

By Senator Albritton

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 487.021, F.S.; defining
4 a term; amending s. 487.0435, F.S.; authorizing the
5 Department of Agriculture and Consumer Services to
6 consider the use of a fumigant as a pesticide for raw
7 agricultural commodities; amending s. 500.03, F.S.;
8 revising definitions; amending s. 500.033, F.S.;
9 revising the membership of the Florida Food Safety and
10 Food Defense Advisory Council; amending s. 500.12,
11 F.S.; conforming provisions to changes made by the
12 act; revising the date by which a late fee is imposed
13 for nonpayment of a food permit fee; amending s.
14 500.121, F.S.; conforming provisions to changes made
15 by the act; amending s. 500.147, F.S.; conforming
16 provisions to changes made by the act; repealing s.
17 500.81, F.S., relating to the Healthy Food Financing
18 Initiative; amending s. 502.012, F.S.; defining and
19 redefining terms; amending s. 502.014, F.S.; revising
20 the authority of the department to conduct onsite
21 inspections of facilities used to produce and process
22 milk and milk products and to collect samples of such
23 for testing; amending s. 502.053, F.S.; requiring
24 operation permits for wholesalers of frozen dessert
25 products; providing an exemption from bulk milk hauler
26 and sampler permit requirements; amending s. 502.181,
27 F.S.; removing the prohibitions against certain
28 testing for milkfat content and for repasteurizing
29 milk; amending s. 570.441, F.S.; extending the

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30 expiration for the use of funds from the Pest Control
31 Trust Fund; amending s. 570.93, F.S.; revising
32 requirements for the agricultural water conservation
33 program; amending s. 590.02, F.S.; directing the
34 Florida Forest Service to develop a training
35 curriculum for wildland firefighting; amending s.
36 595.404, F.S.; authorizing the department to adopt and
37 implement an exemption, variance, and waiver process
38 for school food and other nutrition programs; amending
39 s. 633.406, F.S.; conforming provisions to changes
40 made by the act; amending s. 633.408, F.S.; providing
41 wildland firefighter training and certification for
42 certain firefighters and volunteer firefighters;
43 providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Present subsections (57) through (67) of section
48 487.021, Florida Statutes, are redesignated as subsections (58)
49 through (68), respectively, and a new subsection (57) is added
50 to that section, to read:

51 487.021 Definitions.—For the purpose of this part:

52 (57) "Raw agricultural commodities fumigation" means the
53 use of a fumigant, in a lethal concentration to eliminate pests
54 from fruits, vegetables, nuts, legumes, mushrooms, or other
55 nonanimal matter customarily consumed by humans or animals,
56 under a tarpaulin or in a structure such as a storage facility,
57 barn, silo, or warehouse that is not inhabited by human beings,
58 agricultural livestock, or domestic pets and that is not

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59 connected by construction elements such as voids, pipes,
60 conduits, drains, or ducts to a structure that is inhabited by
61 human beings, agricultural livestock, or domestic pets that
62 would allow the transfer of fumigant between the structures.

63 Section 2. Subsection (7) is added to section 487.0435,
64 Florida Statutes, to read:

65 487.0435 License classification.—The department shall issue
66 certified applicator licenses in the following classifications:
67 certified public applicator; certified private applicator; and
68 certified commercial applicator. In addition, separate
69 classifications and subclassifications may be specified by the
70 department in rule as deemed necessary to carry out the
71 provisions of this part. Each classification shall be subject to
72 requirements or testing procedures to be set forth by rule of
73 the department and shall be restricted to the activities within
74 the scope of the respective classification as established in
75 statute or by rule. In specifying classifications, the
76 department may consider, but is not limited to, the following:

77 (7) The use of a fumigant as a pesticide, solely in raw
78 agricultural commodities fumigation as defined in s. 487.021.

