

## CHAPTER 2023-154

### Committee Substitute for Committee Substitute for House Bill No. 1279

An act relating to the Department of Agriculture and Consumer Services; amending s. 212.08, F.S.; authorizing farmers whose property meets certain requirements to apply to the Department of Revenue for a Florida farm tax exempt agricultural materials (TEAM) card; providing the purpose of the Florida farm TEAM card; providing that the Florida farm TEAM card is subject to certain review and expiration provisions; requiring the Department of Revenue to adopt rules; authorizing the Department of Agriculture and Consumer Services to take certain administrative actions regarding the Florida farm TEAM card; relieving selling dealers of the responsibility of collecting sales tax on purchases by Florida farm TEAM cardholders; requiring the Department of Revenue to accept Florida farm TEAM card applications beginning on a specified date; authorizing the Department of Revenue to adopt emergency rules; providing for the expiration of such authority; amending s. 213.053, F.S.; authorizing the Department of Revenue to make certain information available to the Department of Agriculture and Consumer Services for the purpose of administering the Florida farm TEAM card; creating s. 287.0823, F.S.; requiring by a specified date all food commodities purchased by certain state entities to be grown or produced in this state under certain circumstances; requiring such state entities to give preference to certain food commodities; authorizing competitive solicitations for such food commodities to give preference to certain vendors; requiring the Department of Management Services to provide a biennial report to the Governor, the Cabinet, and the Legislature by a specified date; requiring the department to adopt by rule a specified form; requiring certain state entities to submit the form to the department biennially by a specified date; providing requirements for the report; amending s. 500.03, F.S.; revising, redefining, and deleting terms; revising construction regarding the selling of food; amending s. 500.032, F.S.; requiring the Department of Agriculture and Consumer Services to administer and enforce certain provisions relating to the storage of food; amending s. 500.12, F.S.; revising the types of entities required to obtain food permits from the department; conforming provisions to changes made by the act; requiring food permits to be annually renewed in accordance with certain provisions; authorizing the department to charge a prorated fee for certain purposes; requiring late fees for applications not received on or before their due date; amending s. 500.121, F.S.; conforming provisions to changes made by the act; amending s. 500.147, F.S.; requiring bottled water to be processed in conformance with department rule; amending s. 500.172, F.S.; authorizing an agent of the department to take specified actions regarding mislabeled food; reordering and amending s. 502.012, F.S.; defining, revising, and redefining terms; amending s. 502.013, F.S.; revising the purpose of certain provisions regarding milk and milk

products; amending s. 502.014, F.S.; revising the authority of the department to permit and collect samples of products for testing at certain facilities; amending s. 502.042, F.S.; deleting a provision requiring the department to periodically conduct certain shelf-life studies and to sample certain milk products; making technical changes; amending s. 502.053, F.S.; revising the milk facilities required to apply for a permit to operate; requiring operating permits for certain frozen dessert plants; deleting a requirement that frozen dessert plant permit holders submit specified reports to the department; conforming provisions to changes made by the act; amending s. 502.181, F.S.; deleting prohibitions against certain testing for milkfat content and for repasteurizing milk; amending s. 502.231, F.S.; conforming a provision to changes made by the act; repealing s. 502.301, F.S., relating to the Dairy Industry Technical Council; creating s. 570.161, F.S.; requiring certain licensees or permit holders to notify the department in writing of the person's e-mail address; providing civil penalties; providing that service by e-mail constitutes adequate and sufficient notice; authorizing the department to achieve service by other specified means under certain circumstances; repealing s. 570.23, F.S., relating to the State Agricultural Advisory Council; amending s. 570.71, F.S.; requiring the department to submit specified conservation easement purchase agreements to the Board of Trustees of the Internal Improvement Trust Fund for approval; amending s. 570.715, F.S.; increasing the estimated value threshold for the appraisal of specified conservation easement acquisitions; repealing s. 570.843, F.S., relating to the Florida Young Farmer and Rancher Advisory Council; amending s. 570.93, F.S.; revising the required contents of the department's agricultural water conservation program; amending s. 576.011, F.S.; defining and redefining terms; repealing ss. 581.217(14) and 585.008, F.S., relating to the Industrial Hemp Advisory Council and the Animal Industry Technical Council, respectively; amending s. 586.045, F.S.; revising the timeframe during which the department is required to provide written notice and forms to beekeepers for annual certificate of registration renewals; amending s. 595.404, F.S.; requiring the department to adopt and implement an exemption, waiver, and variance process by rule for sponsors of certain school food and other nutrition programs; amending s. 597.003, F.S.; revising the powers and duties of the department regarding the regulation of aquaculture in this state; providing construction; amending s. 597.004, F.S.; deleting requirements for rules adopted by the department for aquaculture certificates of registration; deleting provisions authorizing certain alligator producers to be issued aquaculture certificates of registration; providing legislative intent; preempting to the department the regulatory and permitting authority for all aquaculture products; providing construction; revising the types of aquaculture products that may be sold by an aquaculture producer under certain circumstances; amending s. 597.005, F.S.; revising the composition and responsibilities of the Aquaculture Review Council; amending s. 599.002, F.S.; revising the composition of the Viticulture Advisory Council; amending s. 934.50, F.S.; authorizing non-law enforcement employees of the department to use drones for specified purposes;

