A bill to be entitled
An act relating to the Department of Agriculture and
Consumer Services; amending s. 259.10521, F.S.;
extending the scheduled repeal of the provisions
governing the citizen support organizations operating
to the benefit of the Babcock Ranch Preserve; amending
s. 487.021, F.S.; providing a definition; amending s.
487.0435, F.S.; authorizing the Department of
Agriculture and Consumer Services to consider the use
of a fumigant as a pesticide for raw agricultural
commodities; amending s. 500.03, F.S.; revising
definitions; amending s. 500.033, F.S.; revising the
membership of the Florida Food Safety and Food Defense
Advisory Council; amending s. 500.12, F.S.; conforming
provisions to changes made by the act; revising the
date by which a late fee is imposed for nonpayment of
a food permit fee; amending s. 500.121, F.S.;
conforming provisions to changes made by the act;
amending s. 500.147, F.S.; conforming provisions to
changes made by the act; transferring, renumbering,
and amending s. 500.81, F.S.; providing and revising
definitions; revising requirements for administration
of and participation in the Healthy Food Financing
Initiative; amending s. 502.012, F.S.; providing and
revising definitions; amending s. 502.014, F.S.;
revising the authority of the department to conduct onsite inspections of facilities used to produce and process milk and milk products and to collect samples of such for testing; amending s. 502.053, F.S.; requiring operation permits for wholesalers of frozen dessert products; providing an exemption from bulk milk hauler and sampler permit requirements; amending s. 502.181, F.S.; removing the prohibitions against certain testing for milkfat content and for repasteurizing milk; amending s. 570.441, F.S.; extending the expiration for the use of funds from the Pest Control Trust Fund; amending s. 570.691, F.S.; abrogating the scheduled repeal of provisions relating to direct-support organizations of the Department of Agriculture and Consumer Services; amending s. 570.83, F.S.; abrogating the scheduled repeal of provisions governing the Florida Beef Council, Inc., direct-support organization; amending s. 570.93, F.S.; revising requirements for the agricultural water conservation program; amending s. 590.02, F.S.; directing the Florida Forest Service to develop a training curriculum for wildland firefighting; authorizing the department to retain reimbursements for out-of-state emergency response assistance; amending s. 595.404, F.S.; authorizing the department...
to adopt and implement an exemption, variance, and
waiver process for school food and other nutrition
programs; creating s. 595.901, F.S.; establishing the
Healthy Food Assistance program for small retailers;
providing requirements for program participation and
administration; providing for program expiration;
amending s. 633.406, F.S.; conforming provisions to
changes made by the act; amending s. 633.408, F.S.;
providing wildland firefighter training and
certification for certain firefighters and volunteer
firefighters; providing an effective date.

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

Section 1.  Subsection (4) of section 259.10521, Florida
Statutes, is amended to read:

259.10521  Citizen support organization; use of property.—
(4)  REPEAL.—This section is repealed October 1, 2024, 2019,
unless reviewed and saved from repeal by the Legislature.

Section 2.  Subsections (57) through (67) of section
487.021, Florida Statutes, are renumbered as subsections (58)
through (68), respectively, and a new subsection (57) is added
to that section, to read:

487.021  Definitions.—For the purpose of this part:
(57) "Raw agricultural commodities fumigation" means the
use of a fumigant, in a lethal concentration to eliminate pests
from fruits, vegetables, nuts, legumes, mushrooms, or other
nonanimal matter customarily consumed by humans or animals,
under a tarpaulin or in a structure such as a storage facility,
barn, silo, or warehouse that is not inhabited by human beings,
agricultural livestock, or domestic pets and that is not
connected by construction elements such as voids, pipes,
conduits, drains, or ducts to a structure that is inhabited by
human beings, agricultural livestock, or domestic pets that
would allow the transfer of fumigant between the structures.

