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1
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; amending s. 212.08, F.S.;
 4 authorizing farmers whose property meets certain
 5 requirements to apply to the Department of Revenue for
 6 a Florida farm tax exempt agricultural materials
 7 (TEAM) card; providing the purpose of the Florida farm
 8 TEAM card; providing that the Florida farm TEAM card
 9 is subject to certain review and expiration
 10 provisions; requiring the Department of Revenue to
 11 adopt rules; authorizing the Department of Agriculture
 12 and Consumer Services to take certain administrative
 13 actions regarding the Florida farm TEAM card;
 14 relieving selling dealers of the responsibility of
 15 collecting sales tax on purchases by Florida farm TEAM
 16 cardholders; requiring the Department of Revenue to
 17 accept Florida farm TEAM card applications beginning
 18 on a specified date; authorizing the Department of
 19 Revenue to adopt emergency rules; providing for the
 20 expiration of such authority; amending s. 213.053,
 21 F.S.; authorizing the Department of Revenue to make
 22 certain information available to the Department of
 23 Agriculture and Consumer Services for the purpose of
 24 administering the Florida farm TEAM card; creating s.
 25 287.0823, F.S.; requiring by a specified date all food

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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 competitive solicitations for such food commodities to
 31 give preference to certain vendors; requiring the
 32 Department of Management Services to provide a
 33 biennial report to the Governor, the Cabinet, and the
 34 Legislature by a specified date; requiring the
 35 department to adopt by rule a specified form;
 36 requiring certain state entities to submit the form to
 37 the department biennially by a specified date;
 38 providing requirements for the report; amending s.
 39 500.03, F.S.; revising, redefining, and deleting
 40 terms; revising construction regarding the selling of
 41 food; amending s. 500.032, F.S.; requiring the
 42 Department of Agriculture and Consumer Services to
 43 administer and enforce certain provisions relating to
 44 the storage of food; amending s. 500.12, F.S.;

45 revising the types of entities required to obtain food
 46 permits from the department; conforming provisions to
 47 changes made by the act; requiring food permits to be
 48 annually renewed in accordance with certain
 49 provisions; authorizing the department to charge a
 50 prorated fee for certain purposes; requiring late fees

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51 for applications not received on or before their due
52 date; amending s. 500.121, F.S.; conforming provisions
53 to changes made by the act; amending s. 500.147, F.S.;
54 requiring bottled water to be processed in conformance
55 with department rule; amending s. 500.172, F.S.;
56 authorizing an agent of the department to take
57 specified actions regarding mislabeled food;
58 reordering and amending s. 502.012, F.S.; defining,
59 revising, and redefining terms; amending s. 502.013,
60 F.S.; revising the purpose of certain provisions
61 regarding milk and milk products; amending s. 502.014,
62 F.S.; revising the authority of the department to
63 permit and collect samples of products for testing at
64 certain facilities; amending s. 502.042, F.S.;
65 deleting a provision requiring the department to
66 periodically conduct certain shelf-life studies and to
67 sample certain milk products; making technical
68 changes; amending s. 502.053, F.S.; revising the milk
69 facilities required to apply for a permit to operate;
70 requiring operating permits for certain frozen dessert
71 plants; deleting a requirement that frozen dessert
72 plant permit holders submit specified reports to the
73 department; conforming provisions to changes made by
74 the act; amending s. 502.181, F.S.; deleting
75 prohibitions against certain testing for milkfat