79 Section 3. Subsection (1) of section 500.03, Florida
80 Statutes, is amended to read:

81 500.03 Definitions; construction; applicability.—

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

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

87 (b) "Approved laboratory" or "certified laboratory" means a

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88 laboratory of the department, a commercial laboratory certified
89 by the Department of Health, or a competent commercial
90 laboratory certified by an agency of another state or the United
91 States Environmental Protection Agency to perform analyses of
92 drinking water in accordance with the water quality testing
93 procedures adopted by the United States Environmental Protection
94 Agency.

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

100 (d) "Bottled water" means a beverage, as described in 21
101 C.F.R. part 165 ~~(2006)~~, that is processed in compliance with 21
102 C.F.R. part 129 ~~(2006)~~.

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

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

106 (g)1. "Color additive" means a material which:

107 a. Is a dye pigment, or other substance, made by a process
108 of synthesis or similar artifice, or extracted, isolated, or
109 otherwise derived, with or without intermediate or final change
110 of identity from a vegetable, animal, mineral, or other source,
111 or

112 b. When added or applied to a food, is capable, alone or
113 through reaction with another substance, of imparting color
114 thereto;

115
116 except that such term does not include any material that is

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117 exempt under the federal act.

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

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

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

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

138 (j) ~~(k)~~ "Cottage food product" means food that is not a
139 potentially hazardous food as defined by department rule which
140 is sold by a cottage food operation in accordance with s.
141 500.80.

142 (k) ~~(l)~~ "Department" means the Department of Agriculture and
143 Consumer Services.

144 (l) ~~(m)~~ "Federal act" means the Federal Food, Drug, and
145 Cosmetic Act, as amended, 21 U.S.C. ss. 301 et seq.; 52 Stat.

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146 1040 et seq.

147 (m)~~(n)~~ "Food" includes:

148 1. Articles used for food or drink for human consumption;

149 2. Chewing gum;

150 3. Articles used for components of any such article;

151 4. Articles for which health claims are made, which claims
152 are approved by the Secretary of the United States Department of
153 Health and Human Services and which claims are made in
154 accordance with s. 343(r) of the federal act, and which are not
155 considered drugs solely because their labels or labeling contain
156 health claims; and

157 5. Dietary supplements as defined in 21 U.S.C. s.
158 321(ff)(1) and (2).

159

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

163 (n)~~(o)~~ "Food additive" means any substance, the intended
164 use of which results or may be reasonably expected to result,
165 directly or indirectly, in its becoming a component or otherwise
166 affecting the characteristics of any food (including any
167 substance intended for use in producing, manufacturing, packing,
168 processing, preparing, treating, transporting, or holding food
169 and including any source of radiation intended for any such
170 use), if such substance is not generally recognized, among
171 experts qualified by scientific training and experience to
172 evaluate its safety, as having been adequately shown through
173 scientific procedures ~~or, in the case of a substance used in a~~
174 food before ~~prior to~~ January 1, 1958, through ~~either~~ scientific

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175 procedures or experience based on common use in food ~~to be safe~~
176 under the conditions of its intended use; except that such term
177 does not include:

178 1. A pesticide chemical in or on a raw agricultural
179 commodity;

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

183 3. A color additive; or

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

190 (o) ~~(p)~~ "Food establishment" means a factory, food outlet,
191 or other facility manufacturing, processing, packing, holding,
192 or preparing food or selling food at wholesale or retail. The
193 term includes any establishment or section of an establishment
194 at which food and food products are offered to the consumer and
195 intended for off-premises consumption and any delicatessen that
196 offers prepared food in bulk quantities only. The term does not
197 include:

198 1. A business or activity that is regulated under s.
199 413.051, s. 500.80, chapter 509, or chapter 601;~~;~~

200 ~~2. The term includes tomato packinghouses and repackers but~~
201 ~~does not include any other Establishments, except for tomato~~
202 packinghouses and repackers, that pack fruits and vegetables in
203 their raw or natural states, including those fruits or

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204 vegetables that are washed, colored, or otherwise treated in
205 their unpeeled, natural form before they are marketed; or

206 3. Markets that offer only fresh fruits and fresh
207 vegetables for sale.