Section 3. Subsection (7) is added to section 487.0435,
Florida Statutes, to read:

487.0435 License classification.—The department shall
issue certified applicator licenses in the following
classifications: certified public applicator; certified private
applicator; and certified commercial applicator. In addition,
separate classifications and subclassifications may be specified
by the department in rule as deemed necessary to carry out the
provisions of this part. Each classification shall be subject to
requirements or testing procedures to be set forth by rule of
the department and shall be restricted to the activities within
the scope of the respective classification as established in
statute or by rule. In specifying classifications, the
department may consider, but is not limited to, the following:

(7) The use of a fumigant as a pesticide, solely in raw
Section 4. Subsection (1) of section 500.03, Florida Statutes, is amended to read:

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

(a) "Advertisement" means any representation disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of food.

(b) "Approved laboratory" or "certified laboratory" means a laboratory of the department, a commercial laboratory certified by the Department of Health, or a competent commercial laboratory certified by an agency of another state or the United States Environmental Protection Agency to perform analyses of drinking water in accordance with the water quality testing procedures adopted by the United States Environmental Protection Agency.

(c) "Approved source" as it relates to water means a source of water, whether it is a spring, artesian well, drilled well, municipal water supply, or any other source, that complies with the Federal Safe Drinking Water Act, Pub. L. No. 93-523, as amended.

(d) "Bottled water" means 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).
(e) "Bottled water plant" means a food establishment in which bottled water is prepared for sale.

(f) "Color" includes black, white, and intermediate grays.

(g) 1. "Color additive" means a material which:
   a. Is a dye pigment, or other substance, made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity from a vegetable, animal, mineral, or other source, or
   b. When added or applied to a food, is capable, alone or through reaction with another substance, of imparting color thereto;

except that such term does not include any material that is exempt under the federal act.

2. Nothing in Subparagraph 1. does not apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest.

(h) "Contaminated with filth" applies to any food not securely protected from dust, dirt, and, as far as may be necessary by all reasonable means, all foreign or injurious
contamination.

(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.

(j) "Cottage food operation" means a natural person who produces or packages cottage food products at his or her residence and sells such products in accordance with s. 500.80.

(k) "Cottage food product" means food that is not a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

(l) "Department" means the Department of Agriculture and Consumer Services.


(n) "Food" includes:

1. Articles used for food or drink for human consumption;
2. Chewing gum;
3. Articles used for components of any such article;
4. Articles for which health claims are made, which claims are approved by the Secretary of the United States Department of

CODING: Words stricken are deletions; words underlined are additions.
Health and Human Services and which claims are made in accordance with s. 343(r) of the federal act, and which are not considered drugs solely because their labels or labeling contain health claims; and

5. Dietary supplements as defined in 21 U.S.C. s. 321(ff)(1) and (2).

The term includes any raw, cooked, or processed edible substance; ice; any beverage; or any ingredient used, intended for use, or sold for human consumption.

(n)(e) "Food additive" means any substance, the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, transporting, or holding food and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures for, in the case of a substance used in a food before January 1, 1958, through either scientific procedures or experience based on common use in food, to be safe under the conditions of its intended use; except that such term does not include:
1. A pesticide chemical in or on a raw agricultural commodity;

2. A pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity;

3. A color additive; or

4. Any substance used in accordance with a sanction or approval granted before prior to the enactment of the Food Additives Amendment of 1958, pursuant to the federal act; the Poultry Products Inspection Act (21 U.S.C. ss. 451 et seq.); or the Meat Inspection Act of March 4, 1967 (34 Stat. 1260), as amended and extended (21 U.S.C. ss. 71 et seq.).

(o)(p) "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail.

1. The term includes:
   a. Tomato packinghouses and repackers.
   b. Any establishment or section of an establishment at which food and food products are offered to the consumer and intended for off-premises consumption, and any delicatessen that offers prepared food in bulk quantities only.

2. The term does not include:
   a. A business or activity that is regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601.
   b. 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, including markets that offer only fresh fruits and fresh vegetables for sale.

(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.

(p) (s) "Immediate container" does not include package liners.

(q) (t) "Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if there is any, of the retail package of such article or is easily legible through the outside container or wrapper.