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76 content and for repasteurizing milk; amending s.
 77 502.231, F.S.; conforming a provision to changes made
 78 by the act; repealing s. 502.301, F.S., relating to
 79 the Dairy Industry Technical Council; creating s.
 80 570.161, F.S.; requiring certain licensees or permit
 81 holders to notify the department in writing of the
 82 person's e-mail address; providing civil penalties;
 83 providing that service by e-mail constitutes adequate
 84 and sufficient notice; authorizing the department to
 85 achieve service by other specified means under certain
 86 circumstances; repealing s. 570.23, F.S., relating to
 87 the State Agricultural Advisory Council; amending s.
 88 570.71, F.S.; requiring the department to submit
 89 specified conservation easement purchase agreements to
 90 the Board of Trustees of the Internal Improvement
 91 Trust Fund for approval; amending s. 570.715, F.S.;
 92 increasing the estimated value threshold for the
 93 appraisal of specified conservation easement
 94 acquisitions; repealing s. 570.843, F.S., relating to
 95 the Florida Young Farmer and Rancher Advisory Council;
 96 amending s. 570.93, F.S.; revising the required
 97 contents of the department's agricultural water
 98 conservation program; amending s. 576.011, F.S.;
 99 defining and redefining terms; repealing ss.
 100 581.217(14) and 585.008, F.S., relating to the

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101 Industrial Hemp Advisory Council and the Animal
102 Industry Technical Council, respectively; amending s.
103 586.045, F.S.; revising the timeframe during which the
104 department is required to provide written notice and
105 forms to beekeepers for annual certificate of
106 registration renewals; amending s. 595.404, F.S.;
107 requiring the department to adopt and implement an
108 exemption, waiver, and variance process by rule for
109 sponsors of certain school food and other nutrition
110 programs; amending s. 597.003, F.S.; revising the
111 powers and duties of the department regarding the
112 regulation of aquaculture in this state; providing
113 construction; amending s. 597.004, F.S.; deleting
114 requirements for rules adopted by the department for
115 aquaculture certificates of registration; deleting
116 provisions authorizing certain alligator producers to
117 be issued aquaculture certificates of registration;
118 providing legislative intent; preempting to the
119 department the regulatory and permitting authority for
120 all aquaculture products; providing construction;
121 revising the types of aquaculture products that may be
122 sold by an aquaculture producer under certain
123 circumstances; amending s. 597.005, F.S.; revising the
124 composition and responsibilities of the Aquaculture
125 Review Council; amending s. 599.002, F.S.; revising

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126 the composition of the Viticulture Advisory Council;
 127 amending s. 934.50, F.S.; authorizing non-law
 128 enforcement employees of the department to use drones
 129 for specified purposes; amending s. 259.105, F.S.;
 130 conforming cross-references; reenacting ss.
 131 373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S.,
 132 relating to declarations of state water policy and
 133 conditions for a permit, respectively, to incorporate
 134 the amendment made by this act to s. 500.03, F.S., in
 135 references thereto; providing an effective date.

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

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

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

147 (19) FLORIDA FARM TEAM CARD.—

148 (a) Notwithstanding any other law, a farmer whose property
 149 has been classified as agricultural pursuant to s. 193.461 or
 150 who has implemented agricultural best management practices

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151 adopted by the Department of Agriculture and Consumer Services
 152 pursuant to s. 403.067(7)(c)2. may apply to the department for a
 153 Florida farm tax exempt agricultural materials (TEAM) card to
 154 claim the applicable sales tax exemptions provided in this
 155 section. A farmer may present the Florida farm TEAM card to a
 156 selling dealer in lieu of a certificate or affidavit otherwise
 157 required by this chapter.

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

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

172 (d) The department shall accept Florida farm TEAM card
 173 applications beginning on January 1, 2024.

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

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

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

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

185 213.053 Confidentiality and information sharing.—

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

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

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

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

200 (2) Notwithstanding any other provision of this section,

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

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

217 (4) By November 1, 2024, and each November 1 biennially
 218 thereafter, the department shall prepare and submit a report to
 219 the Governor, the Cabinet, the President of the Senate, and the
 220 Speaker of the House of Representatives which describes the
 221 amount of food commodities grown or produced in this state which
 222 were purchased according to the requirements of this section. In
 223 order to compile such report, the department shall adopt by rule
 224 a form to be submitted to the department by each state agency,
 225 state university, and Florida College System institution, or

