

2023 - 2024 FDACS Proposed Regulatory Plan

The following proposed rules will implement laws enacted during the previous 12 months that created or modified duties or authority of the department. § 120.74(1)(a), F.S.

If you have further questions or are unable to view this document, please contact (850) 617-7040

Division	New/Amended Law	Rulemaking Required?	Rule Number	Rule Title	NRD Citation	Expected date of NPR	
Administration	2023-154, F.S. (ch. 212.08(19), F.S. (ch. Laws of Florida)	No	N/A	N/A	N/A	N/A	
AES	580.051	No	N/A	N/A	N/A	N/A	
AES	576.011	No	N/A	N/A	N/A	N/A	
AES	580.031,580.051	No	N/A	N/A	N/A	N/A	
Aquaculture	597.003	No	N/A	N/A	N/A	N/A	
Aquaculture	597.004	Yes	5L-3004 F.A.C.	Aquaculture Best Management Practices Manual	N/A	N/A	
Aquaculture	597.005	No	N/A	N/A	N/A	N/A	
Consumer Services	496.405	Yes	5J-7.004	Registration	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	496.406	Yes	5J-7.004	Registration	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	501.059	No		This law amending definitions, prohibited acts, and remedies does not require rulemaking.	N/A	N/A	
Consumer Services	527.01	No		This law amending definitions does not require rulemaking.	N/A	N/A	
Consumer Services	559.903	No		This law amending definitions does not require rulemaking.	N/A	N/A	
Consumer Services	559.920	Yes	5J-12.007	Enforcement Actions and Administrative Penalties	N/A	N/A	
Consumer Services	616.242(3)	No		This law amending definitions does not require rulemaking.	N/A	N/A	
Consumer Services	616.242(5)	Yes	5J-18.0012	Bureau of Fair Rides Inspection Forms	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	616.242(6)	Yes	5J-18.0012	Bureau of Fair Rides Inspection Forms	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	616.242(7)	Yes	5J-18.0012	Bureau of Fair Rides Inspection Forms	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	616.242(7)	Yes	5J-18.002	Application for Annual Permit, USAID Number	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	616.242(7)	Yes	5J-18.003	Qualified Inspectors	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	616.242(7)	Yes	5J-18.004	Nondestructive Testing of Amusement Rides	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	616.242(8)	No		This law removing an exemption for temporary amusement ride inspections does not require rulemaking.	N/A	N/A	
Consumer Services	616.242(11)	No		This law authorizing certain inspections upon request does not require rulemaking.	N/A	N/A	
Consumer Services	616.242(12)	Yes	5J-18.007	Signage	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	616.242(14)	No		This law amending the department's authorization to enter and inspect and preparation of a written investigation report does not require rulemaking.	N/A	N/A	
Consumer Services	616.242(15)	Yes	5J-18.0142	Reporting of Accidents and Mechanical, Structural or Electrical Defects	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	616.242(16)	No		This law amending the owner or manager's daily inspection requirement does not require rulemaking.	N/A	N/A	
Consumer Services	616.242(17)	Yes	5J-18.014	Training of Managers, Attendants, and Maintenance Persons	Anticipated 10/31/2023	Anticipated 3/31/2024	
Consumer Services	616.242(19)	No		This law amending the department's authority to issue immediate final orders does not require rulemaking.	Reporting of Accidents and Mechanical, Structural or Electrical Defects	Anticipated 10/31/2023	Anticipated 3/31/2024
Consumer Services	692.202	Yes	5J-27.001	Agricultural Land Owned by Foreign Principals	Anticipated 10/31/2023	Anticipated 3/31/2024	
PNW	595.404(16)	No		This law clarifying the department's authority to implement federal programs does not require rulemaking.	N/A	N/A	
Food Safety	500.92	Yes	5K-4.030	Kratom Products	Vol. 49/150 - 8/3/2023	10/15/2023	
Food Safety	500.12	Yes	5K-4.020	Food Permits: Requirements and Fees	Vol. 49/150 - 8/3/2023	8/11/2023	
Food Safety	581.217	Yes	5K-4.034	Hemp Extract for Human Consumption	Vol. 49/150 - 8/3/2023	10/15/2023	
Food Safety	502.053	Yes	5K-10.002	Permits, Licenses and Inspections	Vol. 49/136 - 7/14/2023	7/21/2023	
Food Safety	502.042	Yes	5K-10.003	Dating, Standards for Milk, Milk Products, Manufactured Milk Products and Frozen Desserts	Vol. 49/136 - 7/14/2023	7/21/2023	
Food Safety	581.217	Yes	5K-10.006	Hemp Extract	Anticipated 10/31/2023	Anticipated: December 2023	
Licensing	493.6113(4)	Yes	5N-1.116	5N-1.116 Insurance Fees	Anticipated 10/31/2023	Anticipated: December 2023	