(r) (u) "Labeling" means all labels and other written, printed, or graphic matters:

1. Upon an article or any of its containers or wrappers; or

2. Accompanying such article.

(s) (v) "Minor food outlet" means any food retail establishment that sells groceries and may offer food service to the public, but neither business activity is a major retail function based on allocated space or gross sales.

(t) (u) "Natural water" means bottled spring water, artesian well water, or well water that has not been altered with water from another source or that has not been modified by mineral addition or deletion, except for alteration that is
necessary to treat the water through ozonation or an equivalent
disinfection and filtration process.

(u)(x) "Packaged ice" means ice that is enclosed in a
container and is offered for sale for human consumption or for
other use by the consumer. The term does not include ice that is
manufactured by any business licensed under chapter 381 or
chapter 509.

(v)(y) "Packaged ice plant" means a food establishment in
which packaged ice is manufactured or processed.

(w)(z) "Pesticide chemical" means any substance that
which, alone, in chemical combination, or in formulation with
one or more other substances is a pesticide as defined in s.
487.021 "pesticide" within the meaning of the Florida Pesticide
Law, part I of chapter 487, and that which is used in the
production, storage, or transportation of raw agricultural
commodities.

(x)(aa) "Raw agricultural commodity" means any food in its
raw or natural state, including all fruits that are washed,
colored, or otherwise treated in their unpeeled natural form
before prior to marketing.

(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.

(y) (cc) "Vehicle" means a mode of transportation or mobile carrier used to transport food from one location to another, including, but not limited to, carts, cycles, vans, trucks, cars, trains and railway transport, and aircraft and watercraft transport.

Section 5. Subsection (1) of section 500.033, Florida Statutes, is amended to read:

500.033 Florida Food Safety and Food Defense Advisory Council.—

(1) There is created the Florida Food Safety and Food Defense Advisory Council for the purpose of serving as a forum for presenting, investigating, and evaluating issues of current importance to the assurance of a safe and secure food supply to the citizens of Florida. The Florida Food Safety and Food Defense Advisory Council shall consist of, but not be limited to, the Commissioner of Agriculture or his or her designee; the State Surgeon General or his or her designee; the Secretary of Business and Professional Regulation or his or her designee; the person responsible for domestic security with the Department of Law Enforcement; members representing the production, processing, distribution, and sale of foods; consumers or
members of citizens groups; representatives of food industry
groups; scientists or other experts in aspects of food safety
from state universities; representatives from local, state, and
federal agencies that are charged with responsibilities for food
safety or food defense; and as ex officio members, the chairs of
the Agriculture Committees of the Senate and the House of
Representatives or their designees, and the chairs of the
committees of the Senate and the House of Representatives with
jurisdictional oversight of home defense issues or their
designees, and the person responsible for domestic security with
the Department of Law Enforcement or his or her designee. The
Commissioner of Agriculture shall appoint the remaining members.
The council shall make periodic reports to the Department of
Agriculture and Consumer Services concerning findings and
recommendations in the area of food safety and food defense.

Section 6. Paragraphs (a), (b), and (e) of subsection (1)
and subsection (2) 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 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 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 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 annually on or before January 1. If an application for renewal of a food permit fee is not received in full by the department by January 1 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 shall be deposited in the General Inspection Trust Fund.

(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 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 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 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.

Section 7. 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, 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 that or conduct of the same or
different character than that enumerated which constitutes fraudulent or dishonest dealing.

Section 8. 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 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 shall be responsible for all water sampling and analyses required by this chapter.

Section 9. Section 500.81, Florida Statutes, is transferred, renumbered as section 595.801, Florida Statutes, and amended to read:

595.801 Healthy Food Financing Initiative.—

(1) As used in this section, the term:

(a) "Community facility" means a property owned by a nonprofit or for-profit entity in which health and human services are provided and space is offered in a manner that provides increased access to, or delivery or distribution of, food or other agricultural products to encourage public consumption and household purchases of fresh produce or other healthy food to improve the public health and well-being of low-income children, families, and older adults.
(b) "Department" means the Department of Agriculture and Consumer Services.