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226 contracted food service provider thereof that purchases food
 227 commodities. Such state entities shall submit the form to the
 228 department by August 1, 2024, and each August 1 biennially
 229 thereafter. The report must contain, at a minimum, all of the
 230 following information:

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

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

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

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

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

248 500.03 Definitions; construction; applicability.—

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

250 (d) "Bottled water" means water intended for human

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251 consumption and sealed in a bottle or other container with no
 252 added ingredients, except that it may contain safe and suitable
 253 antimicrobial agents ~~a beverage, as described in 21 C.F.R. part~~
 254 ~~165 (2006), that is processed in compliance with 21 C.F.R. part~~
 255 ~~129 (2006).~~

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

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

273 ~~(q) "Food outlet" means any grocery store; convenience~~
 274 ~~store; minor food outlet; meat, poultry, or fish and related~~
 275 ~~aquatic food market; fruit or vegetable market; food warehouse;~~

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276 ~~refrigerated storage facility; freezer locker; salvage food~~
277 ~~facility; or any other similar place storing or offering food~~
278 ~~for sale.~~

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

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

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301 ~~food and beverage vending machines.~~

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

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

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

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

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

324 500.12 Food permits; building permits.—

325 (1)(a) A food permit from the department is required of

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326 any person who operates a food establishment ~~or retail food~~
 327 ~~store~~, except:

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

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

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

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

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

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

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

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

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376 charge a prorated permit fee for purposes of this subparagraph.

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

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

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

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401 information as provided in this subsection.

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

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

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

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

425 (a) Food establishments ~~or retail food stores~~ that have

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426 ancillary food service activities shall be permitted and
 427 inspected by the department.

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

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

435 500.121 Disciplinary procedures.—

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

446 (a) Violated this chapter.

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

450 (c) Knowingly committed, or been a party to, any material

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451 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
 452 or device whereby another person, lawfully relying upon the
 453 word, representation, or conduct of a ~~retail food store or~~ food
 454 establishment, acts to her or his injury or damage.

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

458 Section 9. Paragraph (a) of subsection (3) of section
 459 500.147, Florida Statutes, is amended to read:

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

462 (3) For bottled water plants:

463 (a) Bottled water must be from an approved source. Bottled
 464 water must be processed in conformance with department rule 21
 465 C.F.R. part 129 (2006), and must conform to ~~21 C.F.R. part 165~~
 466 ~~(2006)~~. A person operating a bottled water plant is ~~shall be~~
 467 responsible for all water sampling and analyses required by this
 468 chapter.

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

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

473 (1) When the department, or its duly authorized agent who
 474 has received appropriate education and training regarding the
 475 legal requirements of this chapter, finds or has probable cause

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476 to believe that any food, food processing equipment, food
 477 processing area, or food storage area is in violation of this
 478 chapter or any rule adopted under this chapter so as to be
 479 dangerous, unwholesome, mislabeled, fraudulent, or insanitary
 480 within the meaning of this chapter, an agent of the department
 481 may issue and enforce a stop-sale, stop-use, removal, or hold
 482 order, which order gives notice that such article, processing
 483 equipment, processing area, or storage area is or is suspected
 484 of being in violation and has been detained or embargoed and
 485 which order warns all persons not to remove, use, or dispose of
 486 such article, processing equipment, processing area, or storage
 487 area by sale or otherwise until permission for removal, use, or
 488 disposal is given by the department or the court. A person may
 489 not remove, use, or dispose of such detained or embargoed
 490 article, processing equipment, processing area, or storage area
 491 by sale or otherwise without such permission.

