A bill to be entitled
An act relating to the Department of Agriculture and
Consumer Services; amending s. 377.703, F.S.; revising
the contents of a Department of Agriculture and
Consumer Services report to the Governor and the
Legislature to include the development of certain
renewable and alternative energy technologies;
requiring the department to promote the development of
alternative fuel and alternative vehicle technologies;
requiring the Division of Emergency Management to
consult with the department to include specified
provisions in a certain report; deleting a requirement
that the department prepare a separate, specified
renewable energy report; amending s. 487.021, F.S.;
defining the term “raw agricultural commodities
fumigation”; amending s. 487.0435, F.S.; authorizing
the department 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 an applicable
permit; amending s. 500.121, F.S.; conforming
provisions to changes made by the act; amending s.
500.147, F.S.; updating a reference to certain bottled
water provisions; amending s. 502.012, F.S.; defining
and redefining terms; amending s. 502.014, F.S.;
revising the authority of the department to conduct
onsite inspections of certain facilities and to
collect samples of products at such facilities for
testing; amending s. 502.053, F.S.; requiring
operation permits for wholesalers of frozen dessert
products; deleting a requirement that a frozen dessert
plant permitholder submit specified reports to the
department; providing an exemption from bulk milk
hauler/sampler permit requirements; amending s.
502.181, F.S.; revising the prohibitions against
certain testing for milkfat content and for
repasteurizing milk; amending s. 502.231, F.S.;
conforming a provision to changes made by the act;
repealing s. 502.301, F.S., relating to the Dairy
Industry Technical Council; amending s. 570.441, F.S.;
extending the expiration for the use of funds from the
Pest Control Trust Fund; 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;
providing requirements for such training; 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; amending
s. 633.408, F.S.; providing wildland firefighter
training and certification for certain firefighters
and volunteer firefighters; reenacting ss.
373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S.,
relating to a declaration of policy, conditions for a permit, and a declaration of policy, respectively, to incorporate the amendment made to s. 500.033, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (f), (k), (m), and (n) of subsection (2) of section 377.703, Florida Statutes, are amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(f) The department shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations for policies for improvement of the state’s response to energy supply and demand and its effect on the health, safety, and welfare of the residents of this state. The report must include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and include recommendations for energy efficiency and conservation programs for the state, including:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy efficiency and conservation.
3. Development and conduct of educational and training programs relating to energy efficiency and conservation, renewable energy, alternative fuels, and alternative vehicle technologies.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(2), the state energy policy, and recommendations for better fulfilling this policy.

(k) The department shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the department shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the department data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the department.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures, and alternative fuel and alternative vehicle technologies.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in
conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by severe hurricanes, and the potential for such impacts caused by other natural disasters, the Division of Emergency Management, in consultation with the department, shall include in its energy emergency contingency plan and provide to the Florida Building Commission for inclusion in the Florida Energy Efficiency Code for Building Construction specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(n) On an annual basis, the department shall prepare an assessment of the utilization of the renewable energy technologies investment tax credit authorized in s. 220.192 and the renewable energy production credit authorized in s. 220.193, which the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by February 1 of each year. The assessment shall include, at a minimum, the following information:

1. For the renewable energy technologies investment tax
credit authorized in s. 220.192:
   a. The name of each taxpayer receiving an allocation under
      this section;
   b. The amount of the credits allocated for that fiscal year
      for each taxpayer; and
   c. The type of technology and a description of each
      investment for which each taxpayer receives an allocation.
2. For the renewable energy production credit authorized in
   s. 220.193:
   a. The name of each taxpayer receiving an allocation under
      this section;
   b. The amount of credits allocated for that fiscal year for
      each taxpayer;
   c. The type and amount of renewable energy produced and
      sold, whether the facility producing that energy is a new or
      expanded facility, and the approximate date on which production
      began; and
   d. The aggregate amount of credits allocated for all
      taxpayers claiming credits under this section for the fiscal
      year.
Section 2. Present subsections (57) through (67) of section
487.021, Florida Statutes, are redesignated 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 pesticide, in a sufficient concentration to be
   lethal to a given organism, to treat for pests in any fruits,
   vegetables, nuts, legumes, mushrooms, or other non-animal matter
customarily consumed by humans or animals. The term includes the process of fumigating raw agricultural commodities under a tarpaulin or in a structure such as a storage facility, barn, silo, warehouse, or shipping container which is not inhabited by human beings, agricultural livestock, or domestic pets and is not connected by construction elements containing voids, pipes, conduits, drains, or ducts to a structure inhabited by human beings, agricultural livestock, or domestic pets which could allow for 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 agricultural commodities fumigation, as defined in s. 487.021.