(c) "Independent grocery store or supermarket" means an independently owned grocery store or supermarket whose parent company does not own more than 40 grocery stores throughout the country based upon ownership conditions as identified in the latest Nielsen TDLinx Supermarket/Supercenter database.

(d) "Low-income community" means a population census tract, as reported in the most recent United States Census Bureau American Community Survey, which meets one of the following criteria:

1. The poverty rate is at least 20 percent;
2. In the case of a low-income community located outside of a metropolitan area, the median family income does not exceed 80 percent of the statewide median family income; or
3. In the case of a low-income community located inside of a metropolitan area, the median family income does not exceed 80 percent of the statewide median family income or 80 percent of the metropolitan median family income, whichever is greater.

(e) "Moderate-income community" means a population census tract, as reported in the most recent United States Census Bureau American Community Survey, in which the median family income is between 81 percent and 95 percent of the statewide median family income or metropolitan median family income.

(f) "Program" means the Healthy Food Financing
Initiative program established by the department.

(g) "Project administrator" means an entity selected by the department to manage the program created to assist small food retailers in low-income and moderate-income communities throughout the state.

(h) "Small food retailer" means a small-scale retail store of less than 3,000 square feet, such as a corner store, convenience store, neighborhood store, small grocery store, or bodega, which sells a limited selection of foods and other products.

(i) "Underserved community" means a low-income community in a distressed urban, suburban, or rural geographic area where a substantial number of residents have low access to a full-service supermarket or grocery store. An area with limited supermarket access must be:

1. A census tract, as determined to be an area with low access by the United States Department of Agriculture, as identified in the Food Access Research Atlas;

2. Identified as a limited supermarket access area as recognized by the Community Development Financial Institutions Fund of the United States Department of the Treasury; or

3. Identified as an area with low access to a supermarket or grocery store through a methodology that has been adopted for use by another governmental initiative, or well-established or well-regarded philanthropic healthy food initiative.
(2)(a) The department shall establish a Healthy Food Financing Initiative program that provides grants and loans is composed of and coordinates the use of grants from any source; federal, state, and private loans from a governmental entity or institutions regulated by a governmental entity; federal tax credits; and other types of financial assistance for the construction, rehabilitation, or expansion of independent grocery stores, supermarkets, community facilities, or other retail outlets structures to increase access to affordable fresh produce and other nutritious food in underserved communities.

(b)(3)(a) The department may contract with one or more qualified nonprofit organizations or Florida-based federally certified community development financial institutions to administer the program through a public-private partnership.

(c) Qualified nonprofit organizations must be able to demonstrate:
1. Prior experience in healthy food financing.
2. Tax exempt status under s. 501(c)(3) of the Internal Revenue Code.
3. The ability to successfully manage and operate lending and grant programs.
4. The ability to assume full financial risk for loans made under this program.

(d) Eligible community development financial institutions must be able to demonstrate:
1. Prior experience in healthy food financing.
2. Support from the Community Development Financial Institutions Fund of the United States Department of the Treasury.
3. The ability to successfully manage and operate lending and tax credit programs.
4. The ability to assume full financial risk for loans made under this initiative.

(3)(b) The department shall:
   (a) Establish program guidelines, raise matching funds, promote the program statewide, evaluate applicants, underwrite and disburse grants and loans, and monitor compliance and impact. The department may contract with a third-party administrator to carry out such duties. If the department contracts with a third-party administrator, funds shall be granted to the third-party administrator to create a revolving loan fund for the purpose of financing projects that meet the criteria of the program. The third-party administrator shall report to the department annually.
   (b) Create eligibility guidelines and provide financing through an application process. Eligible projects must:
      1. Be located in an underserved community;
      2. Primarily serve low-income communities; and
      3. Provide for the renovation or expansion of, including infrastructure upgrades to, existing independent grocery stores
or supermarkets; or the renovation or expansion of, including infrastructure upgrades to, community facilities to improve the availability and quality of fresh produce and other healthy foods.

