each industry segment or the aquaculture industry at large. In
 1010 the absence of nominees, the commissioner shall appoint persons
 1011 who otherwise meet the qualifications for appointment to the
 1012 council. Members shall serve until their successors are duly
 1013 qualified and appointed. An appointment to fill a vacancy shall
 1014 be for the unexpired portion of the term.

1015 (3) RESPONSIBILITIES.—The primary responsibilities of the
 1016 Aquaculture Review Council are to:

1017 (c) Submit to the commissioner on an annual basis:

1018 1. Upon the appropriation of funds by the Legislature, a
 1019 prioritized list of research projects to be funded by the
 1020 department ~~included in the department's legislative budget~~
 1021 ~~request~~. Each year, the council shall review the aquaculture
 1022 legislative budget requests submitted to the department and rank
 1023 them according to the state aquaculture plan.

1024 2. Recommendations to be forwarded to the Speaker of the
 1025 House of Representatives and the President of the Senate on

1026 | legislation needed to help the aquaculture industry.

1027 | 3. Recommendations on aquaculture projects, activities,
1028 | research, and regulation and other needs to further the
1029 | development of the aquaculture industry.

1030 | (e) Assist the department in carrying out duties
1031 | identified in s. 597.003 by studying aquaculture issues and
1032 | making recommendations for regulating and permitting aquaculture
1033 | and in the development, revision, and implementation of the
1034 | state aquaculture plan.

1035 | Section 31. Subsection (1) of section 599.002, Florida
1036 | Statutes, is amended to read:

1037 | 599.002 Viticulture Advisory Council.—

1038 | (1) There is created within the Department of Agriculture
1039 | and Consumer Services the Viticulture Advisory Council, to
1040 | consist of eight members as follows: the president of the
1041 | Florida Grape Growers' Association or a designee thereof; ~~the~~
1042 | ~~viticulture representative of the State Agricultural Advisory~~
1043 | ~~Council~~; a representative from the Institute of Food and
1044 | Agricultural Sciences; a representative from the viticultural
1045 | science program at Florida Agricultural and Mechanical
1046 | University; and five ~~four~~ additional commercial members, to be
1047 | appointed for a 2-year term each by the Commissioner of
1048 | Agriculture, including a wine producer, a fresh fruit producer,
1049 | a nonwine product (juice, jelly, pie fillings, etc.) producer,
1050 | and a viticultural nursery operator.

1051 Section 32. Paragraph (q) is added to subsection (4) of
 1052 section 934.50, Florida Statutes, to read:

1053 934.50 Searches and seizure using a drone.—

1054 (4) EXCEPTIONS.—This section does not prohibit the use of
 1055 a drone:

1056 (q) By a non-law enforcement employee of the Department of
 1057 Agriculture and Consumer Services for activities for the
 1058 purposes of managing and eradicating plant or animal diseases.

1059 Section 33. For the purpose of incorporating the amendment
 1060 made by this act to section 500.03, Florida Statutes, in a
 1061 reference thereto, paragraph (a) of subsection (4) of section
 1062 373.016, Florida Statutes, is reenacted to read:

1063 373.016 Declaration of policy.—

1064 (4) (a) Because water constitutes a public resource
 1065 benefiting the entire state, it is the policy of the Legislature
 1066 that the waters in the state be managed on a state and regional
 1067 basis. Consistent with this directive, the Legislature
 1068 recognizes the need to allocate water throughout the state so as
 1069 to meet all reasonable-beneficial uses. However, the Legislature
 1070 acknowledges that such allocations have in the past adversely
 1071 affected the water resources of certain areas in this state. To
 1072 protect such water resources and to meet the current and future
 1073 needs of those areas with abundant water, the Legislature
 1074 directs the department and the water management districts to
 1075 encourage the use of water from sources nearest the area of use

1076 or application whenever practicable. Such sources shall include
 1077 all naturally occurring water sources and all alternative water
 1078 sources, including, but not limited to, desalination,
 1079 conservation, reuse of nonpotable reclaimed water and
 1080 stormwater, and aquifer storage and recovery. Reuse of potable
 1081 reclaimed water and stormwater shall not be subject to the
 1082 evaluation described in s. 373.223(3)(a)-(g). However, this
 1083 directive to encourage the use of water, whenever practicable,
 1084 from sources nearest the area of use or application shall not
 1085 apply to the transport and direct and indirect use of water
 1086 within the area encompassed by the Central and Southern Florida
 1087 Flood Control Project, nor shall it apply anywhere in the state
 1088 to the transport and use of water supplied exclusively for
 1089 bottled water as defined in s. 500.03(1)(d), nor shall it apply
 1090 to the transport and use of reclaimed water for electrical power
 1091 production by an electric utility as defined in s. 366.02(4).