208 ~~(g) "Food outlet" means any grocery store; convenience~~
209 ~~store; minor food outlet; meat, poultry, or fish and related~~
210 ~~aquatic food market; fruit or vegetable market; food warehouse;~~
211 ~~refrigerated storage facility; freezer locker; salvage food~~
212 ~~facility; or any other similar place storing or offering food~~
213 ~~for sale.~~

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

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

230 ~~(q)(t)~~ (q) "Label" means a display of written, printed, or
231 graphic matter upon the immediate container of any article. A
232 requirement made by or under authority of this chapter that any

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233 word, statement, or other information appear on the label shall
234 not be considered to be complied with unless such word,
235 statement, or other information also appears on the outside
236 container or wrapper, if there is any, of the retail package of
237 such article or is easily legible through the outside container
238 or wrapper.

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

- 241 1. Upon an article or any of its containers or wrappers; or
- 242 2. Accompanying such article.

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

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

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

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

260 (w)~~(z)~~ "Pesticide chemical" means any substance that ~~which~~,
261 alone, in chemical combination, or in formulation with one or

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262 more other substances is a pesticide as defined in s. 487.021
263 ~~"pesticide" within the meaning of the Florida Pesticide Law,~~
264 ~~part I of chapter 487, and that which~~ is used in the production,
265 storage, or transportation of raw agricultural commodities.

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

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

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

284 Section 4. Subsection (1) of section 500.033, Florida
285 Statutes, is amended to read:

286 500.033 Florida Food Safety and Food Defense Advisory
287 Council.—

288 (1) There is created the Florida Food Safety and Food
289 Defense Advisory Council for the purpose of serving as a forum
290 for presenting, investigating, and evaluating issues of current

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291 importance to the assurance of a safe and secure food supply to
 292 the citizens of Florida. The Florida Food Safety and Food
 293 Defense Advisory Council shall consist of, but not be limited
 294 to~~+~~ the Commissioner of Agriculture or his or her designee; the
 295 State Surgeon General or his or her designee; the Secretary of
 296 Business and Professional Regulation or his or her designee; ~~the~~
 297 ~~person responsible for domestic security with the Department of~~
 298 ~~Law Enforcement~~; members representing the production,
 299 processing, distribution, and sale of foods; consumers or
 300 members of citizens groups; representatives of food industry
 301 groups; scientists or other experts in aspects of food safety
 302 from state universities; representatives from local, state, and
 303 federal agencies that are charged with responsibilities for food
 304 safety or food defense; and as ex officio members, the chairs of
 305 the Agriculture Committees of the Senate and the House of
 306 Representatives or their designees, ~~;~~ ~~and~~ the chairs of the
 307 committees of the Senate and the House of Representatives with
 308 jurisdictional oversight of home defense issues or their
 309 designees, and the person responsible for domestic security with
 310 the Department of Law Enforcement or his or her designee. The
 311 Commissioner of Agriculture shall appoint the remaining members.
 312 The council shall make periodic reports to the Department of
 313 Agriculture and Consumer Services concerning findings and
 314 recommendations in the area of food safety and food defense.

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

318 500.12 Food permits; building permits.—

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

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320 person who operates a food establishment ~~or retail food store~~,
321 except:

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

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

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

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

338 (b) Each food establishment ~~and retail food store~~ regulated
339 under this chapter must apply for and receive a food permit
340 before operation begins. An application for a food permit from
341 the department must be accompanied by a fee in an amount
342 determined by department rule. The department shall adopt by
343 rule a schedule of fees to be paid by each food establishment
344 ~~and retail food store~~ as a condition of issuance or renewal of a
345 food permit. Such fees may not exceed \$650 and shall be used
346 solely for the recovery of costs for the services provided,
347 except that the fee accompanying an application for a food
348 permit for operating a bottled water plant may not exceed \$1,000

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349 and the fee accompanying an application for a food permit for
350 operating a packaged ice plant may not exceed \$250. The fee for
351 operating a bottled water plant or a packaged ice plant shall be
352 set by rule of the department. Food permits are not transferable
353 from one person or physical location to another. Food permits
354 must be renewed annually on or before January 1. If ~~an~~
355 ~~application for renewal of~~ a food permit fee is not received in
356 full by the department by January 1 ~~within 30 days after its due~~
357 ~~date~~, a late fee not exceeding \$100 must be paid in addition to
358 the food permit fee ~~before the department may issue the food~~
359 ~~permit~~. The moneys collected shall be deposited in the General
360 Inspection Trust Fund.