(c) Report annually to the President of the Senate and the Speaker of the House of Representatives on the projects funded, the geographic distribution of the projects, the costs of the program, and the outcomes, including the number and type of jobs created.

(4)(a) The department may contract with a third-party administrator to carry out the duties of the program.

(b) If the department contracts with a third-party administrator, funds shall be granted to the third-party administrator to create a revolving loan fund for the purpose of financing projects that meet the criteria of the program.

(c) The third-party administrator shall:

1. Create eligibility guidelines.
2. Award project financing through an application process.
3. Raise matching funds.
4. Promote the program statewide.
5. Underwrite and disburse grants and loans.
6. Monitor program compliance and impact.
7. Report quarterly to the department and annually to the President of the Senate and the Speaker of the House of Representatives on the projects funded, the geographic...
distribution of the projects, and the outcomes, including the
number and type of jobs created.

(4)(a) The Office of Program Policy Analysis and
Government Accountability shall review the program and data
collected from the department after a term of 7 years and report
to the President of the Senate and the Speaker of the House of
Representatives. The report shall include, but is not limited
to, health impacts based on data collected by the state on
diabetes, heart disease and other obesity-related diseases, and
other factors as determined by the department.

(b) If the report determines the program to be
unsuccessful after 7 years, the department shall create
guidelines for unused funds to be returned to the initial
investor.

(5) A for-profit entity, including a convenience store or
a fueling station, or a not-for-profit entity, including, but
not limited to, a sole proprietorship, partnership, limited
liability company, corporation, cooperative, nonprofit
organization, nonprofit community development entity, or private
university, may apply for financing. An applicant for financing
must:

(a) Demonstrate the capacity to successfully implement the
project and the likelihood that the project will be economically
self-sustaining;

(b) Demonstrate the ability to repay the loan; and
(c) Agree, as an independent grocery store or supermarket, for at least 5 years, to:

1. Accept Supplemental Nutrition Assistance Program benefits;

2. Apply to accept Special Supplemental Nutrition Program for Women, Infants, and Children benefits and accept such benefits, if approved;

3. Allocate at least 30 percent of food retail space for the sale of perishable foods, which may include fresh or frozen dairy products, fresh produce, and fresh meats, poultry, and fish;

4. Comply with all data collection and reporting requirements established by the department; and

5. Promote the hiring of local residents.

Projects, including, but not limited to, corner stores, bodegas, or other types of nontraditional grocery stores that do not meet the 30 percent minimum in subparagraph 3, can still qualify for funding if such funding will be used for refrigeration, displays, or other one-time capital expenditures to promote the sale of fresh produce and other healthy foods.

(6) In determining which qualified projects to finance, the department or third-party administrator shall:

   (a) Give preference to:

      1. Local Florida-based grocers or local business owners
with experience in grocery stores and to grocers and business
owners with a business plan model that includes written
documentation of opportunities to purchase from Florida farmers
and growers before seeking out-of-state purchases.

2. Construction of independent grocery stores or
supermarkets.
3. Renovation, expansion, and infrastructure upgrades to
stores and community facilities that improve the availability
and quality of fresh produce and other healthy foods.

4. Other projects that create or improve access to
affordable fresh produce that meet the intent of this section as
determined by the department or a third-party administrator.

(b) Consider the level of need in the area to be served;
(c) Consider the degree to which the project will have a
positive economic impact on the underserved community, including
the creation or retention of jobs for local residents;
(d) Consider the location of existing independent grocery
stores, supermarkets, or other markets relevant to the
applicant's project and provide the established entity the right
of first refusal for such project; and
(e) Consider other criteria as determined by the
department.