1092 Section 34. For the purpose of incorporating the amendment
 1093 made by this act to section 500.03, Florida Statutes, in a
 1094 reference thereto, subsection (3) of section 373.223, Florida
 1095 Statutes, is reenacted to read:

1096 373.223 Conditions for a permit.—

1097 (3) Except for the transport and use of water supplied by
 1098 the Central and Southern Florida Flood Control Project, and
 1099 anywhere in the state when the transport and use of water is
 1100 supplied exclusively for bottled water as defined in s.

1101 500.03(1) (d), any water use permit applications pending as of
1102 April 1, 1998, with the Northwest Florida Water Management
1103 District and self-suppliers of water for which the proposed
1104 water source and area of use or application are located on
1105 contiguous private properties, when evaluating whether a
1106 potential transport and use of ground or surface water across
1107 county boundaries is consistent with the public interest,
1108 pursuant to paragraph (1) (c), the governing board or department
1109 shall consider:

1110 (a) The proximity of the proposed water source to the area
1111 of use or application.

1112 (b) All impoundments, streams, groundwater sources, or
1113 watercourses that are geographically closer to the area of use
1114 or application than the proposed source, and that are
1115 technically and economically feasible for the proposed transport
1116 and use.

1117 (c) All economically and technically feasible alternatives
1118 to the proposed source, including, but not limited to,
1119 desalination, conservation, reuse of nonpotable reclaimed water
1120 and stormwater, and aquifer storage and recovery.

1121 (d) The potential environmental impacts that may result
1122 from the transport and use of water from the proposed source,
1123 and the potential environmental impacts that may result from use
1124 of the other water sources identified in paragraphs (b) and (c).

1125 (e) Whether existing and reasonably anticipated sources of

1126 | water and conservation efforts are adequate to supply water for
 1127 | existing legal uses and reasonably anticipated future needs of
 1128 | the water supply planning region in which the proposed water
 1129 | source is located.

1130 | (f) Consultations with local governments affected by the
 1131 | proposed transport and use.

1132 | (g) The value of the existing capital investment in water-
 1133 | related infrastructure made by the applicant.

1134 |
 1135 | Where districtwide water supply assessments and regional water
 1136 | supply plans have been prepared pursuant to ss. 373.036 and
 1137 | 373.709, the governing board or the department shall use the
 1138 | applicable plans and assessments as the basis for its
 1139 | consideration of the applicable factors in this subsection.

1140 | Section 35. For the purpose of incorporating the amendment
 1141 | made by this act to section 500.03, Florida Statutes, in a
 1142 | reference thereto, paragraph (a) of subsection (2) of section
 1143 | 373.701, Florida Statutes, is reenacted to read:

1144 | 373.701 Declaration of policy.—It is declared to be the
 1145 | policy of the Legislature:

1146 | (2) (a) Because water constitutes a public resource
 1147 | benefiting the entire state, it is the policy of the Legislature
 1148 | that the waters in the state be managed on a state and regional
 1149 | basis. Consistent with this directive, the Legislature
 1150 | recognizes the need to allocate water throughout the state so as

1151 to meet all reasonable-beneficial uses. However, the Legislature
1152 acknowledges that such allocations have in the past adversely
1153 affected the water resources of certain areas in this state. To
1154 protect such water resources and to meet the current and future
1155 needs of those areas with abundant water, the Legislature
1156 directs the department and the water management districts to
1157 encourage the use of water from sources nearest the area of use
1158 or application whenever practicable. Such sources shall include
1159 all naturally occurring water sources and all alternative water
1160 sources, including, but not limited to, desalination,
1161 conservation, reuse of nonpotable reclaimed water and
1162 stormwater, and aquifer storage and recovery. Reuse of potable
1163 reclaimed water and stormwater shall not be subject to the
1164 evaluation described in s. 373.223(3)(a)-(g). However, this
1165 directive to encourage the use of water, whenever practicable,
1166 from sources nearest the area of use or application shall not
1167 apply to the transport and direct and indirect use of water
1168 within the area encompassed by the Central and Southern Florida
1169 Flood Control Project, nor shall it apply anywhere in the state
1170 to the transport and use of water supplied exclusively for
1171 bottled water as defined in s. 500.03(1)(d), nor shall it apply
1172 to the transport and use of reclaimed water for electrical power
1173 production by an electric utility as defined in s. 366.02(4).

1174 Section 36. This act shall take effect July 1, 2023.