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

371 (2) When any person applies for a building permit to
372 construct, convert, or remodel any food establishment, ~~food~~
373 ~~outlet, or retail food store,~~ the authority issuing such permit
374 shall make available to the applicant a printed statement,
375 provided by the department, regarding the applicable sanitation
376 requirements for such establishments. A building permitting
377 authority, or municipality or county under whose jurisdiction a

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378 building permitting authority operates, may not be held liable
379 for a food establishment, ~~food outlet, or retail food store~~ that
380 does not comply with the applicable sanitation requirements due
381 to failure of the building permitting authority to provide the
382 information as provided in this subsection.

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

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

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

402 Section 6. Subsection (1) of section 500.121, Florida
403 Statutes, is amended to read:

404 500.121 Disciplinary procedures.—

405 (1) In addition to the suspension procedures provided in s.
406 500.12, if applicable, the department may impose an

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

415 (a) Violated this chapter.

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

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

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

427 Section 7. Paragraph (a) of subsection (3) of section
428 500.147, Florida Statutes, is amended to read:

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

431 (3) For bottled water plants:

432 (a) Bottled water must be from an approved source. Bottled
433 water must be processed in conformance with 21 C.F.R. part 129
434 ~~(2006)~~, and must conform to 21 C.F.R. part 165 ~~(2006)~~. A person
435 operating a bottled water plant shall be responsible for all

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436 water sampling and analyses required by this chapter.

437 Section 8. Section 500.81, Florida Statutes, is repealed.

438 Section 9. Section 502.012, Florida Statutes, is amended to
439 read:

440 502.012 Definitions.—As used in this chapter, the term:

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

447 (2)~~(1)~~ "Bulk milk pickup tanker" means a vehicle, including
448 the truck and tank, and necessary attachments for its use, used
449 by a bulk milk hauler and sampler to transport bulk raw milk for
450 pasteurization, ultra-pasteurization, aseptic processing and
451 packaging, or retort processing after packaging from a dairy
452 farm to a milk plant, receiving station, or transfer station.

453 (3)~~(2)~~ "Dairy farm" means any place or premises where one
454 or more lactating animals, such as cows, goats, sheep, water
455 buffalo, camels, or other hooved mammals, are kept for milking
456 purposes and from which a part or all of the milk is provided,
457 sold, or offered for sale.

458 (4)~~(3)~~ "Department" means the Department of Agriculture and
459 Consumer Services.

460 (5)~~(4)~~ "Frozen dessert" means a specific standardized
461 frozen dessert described in 21 C.F.R. part 135 and any other
462 food defined by rule of the department that resembles such
463 standardized frozen dessert but does not conform to the specific
464 description of such standardized frozen dessert in 21 C.F.R.

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465 part 135. The term includes, but is not limited to, a
466 quiescently frozen confection, a quiescently frozen dairy
467 confection, a frozen dietary dairy dessert, and a frozen dietary
468 dessert.

469 (6)~~(5)~~ "Frozen desserts manufacturer" means a person who
470 manufactures, processes, converts, partially freezes, or freezes
471 any mix or frozen dessert for distribution or sale.

472 (7)~~(6)~~ "Frozen desserts plant" means any location or
473 premises at which frozen desserts or mix are manufactured,
474 processed, or frozen for distribution or sale at wholesale.

475 (8)~~(7)~~ "Frozen desserts retail establishment" means any
476 location or premises, including a retail store, stand, hotel,
477 boardinghouse, restaurant, vehicle, or mobile unit, at which
478 frozen desserts are frozen, partially frozen, or dispensed for
479 sale at retail.