(7) Financing for projects may be used for the following
purposes:
(a) Site acquisition and preparation.
(b) Construction and build-out costs.
(c) Equipment and furnishings.
(d) Workforce training or security.
(e) Predevelopment costs, such as market studies and appraisals.
(f) Energy efficiency measures.
(g) Working capital for first-time inventory and startup costs, including seeds and starter plants for residential produce cultivation.
(h) Acquisition of seeds and starter plants for the residential cultivation of fruits, vegetables, herbs, and other culinary products. However, only 7 percent of the total funds expended in any one project under this section may be used for such acquisition.
(i) Other purposes as determined necessary and reasonable by the department or a third-party administrator.
(8) The department shall adopt rules to administer this section.
(9) The department may not distribute more than $500,000 among more than three recipients. The department's performance and obligation to pay under this section is contingent upon an annual appropriation by the Legislature as provided in s. 287.0582. If the department contracts with a third-party administrator, funds shall be advanced to the third-party administrator from the department's annual appropriation in
order to implement this section.

(10)(a) Effective July 1, 2026, the Office of Program Policy Analysis and Government Accountability shall review the program and data collected from the department and report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2027. The report shall include health impacts based on data collected by the state on and other factors as determined by the department.

(b) If the report determines the program to be unsuccessful, the department shall return any initial funds that have not been loaned, granted, or leveraged in a revolving loan fund to the General Revenue Fund.

Section 10. Section 502.012, Florida Statutes, is amended to read:

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

(1) "Bulk milk hauler and sampler" means a person who collects official samples and may transport raw milk from a farm or raw milk products to or from a farm, milk plant, receiving station, or transfer station and has in his or her possession a permit to sample such products from any state regulatory agency charged in implementing the Grade "A" program.

(2) "Bulk milk pickup tanker" means a vehicle, including the truck and tank, and necessary attachments for its use, used by a bulk milk hauler and sampler 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) "Dairy farm" means any place or premises where one
or more lactating animals, such as cows, goats, sheep, water
buffalo, camels, 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) "Department" means the Department of Agriculture
and Consumer Services.

(5) "Frozen dessert" means a specific standardized
frozen dessert described in 21 C.F.R. part 135 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.

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

(7) "Frozen desserts plant" means any location or
premises at which frozen desserts or mix are manufactured,
processed, or frozen for distribution or sale at wholesale.
(8) "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.

(9) "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.

(10) "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.

(11) "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.

(12) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or
more healthy cows, goats, sheep, water buffalo, camels, or other hooved mammals.

(13) "Milk distributor" means any person who offers for sale or sells to another person any milk or milk product.

(14) "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. "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.

(15) "Milkfat" or "butterfat" means the fat contained in milk.

(16) "Milk hauler" means any person who transports raw milk or raw milk products to or from a milk plant, receiving station, or transfer station.

(17) "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.

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

(19)(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.

(20)(19) "Milk tank truck" means either a bulk milk pickup tanker or a milk transport tank.

(21)(20) "Milk transport tank" means a vehicle, including the truck and tank, used by a bulk milk hauler and 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.

(22)(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.

(23) "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.

(24) "Raw milk" means unpasteurized, unprocessed milk.

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

(26) "Reconstituted milk or milk products" or "recombined
milk or milk products" means milk or milk products that result
from reconstituting or recombining of milk constituents with
potable water.

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

(28) "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.

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

(30) "Ultra-pasteurization" means a thermal process by which milk or milk products are heated to 280 degrees Fahrenheit or above for at least 2 seconds, before or after packaging, to produce a milk or milk product that has an extended shelf-life under refrigerated conditions.

(31) "Washing station" means any place, premises, or establishment where milk tank trucks are cleaned and sanitized.

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

Section 11. 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 conduct onsite inspections of any facility used in the production, processing, and
distribution of any milk or milk products under this chapter and
shall collect samples of such products from such facilities for
testing pursuant to 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 12. Paragraph (b) of subsection (1), paragraph (d)
of subsection (3), and paragraph (a) of subsection (4) of
section 502.053, Florida Statutes, are amended to read:

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

(1) PERMITS.—

(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
at wholesale for sale in this state must apply to the department
for a permit to operate. The application must be submitted on
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 exempt from bulk milk hauler and sampler 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.