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

494 502.012 Definitions.—As used in this chapter, the term:

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

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

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

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

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

524 ~~(5) "Frozen desserts manufacturer" means a person who~~
 525 ~~manufactures, processes, converts, partially freezes, or freezes~~

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526 ~~any mix or frozen dessert for distribution or sale.~~

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

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

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

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

548 ~~(8)-(10)~~ "Imitation milk and imitation milk products" means
 549 those foods that have the physical characteristics, such as
 550 taste, flavor, body, texture, or appearance, of milk or milk

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551 products as defined in this chapter and the Grade "A"
 552 pasteurized milk ordinance but do not come within the definition
 553 of "milk" or "milk products" and are nutritionally inferior to
 554 the product imitated.

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

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

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

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

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

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576 station, or transfer station.

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

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

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

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

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

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

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

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

625 ~~(19)-(23)~~ "Raw milk" means unpasteurized unprocessed milk.

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626 (20)~~(24)~~ "Receiving station" means any place, premises, or
 627 establishment where raw milk is received, collected, handled,
 628 stored, or cooled and ~~is~~ prepared for further transporting.

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

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

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

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

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

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651 ~~(26)-(27)~~ "Washing station" means any place, premises, or
 652 establishment where milk tank trucks are cleaned and sanitized.

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

655 Section 12. Paragraph (d) of subsection (1) of section
 656 502.013, Florida Statutes, is amended to read:

657 502.013 Purpose; intent.—

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

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

663 Section 13. Paragraph (a) of subsection (2) of section
 664 502.014, Florida Statutes, is amended to read:

665 502.014 Powers and duties.—

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

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

674 502.042 Labeling of shelf life.—To ensure consumers full
 675 disclosure of the date beyond which milk or milk products may no

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

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

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

694 (1) PERMITS.—

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

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701 ~~manufacturer, receiving station, and transfer station in this~~
 702 ~~the state~~ must ~~shall~~ apply to the department for a permit to
 703 operate. The application must ~~shall~~ be on forms developed by the
 704 department.

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

712 (3) REQUIREMENTS.—

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

718 (4) EXEMPTIONS.—

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

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

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

725 3. Drivers of bulk milk tank trucks between locations who

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726 do not collect milk from farms.

727 ~~(c) Frozen desserts retail establishments as defined in s.~~
 728 ~~502.012 are exempt from this chapter.~~

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

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

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

740 ~~(4) Repasteurize milk.~~

741 Section 17. Paragraph (b) of subsection (1) of section
 742 502.231, Florida Statutes, is amended to read:

743 502.231 Penalty and injunction.—

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

747 (b) Imposition of an administrative fine:

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

750 2. ~~Ten percent of the license fee or \$100, whichever is~~

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751 ~~greater, for failure to report the information described in s.~~
 752 ~~502.053(3)(d); or~~

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

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

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

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

765 570.161 E-mail address of record.—

766 (1) In addition to any other requirement set forth in law,
 767 each person licensed or permitted by the department shall notify
 768 the department in writing of the person's e-mail address. The
 769 failure to notify the department of a change in any e-mail
 770 address provided to the department constitutes a violation of
 771 this section and may be subject to the penalties provided in s.
 772 570.971(3).

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

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776 other service is required pursuant to s. 120.60.

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

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

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

788 570.71 Conservation easements and agreements.—

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

793 Section 22. Paragraph (b) of subsection (1) of section
 794 570.715, Florida Statutes, is amended to read:

795 570.715 Conservation easement acquisition procedures.—

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

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

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

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

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

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

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

825 570.93 Department of Agriculture and Consumer Services;

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

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

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

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

843 576.011 Definitions.—When used in this chapter, the term:

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

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

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

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851 (K₂O).