amending s. 259.105, F.S.; conforming cross-references; reenacting ss. 373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S., relating to declarations of state water policy and conditions for a permit, respectively, to incorporate the amendment made by this act to s. 500.03, F.S., in references thereto; providing an effective date.

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

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

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

(19) FLORIDA FARM TEAM CARD.—

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

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

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

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

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

(2) Notwithstanding any other law, emergency rules adopted pursuant to this section are effective for 6 months after adoption and may be renewed

during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

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

213.053 Confidentiality and information sharing.—

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

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

287.0823 Preference to commodities grown or produced in Florida.—

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

(2) Notwithstanding any other provision of this section, and to the extent authorized by federal law, such state agencies, state universities, Florida College System institutions, and contracted food service providers thereof shall give preference to food commodities grown or produced in this state when purchasing food commodities, including farm products as defined in s. 823.14, of any class, variety, or use thereof in their natural state or as processed by a farm operation or processor for the purpose of marketing such product.

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

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

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

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

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

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

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

500.03 Definitions; construction; applicability.—

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

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

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

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

(q) “Food outlet” means any grocery store; convenience store; minor food outlet; meat, poultry, or fish and related aquatic food market; fruit or vegetable market; food warehouse; refrigerated storage facility; freezer locker; salvage food facility; or any other similar place storing or offering food for sale.

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

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

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

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

500.032 Declaration of policy and cooperation among departments.—

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

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

500.12 Food permits; building permits.—

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

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

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

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

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

(b) Each food establishment ~~and retail food store~~ regulated under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment ~~and retail food store~~ as a condition of issuance or renewal of a food permit. Such fees may not exceed \$650 and must ~~shall~~ be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed \$1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed \$250. The fee for operating a bottled water plant or a packaged ice plant must ~~shall~~ be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed in accordance with subparagraphs 1., 2., and 3. annually on or before January 1. If an application for renewal of a food permit is not received by the department on or before ~~within 30 days after~~ its due date, a late fee not exceeding \$100 must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected must ~~shall~~ be deposited in the General Inspection Trust Fund.

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

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

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

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

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

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

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

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

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

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

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

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

500.121 Disciplinary procedures.—

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

(a) Violated this chapter.

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

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

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

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

500.147 Inspection of food establishments, food records, and vehicles.

(3) For bottled water plants:

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

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

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

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

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

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

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

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

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

(4)(3) “Department” means the Department of Agriculture and Consumer Services.

(5)(4) “Frozen dessert” means a specific standardized frozen dessert described in 21 C.F.R. part 135, excluding part 135.160 and any other food defined by rule of the department that resembles such standardized frozen

dessert but does not conform to the specific description of such standardized frozen dessert in 21 C.F.R. part 135. The term includes, but is not limited to, a quiescently frozen confection, a quiescently frozen dairy confection, a frozen dietary dairy dessert, and a frozen dietary dessert.

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

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

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

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

~~(9) “Grade ‘A’ pasteurized milk ordinance” means the document entitled “Grade ‘A’ Pasteurized Milk Ordinance, United States Department of Health and Human Services, Public Health Service, Food and Drug Administration,” including all associated appendices, as adopted by department rule.~~

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

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

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

~~(15)(13) “Milk products” means products made with milk that is processed in some manner, including being whipped, acidified, cultured, concentrated, lactose-reduced, or sodium-reduced or aseptically processed, or having the addition or subtraction of milkfat, the addition of safe and suitable microbial organisms, or the addition of safe and suitable optional ingredients for protein, vitamin, or mineral fortification. The term does “Milk products” do not include products such as evaporated milk, condensed~~

milk, eggnog in a rigid metal container, dietary products, infant formula, or ice cream and other desserts.

~~(18)~~(14) “Milkfat” or “butterfat” means the fat contained in milk.

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

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

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

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

~~(16)~~(19) “Milk tank truck” means either a bulk milk pickup tanker or a milk transport tank.