Section 13. Subsection (5) of section 502.181, Florida Statutes, is renumbered as subsection (4), and subsections (1) and (4) of that section 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 14. Subsection (4) of section 570.441, Florida Statutes, is amended to read:
570.441  Pest Control Trust Fund.—

(4) In addition to the uses authorized under subsection (2), moneys collected or received by the department under chapter 482 may be used to carry out the provisions of s. 570.44. This subsection expires June 30, 2024.

Section 15. Subsection (10) of section 570.691, Florida Statutes, is amended to read:

570.691  Direct-support organization.—

(10) This section is repealed October 1, 2019, unless reviewed and saved from repeal by the Legislature.

Section 16. Subsection (14) of section 570.83, Florida Statutes, is amended to read:

570.83  Beef Market Development Act; definitions; Florida Beef Council, Inc., creation, purposes, governing board, powers, and duties; referendum on assessments imposed on gross receipts from cattle sales; payments to organizations for services; collecting and refunding assessments; vote on continuing the act; council bylaws.—

(14) REPEAL. This section is repealed October 1, 2019, unless reviewed and saved from repeal by the Legislature.

Section 17. 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 with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory evaluations and for water conservation and quality improvement pursuant to s. 403.067(7)(c).

(b) The development and implementation of voluntary interim measures or best management practices, which provide for increased efficiencies in the use and management of water for agricultural production. In the process of developing and adopting rules for interim measures or best management practices, the department shall consult with the Department of Environmental Protection and the water management districts. Such rules may also include a system to ensure the implementation of the practices, including recordkeeping requirements. As new information regarding efficient agricultural water use and management becomes available, the department shall reevaluate and revise the interim measures or best management practices as needed. The interim measures or best management practices may include irrigation retrofit, implementation of mobile irrigation laboratory evaluations and recommendations, water resource augmentation,
and integrated water management systems for drought management
and flood control and should, to the maximum extent practicable,
be designed to qualify for regulatory incentives and other
incentives, as determined by the agency having applicable
statutory authority.

(c) Provision of assistance to the water management
districts in the development and implementation, to the extent
practicable, of a consistent, to the extent practicable,
methodology for the efficient allocation of water for
agricultural irrigation.

Section 18. Paragraph (e) of subsection (1) and paragraph
(b) of subsection (9) of section 590.02, Florida Statutes, are
amended to read:

590.02 Florida Forest Service; powers, authority, and
duties; liability; building structures; Withlacoochee Training
Center.—

(1) The Florida Forest Service has the following powers,
authority, and duties to:

(e) Develop a training curriculum for wildland forestry
firefighters which must contain at least 40 hours of structural
firefighter training, at least 40 hours of emergency medical
training, and at least 376 the basic volunteer structural fire
training course approved by the Florida State Fire College of
the Division of State Fire Marshal and a minimum of 250 hours of
wildfire training;
(b) All money received from reimbursements for providing emergency response assistance for out-of-state hazard incidents and from the disposition of state-owned equipment and vehicles that are used for wildland firefighting shall be retained by the department. Money received pursuant to this section is appropriated for and may be disbursed for the acquisition of exchange and surplus equipment used for wildland firefighting, and for all necessary operating expenditures related to such equipment, in the same fiscal year and the fiscal year following the reimbursement or disposition. The department shall maintain records of the accounts into which the money is deposited.

Section 19. 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, variance, and waiver process by rule, as required by federal regulations, for sponsors of the programs implemented pursuant to this chapter, notwithstanding s. 120.542.

Section 20. Section 595.901, Florida Statutes, is created to read:

595.901 Healthy Food Assistance Program.—

(1) There is created within the department the Healthy
Food Assistance Program. The purpose of the program is to establish a process for small food retailers to receive assistance for projects that increase the availability and sales of fresh and nutritious food, including fresh vegetables, fruits, meats, and seafood in low-income and moderate-income communities.