2023 - 2024 FDACS Proposed Regulatory Plan
The following rules will implement existing or unchanged laws, or revise or repeal existing rules. § 120.74(1)(b), F.S.
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Division	Law(s) Implemented	Rule Number	Rule Title	Description revisions to rule	Simplify/Clarify	Increase Efficiency	Delete Obsolete or Redundant Rules	Regulatory Cost Reduction	Improve Inter-Agency Coordination
AES	576.181	5E-1.003	Labels or Tags	To update documents referenced in rule, correct misspellings, update organic labeling requirements, and update forms. New: To provide clarification for labeling fractional guarantees for fertilizer materials and update slow and controlled release definitions and verbiage.	X				
AES	388.361	5E-13.021	Definitions	To alphabetize order and add new definitions for clarification purposes	X				
AES	487.041	5E-2.0XXXX	Emergency Exemptions, Requirements and Procedures	New Rule outlining requirements for Emergency Exemptions, as authorized in s. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act		X			
Agricultural Water Policy	403.067(7)(c)2.	5M-9	Best Management Practices for Florida Sod	Amendment of existing rule - Adoption by rule of new and revised BMPs following routine periodic review of BMPs	X	X			
Agricultural Water Policy	403.067(7)(c)2.	5M-11	Best Management Practices for Florida Cow/Calf Operations	Amendment of existing rule, with title change to Best Management Practices for Florida Cattle Operations - Adoption by rule of new and revised BMPs following routine periodic review of BMPs	X	X			
Agricultural Water Policy	403.067(7)(c)2.	5M-21	Best Management Practices for Diversified Agricultural Operations	New - Adoption by rule of a new manual of BMPs focused on diversified agricultural operations - BMP manual in development	X	X			
Animal Industry	585.002(4), 585.082(2), 585.145(2)	5C-4.0015	Definitions	Update referenced to definition	X	X			
Animal Industry	585.002(4), (5), 585.082(2)(a), 585.145(2)	5C-4.0016	Applications, Cards, Forms, Other Official Documents Required and Fees	Remove options no longer available	X		X		
Animal Industry	585.002(4), 585.082(2)(a), 585.145(2)	5C-4.0017	General Requirements, Exemptions and Limitations	Remove options no longer available	X		X		
Aquaculture	253.002, 253.03, 253.04, 253.67-.75, 253.77, 597.010	18-21.022	Payments and Fees for Aquacultural Activities	The proposed will remove the requirement for a fee change each year	X	X			
Aquaculture	597.020	5L-1.001	General Requirements and Intent	Adopt as reference the 2023 FDA Model Ordinance once released with updates resulting from the 2022 ISSC meeting	X				
Aquaculture	597.020	5L-1.002	Definitions	Update definitions to incorporate 2023 FDA Model Ordinance changes	X		X		
Aquaculture	597.020	5L-1.003	Shellfish Harvesting Areas and Standards	This section will be updated to reclassify some shellfish harvesting areas to protect the health of shellfish consumers and to provide access to renewable shellfish resource	X	X			
Consumer Services	525.011, 525.035, 525.037, 525.14	5J-21.001	Standards	Amend rule to update adopted ASTM petroleum designations	X	X			
Consumer Services	501.913, 501.917, 501.919, 501.921	5J-23.001	Standards	Amend rule to update adopted ASTM antifreeze designations and to update references to forms	X	X			
Consumer Services	526.52, 526.53(1), (2)	5J-24.001	Performance Specifications and Standards for Motor Vehicle Brake Fluid	Amend rule to update adopted U.S. Department of Transportation brake fluid specifications and to amend references to forms	X	X			
Energy	377.814	50-6.001 and 50-6.002	Municipal Solid Waste-to-Energy Grant Program	Adopt definitions and establish a Municipal Solid-Waste-to-Energy Program	X				
FNW	595.404	5P-1.004	Penalties and Sanctions	Simplify process and clarify citations to the relevant federal regulations	X				
FNW	595.404	5P-2.008	Waiver Requests	Streamline waiver requirements; remove FNS from decision-making authority	X	X			
FNW	595.404	5P-3.001	Summer Food Service Program Participation	Clarify terms, participation requirements and relevant federal regulations	X				
FNW	595.404	5P-3.002	Program Responsibilities	Update incorporated form and clarify account sponsor is required to maintain	X				
FNW	595.404	5P-3.003	Procurement Standards	Clarify procurement requirements	X				
FNW	595.404	5P-3.004	Reimbursement Process and Financial Management	Clarify conditions for advance payments and requirements for unused reimbursements	X				