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

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

~~(22)~~ “Quiescently frozen dairy confection” means a clean and wholesome frozen product made from water, milk products, and sugar, with added harmless pure or imitation flavoring, with or without added harmless coloring, with or without added stabilizer, or with or without added emulsifier, that, while being frozen, was not stirred or agitated (generally known as quiescent freezing). ~~The confection must not contain less than 13 percent by weight of total milk solids, less than 33 percent by weight of total food solids, more than 0.5 percent by weight of stabilizer, or more than 0.2 percent by weight of emulsifier. Stabilizer and emulsifier must be composed~~

of wholesome, edible material. In the production of a quiescently frozen dairy confection, processing or mixing before quiescently freezing that develops in the finished confection mix any physical expansion in excess of 10 percent may not be used.

(19)(23) “Raw milk” means unpasteurized unprocessed milk.

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

(21) “Reconstituted milk or milk products” or “recombined milk or milk products” means milk or milk products that result from reconstituting or recombining milk constituents with potable water.

(22) “Retail” means the sale of goods to the public for use or consumption rather than for resale.

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

(24)(26) “Transfer station” means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

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

(26)(27) “Washing station” means any place, premises, or establishment where milk tank trucks are cleaned and sanitized.

(27) “Wholesale” means the selling of goods in quantity to be retailed by others.

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

502.013 Purpose; intent.—

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

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

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

502.014 Powers and duties.—

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

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

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

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

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

(1) PERMITS.—

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

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

(3) REQUIREMENTS.—

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

(4) EXEMPTIONS.—

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

- 1. Milk producers who transport milk or milk products only from their own dairy farms.
- 2. Employees of a milk distributor or milk plant operator who possesses a valid permit.
- 3. Drivers of bulk milk tank trucks between locations who do not collect milk from farms.

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

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

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

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

~~(4) Repasteurize milk.~~

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

502.231 Penalty and injunction.—

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

(b) Imposition of an administrative fine:

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

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

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

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

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

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

570.161 E-mail address of record.—

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

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

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

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

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

570.71 Conservation easements and agreements.—

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

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

570.715 Conservation easement acquisition procedures.—

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

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

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

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

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

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

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

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

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

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

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

(8) “Controlled release fertilizers” means a slow release fertilizer engineered to provide nutrients over time at a predictable rate under specified conditions.

(15) “Fertilizer material” means a fertilizer that meets one of the following requirements:

(a) Contains important quantities of no more than one of the primary nutrients: nitrogen (N), phosphate (P<sub>2</sub>O<sub>5</sub>), and potash (K<sub>2</sub>O).

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

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

(17)(15) “Grade” means the percentages in fertilizer of total nitrogen expressed as N, available phosphorus expressed as P<sub>2</sub>O<sub>5</sub>, and soluble potassium expressed as K<sub>2</sub>O, stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis. However, specialty fertilizer may be guaranteed in fractional units of less than 1 percent of total nitrogen, available phosphate, and soluble potash. Fertilizer materials, bone meal, manures, and similar materials may be guaranteed in fractional units in that order.

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

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

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

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

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

586.045 Certificates of registration and inspection.—

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

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

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

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

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

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

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

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

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

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

(d) Provide staff for the Aquaculture Review Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

597.004 Aquaculture certificate of registration.—

(2) RULES.—

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

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

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

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

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

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

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

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

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

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

597.005 Aquaculture Review Council.—

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

and appointed. An appointment to fill a vacancy shall be for the unexpired portion of the term.

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

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

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

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

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

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

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

599.002 Viticulture Advisory Council.—

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

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

934.50 Searches and seizure using a drone.—

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

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

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

259.105 The Florida Forever Act.—

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

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

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

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

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

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

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

373.016 Declaration of policy.—

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

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

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

373.223 Conditions for a permit.—

(3) Except for the transport and use of water supplied by the Central and Southern Florida Flood Control Project, and anywhere in the state when the transport and use of water is supplied exclusively for bottled water as defined in s. 500.03(1)(d), any water use permit applications pending as of April 1, 1998, with the Northwest Florida Water Management District and self-suppliers of water for which the proposed water source and area of use or application are located on contiguous private properties, when evaluating whether a potential transport and use of ground or surface water across county boundaries is consistent with the public interest, pursuant to paragraph (1)(c), the governing board or department shall consider:

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

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

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

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

(e) Whether existing and reasonably anticipated sources of water and conservation efforts are adequate to supply water for existing legal uses and reasonably anticipated future needs of the water supply planning region in which the proposed water source is located.

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

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

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

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

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

(2)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined

in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. 366.02(4).

Section 39. This act shall take effect July 1, 2023.

Approved by the Governor May 25, 2023.

Filed in Office Secretary of State May 25, 2023.