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

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

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

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

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

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

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

881 Section 27. Section 585.008, Florida Statutes, is
 882 repealed.

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

885 586.045 Certificates of registration and inspection.—

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

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

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

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

900 Section 30. Section 597.003, Florida Statutes, is amended

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901 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1000 Section 31. Present subsections (3) through (6) of section

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1001 597.004, Florida Statutes, are redesignated as subsections (4)
 1002 through (7), respectively, a new subsection (3) is added to that
 1003 section, and paragraphs (b) and (g) of subsection (2), present
 1004 subsection (3), and paragraph (a) of present subsection (5) of
 1005 that section are amended, to read:

1006 597.004 Aquaculture certificate of registration.—

1007 (2) RULES.—

1008 ~~(b) Rules adopted pursuant to this subsection shall become~~
 1009 ~~effective pursuant to the applicable provisions of chapter 120,~~
 1010 ~~but must be submitted to the President of the Senate and the~~
 1011 ~~Speaker of the House of Representatives for review by the~~
 1012 ~~Legislature. The rules shall be referred to the appropriate~~
 1013 ~~committees of substance and scheduled for review during the~~
 1014 ~~first available regular session following adoption. Except as~~
 1015 ~~otherwise provided by operation of law, such rules shall remain~~
 1016 ~~in effect until rejected or modified by act of the Legislature.~~

1017 ~~(g) Any alligator producer with an alligator farming~~
 1018 ~~license and permit to establish and operate an alligator farm~~
 1019 ~~shall be issued an aquaculture certificate of registration~~
 1020 ~~pursuant to this section. This chapter does not supersede the~~
 1021 ~~authority under chapter 379 to regulate alligator farms and~~
 1022 ~~alligator farmers.~~

1023 (3) INSPECTIONS OF AQUACULTURE PRODUCTS.—The Legislature
 1024 intends to eliminate duplication of regulatory inspections of
 1025 aquaculture products. The regulatory and permitting authority

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1026 over all aquaculture products as defined in s. 597.0015 is
 1027 preempted to the department.

1028 (a) Shellfish processing facilities are licensed pursuant
 1029 to s. 597.020.

1030 (b) Facilities operated by state agencies, local
 1031 governments, educational institutions, research institutions, or
 1032 restoration organizations which maintain aquaculture products
 1033 for educational, scientific, demonstration, experimental, or
 1034 restoration activities related to aquaculture are licensed
 1035 pursuant to this section.

1036 (c) Facilities culturing crocodylians of the order
 1037 Crocodylia are dually regulated by the department and the Fish
 1038 and Wildlife Conservation Commission. Any alligator producer
 1039 issued an aquaculture certificate of registration pursuant to
 1040 this section must also maintain an alligator farming license
 1041 from the Fish and Wildlife Conservation Commission. This chapter
 1042 does not supersede the authority under chapter 379 to regulate
 1043 alligator farms and alligator farmers.

1044 (4)(3) FEES.—Effective July 1, 1997, All fees collected
 1045 pursuant to this section shall be deposited into the General
 1046 Inspection Trust Fund in the Department of Agriculture and
 1047 Consumer Services.

1048 (6)(5) SALE OF AQUACULTURE PRODUCTS.—

1049 (a) Aquaculture products, except shellfish, snook, and any
 1050 fish of the genus *Micropterus*, excluding *Micropterus salmoides*

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1051 ~~floridanus,~~ and prohibited and restricted nonnative freshwater
 1052 ~~and marine~~ species identified in the Aquaculture Best Management
 1053 Practices manual ~~by rules of the Fish and Wildlife Conservation~~
 1054 ~~Commission,~~ may be sold by an aquaculture producer certified
 1055 pursuant to this section or by a dealer licensed pursuant to
 1056 part VII of chapter 379 without restriction so long as the
 1057 product origin can be identified.

1058 Section 32. Subsection (1) and paragraph (c) of subsection
 1059 (3) of section 597.005, Florida Statutes, are amended, and
 1060 paragraph (e) of subsection (3) of that section is reenacted, to
 1061 read:

1062 597.005 Aquaculture Review Council.—

1063 (1) COMPOSITION.—There is created within the department
 1064 the Aquaculture Review Council to consist of eight members ~~as~~
 1065 ~~follows: the chair of the State Agricultural Advisory Council or~~
 1066 ~~designee and seven additional members to be~~ appointed by the
 1067 commissioner, including an alligator farmer, a food fish farmer,
 1068 a shellfish farmer, a tropical fish farmer, an aquatic plant
 1069 farmer, a representative of the commercial fishing industry, and
 1070 a representative of the aquaculture industry at large. Members
 1071 shall be appointed for 4-year terms. Each member shall be
 1072 selected from no fewer than two or more than three nominees
 1073 submitted by recognized statewide organizations representing
 1074 each industry segment or the aquaculture industry at large. In
 1075 the absence of nominees, the commissioner shall appoint persons

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1076 | who otherwise meet the qualifications for appointment to the
 1077 | council. Members shall serve until their successors are duly
 1078 | qualified and appointed. An appointment to fill a vacancy shall
 1079 | be for the unexpired portion of the term.

1080 | (3) RESPONSIBILITIES.—The primary responsibilities of the
 1081 | Aquaculture Review Council are to:

1082 | (c) Submit to the commissioner on an annual basis:

1083 | 1. Upon the appropriation of funds by the Legislature, a
 1084 | prioritized list of research projects to be funded by the
 1085 | department ~~included in the department's legislative budget~~
 1086 | ~~request~~. Each year, the council shall review the aquaculture
 1087 | legislative budget requests submitted to the department and rank
 1088 | them according to the state aquaculture plan.

1089 | 2. Recommendations to be forwarded to the Speaker of the
 1090 | House of Representatives and the President of the Senate on
 1091 | legislation needed to help the aquaculture industry.

1092 | 3. Recommendations on aquaculture projects, activities,
 1093 | research, and regulation and other needs to further the
 1094 | development of the aquaculture industry.

1095 | (e) Assist the department in carrying out duties
 1096 | identified in s. 597.003 by studying aquaculture issues and
 1097 | making recommendations for regulating and permitting aquaculture
 1098 | and in the development, revision, and implementation of the
 1099 | state aquaculture plan.

1100 | Section 33. Subsection (1) of section 599.002, Florida

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1101 Statutes, is amended to read:

1102 599.002 Viticulture Advisory Council.—

1103 (1) There is created within the Department of Agriculture
 1104 and Consumer Services the Viticulture Advisory Council, to
 1105 consist of eight members as follows: the president of the
 1106 Florida Grape Growers' Association or a designee thereof; ~~the~~
 1107 ~~viticulture representative of the State Agricultural Advisory~~
 1108 ~~Council~~; a representative from the Institute of Food and
 1109 Agricultural Sciences; a representative from the viticultural
 1110 science program at Florida Agricultural and Mechanical
 1111 University; and five ~~four~~ additional commercial members, to be
 1112 appointed for a 2-year term each by the Commissioner of
 1113 Agriculture, including a wine producer, a fresh fruit producer,
 1114 a nonwine product (juice, jelly, pie fillings, etc.) producer,
 1115 and a viticultural nursery operator.

1116 Section 34. Paragraph (q) is added to subsection (4) of
 1117 section 934.50, Florida Statutes, to read:

1118 934.50 Searches and seizure using a drone.—

1119 (4) EXCEPTIONS.—This section does not prohibit the use of
 1120 a drone:

1121 (q) By a non-law enforcement employee of the Department of
 1122 Agriculture and Consumer Services for activities for the
 1123 purposes of managing and eradicating plant or animal diseases.

1124 Section 35. Paragraph (i) of subsection (3) of section
 1125 259.105, Florida Statutes, is amended to read:

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1126 259.105 The Florida Forever Act.—

1127 (3) Less the costs of issuing and the costs of funding
 1128 reserve accounts and other costs associated with bonds, the
 1129 proceeds of cash payments or bonds issued pursuant to this
 1130 section shall be deposited into the Florida Forever Trust Fund
 1131 created by s. 259.1051. The proceeds shall be distributed by the
 1132 Department of Environmental Protection in the following manner:

1133 (i) Three and five-tenths percent to the Department of
 1134 Agriculture and Consumer Services for the acquisition of
 1135 agricultural lands, through perpetual conservation easements and
 1136 other perpetual less than fee techniques, which will achieve the
 1137 objectives of Florida Forever and s. 570.71. Rules concerning
 1138 the application, acquisition, and priority ranking process for
 1139 such easements shall be developed pursuant to s. 570.71(11) ~~s.~~
 1140 ~~570.71(10)~~ and as provided by this paragraph. The board shall
 1141 ensure that such rules are consistent with the acquisition
 1142 process provided for in s. 570.715. The rules developed pursuant
 1143 to s. 570.71(11) ~~s. 570.71(10)~~, shall also provide for the
 1144 following:

1145 1. An annual priority list shall be developed pursuant to
 1146 s. 570.71(11) ~~s. 570.71(10)~~, submitted to the council for
 1147 review, and approved by the board pursuant to s. 259.04.

1148 2. Terms of easements and acquisitions proposed pursuant
 1149 to this paragraph shall be approved by the board and may not be
 1150 delegated by the board to any other entity receiving funds under

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1151 | this section.

1152 | 3. All acquisitions pursuant to this paragraph shall
 1153 | contain a clear statement that they are subject to legislative
 1154 | appropriation.

1155 |
 1156 | Funds provided under this paragraph may not be expended until
 1157 | final adoption of rules by the board pursuant to s. 570.71.

1158 | Section 36. For the purpose of incorporating the amendment
 1159 | made by this act to section 500.03, Florida Statutes, in a
 1160 | reference thereto, paragraph (a) of subsection (4) of section
 1161 | 373.016, Florida Statutes, is reenacted to read:

1162 | 373.016 Declaration of policy.—

1163 | (4) (a) Because water constitutes a public resource
 1164 | benefiting the entire state, it is the policy of the Legislature
 1165 | that the waters in the state be managed on a state and regional
 1166 | basis. Consistent with this directive, the Legislature
 1167 | recognizes the need to allocate water throughout the state so as
 1168 | to meet all reasonable-beneficial uses. However, the Legislature
 1169 | acknowledges that such allocations have in the past adversely
 1170 | affected the water resources of certain areas in this state. To
 1171 | protect such water resources and to meet the current and future
 1172 | needs of those areas with abundant water, the Legislature
 1173 | directs the department and the water management districts to
 1174 | encourage the use of water from sources nearest the area of use
 1175 | or application whenever practicable. Such sources shall include

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1176 | all naturally occurring water sources and all alternative water
 1177 | sources, including, but not limited to, desalination,
 1178 | conservation, reuse of nonpotable reclaimed water and
 1179 | stormwater, and aquifer storage and recovery. Reuse of potable
 1180 | reclaimed water and stormwater shall not be subject to the
 1181 | evaluation described in s. 373.223(3)(a)-(g). However, this
 1182 | directive to encourage the use of water, whenever practicable,
 1183 | from sources nearest the area of use or application shall not
 1184 | apply to the transport and direct and indirect use of water
 1185 | within the area encompassed by the Central and Southern Florida
 1186 | Flood Control Project, nor shall it apply anywhere in the state
 1187 | to the transport and use of water supplied exclusively for
 1188 | bottled water as defined in s. 500.03(1)(d), nor shall it apply
 1189 | to the transport and use of reclaimed water for electrical power
 1190 | production by an electric utility as defined in s. 366.02(4).

1191 | Section 37. For the purpose of incorporating the amendment
 1192 | made by this act to section 500.03, Florida Statutes, in a
 1193 | reference thereto, subsection (3) of section 373.223, Florida
 1194 | Statutes, is reenacted to read:

1195 | 373.223 Conditions for a permit.—

1196 | (3) Except for the transport and use of water supplied by
 1197 | the Central and Southern Florida Flood Control Project, and
 1198 | anywhere in the state when the transport and use of water is
 1199 | supplied exclusively for bottled water as defined in s.
 1200 | 500.03(1)(d), any water use permit applications pending as of

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1201 April 1, 1998, with the Northwest Florida Water Management
 1202 District and self-suppliers of water for which the proposed
 1203 water source and area of use or application are located on
 1204 contiguous private properties, when evaluating whether a
 1205 potential transport and use of ground or surface water across
 1206 county boundaries is consistent with the public interest,
 1207 pursuant to paragraph (1) (c), the governing board or department
 1208 shall consider:

1209 (a) The proximity of the proposed water source to the area
 1210 of use or application.