480 (9)~~(8)~~ "Frozen dietary dairy dessert" or "frozen dietary
481 dessert" means a food for any special dietary use, prepared by
482 freezing, with or without agitation, and composed of a
483 pasteurized mix that may contain fat, protein, carbohydrates,
484 natural or artificial sweeteners, flavoring, stabilizers,
485 emulsifiers, vitamins, and minerals.

486 (10)~~(9)~~ "Grade 'A' pasteurized milk ordinance" means the
487 document entitled "Grade 'A' Pasteurized Milk Ordinance, United
488 States Department of Health and Human Services, Public Health
489 Service, Food and Drug Administration," including all associated
490 appendices, as adopted by department rule.

491 (11)~~(10)~~ "Imitation milk and imitation milk products" means
492 those foods that have the physical characteristics, such as
493 taste, flavor, body, texture, or appearance, of milk or milk

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494 products as defined in this chapter and the Grade "A"
495 pasteurized milk ordinance but do not come within the definition
496 of "milk" or "milk products" and are nutritionally inferior to
497 the product imitated.

498 (12)~~(11)~~ "Milk" means the lacteal secretion, practically
499 free from colostrum, obtained by the complete milking of one or
500 more healthy cows, goats, sheep, water buffalo, camels, or other
501 hooved mammals.

502 (13)~~(12)~~ "Milk distributor" means any person who offers for
503 sale or sells to another person any milk or milk product.

504 (14)~~(13)~~ "Milk products" means products made with milk that
505 is processed in some manner, including being whipped, acidified,
506 cultured, concentrated, lactose-reduced, or sodium-reduced or
507 aseptically processed, or having the addition or subtraction of
508 milkfat, the addition of safe and suitable microbial organisms,
509 or the addition of safe and suitable optional ingredients for
510 protein, vitamin, or mineral fortification. "Milk products" do
511 not include products such as evaporated milk, condensed milk,
512 eggnog in a rigid metal container, dietary products, infant
513 formula, or ice cream and other desserts.

514 (15)~~(14)~~ "Milkfat" or "butterfat" means the fat contained
515 in milk.

516 (16)~~(15)~~ "Milk hauler" means any person who transports raw
517 milk or raw milk products to or from a milk plant, receiving
518 station, or transfer station.

519 (17)~~(16)~~ "Milk plant" means any place, premises, or
520 establishment where milk or milk products are collected,
521 handled, processed, stored, pasteurized, ultra-pasteurized,
522 aseptically processed and packaged, retort processed after

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523 packaging, condensed, dried, packaged, bottled, or prepared for
524 distribution.

525 (18)~~(17)~~ "Milk plant operator" means any person responsible
526 for receiving, processing, pasteurizing, or packaging milk and
527 milk products, or performing any other related operation.

528 (19)~~(18)~~ "Milk producer" means any person who operates a
529 dairy farm and provides, sells, or offers for sale milk to a
530 milk plant, receiving station, or transfer station.

531 (20)~~(19)~~ "Milk tank truck" means either a bulk milk pickup
532 tanker or a milk transport tank.

533 (21)~~(20)~~ "Milk transport tank" means a vehicle, including
534 the truck and tank, used by a bulk milk hauler and sampler or a
535 milk hauler to transport bulk shipments of milk from a milk
536 plant, receiving station, or transfer station to another milk
537 plant, receiving station, or transfer station.

538 (22)~~(21)~~ "Quiescently frozen confection" means a clean and
539 wholesome frozen, sweetened, flavored product that, while being
540 frozen, was not stirred or agitated (generally known as
541 quiescent freezing). The confection may be acidulated with food-
542 grade acid, may contain milk solids or water, or may be made
543 with or without added harmless pure or imitation flavoring and
544 with or without harmless coloring. The finished product must not
545 contain more than 0.5 percent by weight of stabilizer composed
546 of wholesome, edible material and must not contain less than 17
547 percent by weight of total food solids. In the production of the
548 confection, processing or mixing before quiescent freezing that
549 develops in the finished confection mix any physical expansion
550 in excess of 10 percent may not be used.