FNW	595.404	5P-3.005	Administrative Reviews	Clarify process for reviewing sponsors	X	X			
FNW	595.404	5P-3.007	Seamless Summer Option	Correct rule citations for participation requirements; streamline participation requirements for some schools	X				
FNW	595.404	5P-3.008	Waiver Requests	Streamline waiver requirements; remove FNS from decision-making authority	X	X			
FNW	595.404	5P-3.009	Civil Rights Compliance and Enforcement	Streamline compliance and enforcement provisions	X	X			
Food Safety	381.0062, 500.03, 500.10, 500.12, 500.147, 500.459, 500.511	5K-4.0010	Definitions	Update definitions	X				
Food Safety	500.09, 500.12	5K-4.0041	Mobile Food Establishments and Commissaries	Update requirements for mobile food establishments and commissaries	X	X			
Food Safety	500.12(6)	5K-4.021	Training and Certification	Update training and certification requirements for food protection managers and Department personnel	X	X			
Food Safety	500.147, 500.459, 500.511	5K-4.023	Packaged Ice, Ice Vending Machines, and Water Vending Machines	Update requirements for packaged ice, ice vending machines, and water vending machines	X	X			
Food Safety	500.04, 500.09, 500.121, 500.171, 500.172, 500.173, 500.174, 500.177, 581.217(7)	5K-4.035	Guidelines for Imposing Administrative Penalties	Clarifying penalties for violations of section 581.217, Florida Statutes - Simplifying penalty structure	X		X		
Food Safety	500.172, 502.014, 502.053, 502.091, 502.121, 502.231, 581.217(7)	5K-10.005	Guidelines for Imposing Administrative Penalties	Clarifying penalties for violations of section 581.217, Florida Statutes - simplifying penalty structure	X		X		
Forestry	590.125	5I-2.003	Definitions	Clarify defined terms	X				
Forestry	590.125	5I-2.006	Open Burning Allowed	Revise and clarify the point assessment table for decertifying certified prescribed burn managers - Clarify prescription and other requirements for certified burns	X				
Forestry	589.011	5I-4.002	Purpose and Definitions	Clarify defined terms	X				
Forestry	589.011	5I-4.003	Vehicle, Animal, and Pedestrian Control	Revise and clarify rules respective to roads and vehicles within the state forest	X				
Forestry	589.011	5I-4.005	Protection of Managed Lands	Revise and clarify rules for protecting managed lands	X				
Forestry	589.011	5I-4.006	Recreational Activities and Facilities	Revise and clarify campsite rules and rules addressing permissible recreational activities	X				
Forestry	589.011	5I-4.007	Garbage, Water Pollution, and Class Containers	Capitalizing defined terms - No substantive changes	X				
Forestry	589.011	5I-4.008	Vendors; Authorizations; Fees	Capitalizing defined terms and updating citation - No substantive changes	X				
Forestry	589.011	5I-4.011	Penalties for Violations	Reducing violation penalty from a \$1,000 maximum fine to \$500 maximum	X				
Licensing	493.6132, 493.6203(5), (6), 493.6303(4), 493.6403(2), (3), 493.6406(3)	5N-1.140	Security Officer, Recovery Agent and Private Investigative Intern School Curriculum; Examinations; Retention of Records	The proposed rule is being developed to correct rule language relating to record keeping requirements for any school or facility administering examinations regulated by chapter 493 F.S.	X				
Licensing	493.6102(6), 493.6105(6), 493.6115(8), 493.6121, 493.6203(2)-(4), 493.6303(2), (3) FS.	5N-1.100	Organization	Update forms to ensure they meet statutory requirements, delete obsolete forms and incorporate new forms	X				
Marketing	288.1175	5H-25.001	Certification of Agriculture Education and Promotion Facility	Substantive changes to the application form referenced by rule and modification of rule to align with information on form	X				
Marketing	581.217	5H-17.002, .003 and .005	Florida Agricultural Promotion Campaign	Changes to modify and simplify the application form and to make it consistent with a proposed online application process - Also to clarify requirements for use of the logo on unpasteurized milk	X				
Plant	581.031(4), (5), (6), (7), (30), 581.083, 581.101	5B-2.0025	Certification and Quarantine of Nursery Stock	To ensure current regulatory authority is outlined; Update incorporated material	X	X			
Plant	570.07(33), 581.031(4), (5), (6), (7)	5B-38.009	The Lettuce Advisory Committee	Repeal			X		
Plant	581.031(7), (8), (21), 581.101, 581.111	5B-43.009	Infested and Regulated Areas	To ensure current regulatory authority is outlined	X	X			