(2) As used in this section, the terms "low-income community," "moderate-income community," and "small food retailer" have the same meaning as in s. 500.81(1).

(3) The department shall administer the program and develop guidelines for the operation of the program. Guidelines may include procedures for granting appropriated funds to a qualified project administrator to provide assistance to small food retailers in urban and rural low-income and moderate-income communities to increase the sales of fresh produce and other healthy foods.

(4) In administering the program, the department shall:

(a) Establish project administrator eligibility guidelines, including, but not limited to, establishing and administering an application process for a project administrator and establishing monitoring and accountability mechanisms for projects receiving assistance. At a minimum, a project administrator must be a not-for-profit entity and have demonstrated experience in developing and implementing strategies for healthy food retail in small food retailers.
(b) Establish criteria for the project administrator to use in selecting projects, which shall consider the level of need in the area proposed to be served by an applicant.

(c) Electronically submit an annual report to the President of the Senate and the Speaker of the House of Representatives on the projects funded, the geographic distribution of the projects, and the costs and results of the program, including the program's impact on any related health initiatives.

(5) The project administrator is responsible for implementing and operating the program for small food retailers. In operating the program, the administrator shall:

(a) Establish and administer an application process for small food retailers to participate in the program. At a minimum, in order to receive assistance, small food retailers shall:

1. Be located in a low-income community or moderate income community.

2. Accept, or agree to apply to and accept, Supplemental Nutrition Assistance Program benefits and Special Supplemental Nutrition for Women, Infants, and Children benefits.

(b) Promote program availability throughout the state and undertake efforts to raise funds from other private and public sources.

(c) Use up to 10 percent of the funds provided by the
department for administrative and operational costs for
operating program, if such costs are not provided for from other
budgets or in-kind resources.

(d) Collect and provide data and other information
quarterly as required by the department.

(e) Provide defined goals, standards, and accountability
mechanisms for eligible project applicants to ensure that
expenditures of moneys are consistent with the purpose of this
program.

(f) Engage communities to support the participating small
food retailers.

(g) Seek guidance from state, county or municipal
agencies, private or public universities, cooperative extension
services, community-based organizations, and community members.

(h) Create standards to assess whether project goals are
met.

(i) Ensure funds are appropriately expended by monitoring
the activities of small food retailers.

(j) Expend funds for each approved project for the
following purposes only:

1. Refrigeration, display shelving, or other equipment
that small food retailers need for stocking and purchasing
healthy foods, including dairy products and fresh produce, up to
a maximum of $7,500 per retailer.

2. Materials and supplies for nutrition education and
3. Initial purchase of healthy foods, including dairy products and fresh produce, up to a maximum of $2,000 per retailer.

(6) For purposes of operating the program, a project administrator is exempt from chapter 287.

(7) The department's performance and obligation to pay under this section is contingent upon an annual appropriation by the Legislature.

(8) This section is repealed June 30, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 21. Paragraph (d) of subsection (1) of section 633.406, Florida Statutes, is amended to read:

633.406 Classes of certification.—

(1) The division may award one or more of the following certificates:

(d) Wildland Forestry Certificate of Compliance.—A Wildland Forestry Certificate of Compliance may be awarded to a person who has satisfactorily complied with a training program and successfully passed an examination as prescribed by rule, and who possesses the qualifications established in s. 590.02(1)(e).

Section 22. Subsection (8) of section 633.408, Florida Statutes, is amended to read:
633.408 Firefighter and volunteer firefighter training and certification.—

(8)(a) Pursuant to s. 590.02(1)(e), the division shall establish a structural fire training program of at least 40 not less than 206 hours. The division shall issue to a person satisfactorily complying with this training program and who has successfully passed an examination as prescribed by the division and who has met the requirements of s. 590.02(1)(e), a Wildland Firefighter Forestry Certificate of Compliance.

(b) An individual who holds a current and valid Wildland Firefighter Forestry Certificate of Compliance is entitled to the same rights, privileges, and benefits provided for by law as a firefighter.

Section 23. This act shall take effect July 1, 2019.