551 (23)~~(22)~~ "Quiescently frozen dairy confection" means a

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552 clean and wholesome frozen product made from water, milk
553 products, and sugar, with added harmless pure or imitation
554 flavoring, with or without added harmless coloring, with or
555 without added stabilizer, or with or without added emulsifier,
556 that, while being frozen, was not stirred or agitated (generally
557 known as quiescent freezing). The confection must not contain
558 less than 13 percent by weight of total milk solids, less than
559 33 percent by weight of total food solids, more than 0.5 percent
560 by weight of stabilizer, or more than 0.2 percent by weight of
561 emulsifier. Stabilizer and emulsifier must be composed of
562 wholesome, edible material. In the production of a quiescently
563 frozen dairy confection, processing or mixing before quiescently
564 freezing that develops in the finished confection mix any
565 physical expansion in excess of 10 percent may not be used.

566 ~~(24)-(23)~~ "Raw milk" means unpasteurized, unprocessed milk.

567 ~~(25)-(24)~~ "Receiving station" means any place, premises, or
568 establishment where raw milk is received, collected, handled,
569 stored, or cooled and is prepared for further transporting.

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

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

576 ~~(28)-(25)~~ "Substitute milk and substitute milk products"
577 means those foods that have the physical characteristics, such
578 as taste, flavor, body, texture, or appearance, of milk or milk
579 products as defined in this chapter and the Grade "A"
580 pasteurized milk ordinance but do not come within the definition

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581 of "milk" or "milk products" and are nutritionally equivalent to
582 the product for which they are substitutes.

583 (29)~~(26)~~ "Transfer station" means any place, premises, or
584 establishment where milk or milk products are transferred
585 directly from one milk tank truck to another.

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

591 (31)~~(27)~~ "Washing station" means any place, premises, or
592 establishment where milk tank trucks are cleaned and sanitized.

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

595 Section 10. Paragraph (a) of subsection (2) of section
596 502.014, Florida Statutes, is amended to read:

597 502.014 Powers and duties.—

598 (2) (a) The department shall conduct onsite inspections of
599 any facility used in the production, processing, and
600 distribution of any milk or milk products under this chapter and
601 shall collect samples of such products from such facilities for
602 testing pursuant to ~~dairy farms, milk plants, and frozen dessert~~
603 ~~plants and collect test samples of milk, milk products, and~~
604 ~~frozen desserts as required by~~ this chapter.

605 Section 11. Paragraph (b) of subsection (1), paragraph (d)
606 of subsection (3), and paragraph (a) of subsection (4) of
607 section 502.053, Florida Statutes, are amended to read:

608 502.053 Permits and fees; requirements; exemptions;
609 temporary permits.—

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610 (1) PERMITS.—

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

618 (3) REQUIREMENTS.—

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

624 (4) EXEMPTIONS.—

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

627 1. Milk producers who transport milk or milk products only
628 from their own dairy farms.

629 2. Employees of a milk distributor or milk plant operator
630 who possesses a valid permit.

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

633 Section 12. Subsections (1) and (4) of section 502.181,
634 Florida Statutes, are amended to read:

635 502.181 Prohibited acts.—It is unlawful for any person in
636 this state to:

637 (1) Engage in the business of producing, hauling,
638 transferring, receiving, processing, packaging, or distributing

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639 milk, milk products, or frozen desserts or operating a washing
640 station, manufacturing single-service containers, or
641 manufacturing imitation or substitute milk or milk products, ~~or~~
642 ~~testing for milkfat content,~~ without first obtaining a permit or
643 license from the department.

644 ~~(4) Repasteurize milk.~~

645 Section 13. Subsection (4) of section 570.441, Florida
646 Statutes, is amended to read:

647 570.441 Pest Control Trust Fund.—

648 (4) In addition to the uses authorized under subsection
649 (2), moneys collected or received by the department under
650 chapter 482 may be used to carry out the provisions of s.
651 570.44. This subsection expires June 30, 2024 ~~2019~~.