1211 (b) All impoundments, streams, groundwater sources, or
 1212 watercourses that are geographically closer to the area of use
 1213 or application than the proposed source, and that are
 1214 technically and economically feasible for the proposed transport
 1215 and use.

1216 (c) All economically and technically feasible alternatives
 1217 to the proposed source, including, but not limited to,
 1218 desalination, conservation, reuse of nonpotable reclaimed water
 1219 and stormwater, and aquifer storage and recovery.

1220 (d) The potential environmental impacts that may result
 1221 from the transport and use of water from the proposed source,
 1222 and the potential environmental impacts that may result from use
 1223 of the other water sources identified in paragraphs (b) and (c).

1224 (e) Whether existing and reasonably anticipated sources of
 1225 water and conservation efforts are adequate to supply water for

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1226 existing legal uses and reasonably anticipated future needs of
 1227 the water supply planning region in which the proposed water
 1228 source is located.

1229 (f) Consultations with local governments affected by the
 1230 proposed transport and use.

1231 (g) The value of the existing capital investment in water-
 1232 related infrastructure made by the applicant.

1233

1234 Where districtwide water supply assessments and regional water
 1235 supply plans have been prepared pursuant to ss. 373.036 and
 1236 373.709, the governing board or the department shall use the
 1237 applicable plans and assessments as the basis for its
 1238 consideration of the applicable factors in this subsection.

1239 Section 38. For the purpose of incorporating the amendment
 1240 made by this act to section 500.03, Florida Statutes, in a
 1241 reference thereto, paragraph (a) of subsection (2) of section
 1242 373.701, Florida Statutes, is reenacted to read:

1243 373.701 Declaration of policy.—It is declared to be the
 1244 policy of the Legislature:

1245 (2) (a) Because water constitutes a public resource
 1246 benefiting the entire state, it is the policy of the Legislature
 1247 that the waters in the state be managed on a state and regional
 1248 basis. Consistent with this directive, the Legislature
 1249 recognizes the need to allocate water throughout the state so as
 1250 to meet all reasonable-beneficial uses. However, the Legislature

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1251 acknowledges that such allocations have in the past adversely
 1252 affected the water resources of certain areas in this state. To
 1253 protect such water resources and to meet the current and future
 1254 needs of those areas with abundant water, the Legislature
 1255 directs the department and the water management districts to
 1256 encourage the use of water from sources nearest the area of use
 1257 or application whenever practicable. Such sources shall include
 1258 all naturally occurring water sources and all alternative water
 1259 sources, including, but not limited to, desalination,
 1260 conservation, reuse of nonpotable reclaimed water and
 1261 stormwater, and aquifer storage and recovery. Reuse of potable
 1262 reclaimed water and stormwater shall not be subject to the
 1263 evaluation described in s. 373.223(3)(a)-(g). However, this
 1264 directive to encourage the use of water, whenever practicable,
 1265 from sources nearest the area of use or application shall not
 1266 apply to the transport and direct and indirect use of water
 1267 within the area encompassed by the Central and Southern Florida
 1268 Flood Control Project, nor shall it apply anywhere in the state
 1269 to the transport and use of water supplied exclusively for
 1270 bottled water as defined in s. 500.03(1)(d), nor shall it apply
 1271 to the transport and use of reclaimed water for electrical power
 1272 production by an electric utility as defined in s. 366.02(4).
 1273 Section 39. This act shall take effect July 1, 2023.