652 Section 14. Subsection (1) of section 570.93, Florida
653 Statutes, is amended to read:

654 570.93 Department of Agriculture and Consumer Services;
655 agricultural water conservation and agricultural water supply
656 planning.—

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

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

666 (b) The development and implementation of voluntary interim
667 measures or best management practices, ~~adopted by rule,~~ which

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668 provide for increased efficiencies in the use and management of
669 water for agricultural production. In the process of developing
670 and adopting rules for interim measures or best management
671 practices, the department shall consult with the Department of
672 Environmental Protection and the water management districts.
673 Such rules may also include a system to ensure ~~assure~~ the
674 implementation of the practices, including recordkeeping
675 requirements. As new information regarding efficient
676 agricultural water use and management becomes available, the
677 department shall reevaluate and revise ~~as needed~~, the interim
678 measures or best management practices as needed. The interim
679 measures or best management practices may include irrigation
680 retrofit, implementation of mobile irrigation laboratory
681 evaluations and recommendations, water resource augmentation,
682 and integrated water management systems for drought management
683 and flood control and should, to the maximum extent practicable,
684 be designed to qualify for regulatory incentives and other
685 incentives, as determined by the agency having applicable
686 statutory authority.

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

692 Section 15. Subsection (1) of section 590.02, Florida
693 Statutes, is amended to read:

694 590.02 Florida Forest Service; powers, authority, and
695 duties; liability; building structures; Withlacoochee Training
696 Center.-

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

699 (a) Enforce the provisions of this chapter;

700 (b) Prevent, detect, and suppress wildfires wherever they
701 may occur on public or private land in this state and do all
702 things necessary in the exercise of such powers, authority, and
703 duties;

704 (c) Provide firefighting crews, who shall be under the
705 control and direction of the Florida Forest Service and its
706 designated agents;

707 (d) Appoint center managers, forest area supervisors,
708 forestry program administrators, a forest protection bureau
709 chief, a forest protection assistant bureau chief, a field
710 operations bureau chief, deputy chiefs of field operations,
711 district managers, forest operations administrators, senior
712 forest rangers, investigators, forest rangers, firefighter
713 rotorcraft pilots, and other employees who may, at the Florida
714 Forest Service's discretion, be certified as forestry
715 firefighters pursuant to s. 633.408(8). Other law
716 notwithstanding, center managers, district managers, forest
717 protection assistant bureau chief, and deputy chiefs of field
718 operations have Selected Exempt Service status in the state
719 personnel designation;

720 (e) Develop a training curriculum for wildland forestry
721 firefighters which must contain at least 40 hours of structural
722 firefighter training, at least 40 hours of emergency medical
723 training, and at least 376 ~~the basic volunteer structural fire~~
724 ~~training course approved by the Florida State Fire College of~~
725 ~~the Division of State Fire Marshal and a minimum of 250 hours of~~

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726 wildfire training;

727 (f) Pay the cost of the initial commercial driver license
728 examination fee for those employees whose position requires them
729 to operate equipment requiring a license. This paragraph is
730 intended to be an authorization to the department to pay such
731 costs, not an obligation;

732 (g) Provide fire management services and emergency response
733 assistance and set and charge reasonable fees for performance of
734 those services. Moneys collected from such fees shall be
735 deposited into the Incidental Trust Fund of the Florida Forest
736 Service;

737 (h) Require all state, regional, and local government
738 agencies operating aircraft in the vicinity of an ongoing
739 wildfire to operate in compliance with the applicable state
740 Wildfire Aviation Plan;

741 (i) Authorize broadcast burning, prescribed burning, pile
742 burning, and land clearing debris burning to carry out the
743 duties of this chapter and the rules adopted thereunder; and

744 (j) Make rules to accomplish the purposes of this chapter.

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

747 595.404 School food and other nutrition programs; powers
748 and duties of the department.—The department has the following
749 powers and duties:

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

754 Section 17. Paragraph (d) of subsection (1) of section

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755 633.406, Florida Statutes, is amended to read:

756 633.406 Classes of certification.—

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

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

765 Section 18. Subsection (8) of section 633.408, Florida
766 Statutes, is amended to read:

767 633.408 Firefighter and volunteer firefighter training and
768 certification.—

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

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

780 Section 19. This act shall take effect July 1, 2019.