Section 4. Paragraphs (d), (i), (p), (q), (r), (v), and (bb) of subsection (1) of section 500.03, Florida Statutes, are amended to read:

500.03 Definitions; construction; applicability.—
(1) For the purpose of this chapter, the term:


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

(o)(p) “Food establishment” means a factory, food outlet, or other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term includes any establishment or section of an establishment where food and food products are offered to the consumer and are intended for off-premises consumption and delicatessens that offer prepared food in bulk quantities only. The term does not include a business or activity that is regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed; and markets that offer only fresh fruit 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.

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

(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.

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 within 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 on or before January 1 within 30 days after its due date, a late fee not exceeding $100 must be paid in addition to the applicable 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 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 (2019) (2006), and must conform to 21 C.F.R. part 165 (2019) (2006). A person operating a bottled water plant shall be responsible for all water sampling and analyses required by this chapter.

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

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

(1) “Bulk milk hauler/sampler” means a person who collects official samples and may transport raw milk from a farm or raw milk products to or from a 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 United States Food and Drug Administration’s Grade “A” Milk Safety Program.

(2) “Bulk milk pickup tanker” means a vehicle, including the truck and tank, and those appurtenances necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging or retort processed after packaging from a dairy farm to a milk plant, receiving station, or transfer station necessary attachments, used by a milk hauler to
transport bulk raw milk for pasteurization 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, including cows, goats, sheep, water
buffalo, or other hooved mammals, or camels, 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 which 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.
“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.

“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.

“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.

“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.

“Milk distributor” means any person who offers for sale or sells to another person any milk or milk product.

“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 packaged, condensed, dried, packaged, bottled, or prepared for distribution.

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

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

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

"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.

"Raw milk" means unpasteurized unprocessed milk.
“Receiving station” means any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and is prepared for further transporting.

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

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

“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.

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

“Ultra-pasteurization” means the process of thermally processing a milk or milk product at or above 280 degrees Fahrenheit for at least 2 seconds, before or after packaging, so as to produce a milk or milk product that has an extended shelf-life under refrigerated conditions.

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

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

Section 10. 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 all facility types defined in this chapter, and any products produced or received by such facilities, and shall collect samples for testing of any products produced or stored in such facilities, 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 11. 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 for wholesale 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/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 12. Subsections (1) and (4) of section 502.181, Florida Statutes, are amended to read:

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

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

(4) Repasteurize milk.

Section 13. Paragraph (b) of subsection (1) of section 502.231, Florida Statutes, is amended to read:

502.231 Penalty and injunction.—

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

(b) Imposition of an administrative fine:

1. In the Class II category pursuant to s. 570.971 for each violation in the case of a frozen dessert licensee; or
2. Ten percent of the license fee or $100, whichever is
greater, for failure to report the information described in s.
502.053(3)(d); or
3. In the Class I category pursuant to s. 570.971 for each
occurrence for any other violation.

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

Section 14. Section 502.301, Florida Statutes, is repealed.
Section 15. 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 16. Upon the expiration and reversion of the
amendment made to section 570.93, Florida Statutes, pursuant to
section 91 of chapter 2019-116, Laws of Florida, paragraphs (a)
and (c) of subsection (1) of section 570.93, Florida Statutes,
are amended to read:

570.93 Department of Agriculture and Consumer Services;
agricultural water conservation and agricultural water supply
planning.—
(1) The department shall establish an agricultural water
conservation program that includes the following:
(a) A cost-share program, coordinated where appropriate with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory evaluations and for water conservation as provided in this section and, where applicable, for water quality improvement pursuant to s. 403.067(7)(e).

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

Section 17. Subsection (1) of section 590.02, Florida Statutes, is 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:

(a) Enforce the provisions of this chapter;

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

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

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

(e) Develop a training curriculum for wildland forestry
firefighters which must contain a minimum of 40 hours of
structural firefighter training, a minimum of 40 hours of
emergency medical training, 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 376 hours of wildfire training;

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

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

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

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

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

Section 18. 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 under the programs implemented pursuant to this chapter, notwithstanding s. 120.542.

Section 19. 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 not less than 40 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 Forestry or Wildland Firefighter Certificate of Compliance is entitled to
the same rights, privileges, and benefits provided for by law as a firefighter.

Section 20. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 373.016, Florida Statutes, is reenacted to read:

373.016 Declaration of policy.—

(4)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)–(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water...
within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. 366.02(2).

Section 21. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, subsection (3) of section 373.223, Florida Statutes, is reenacted to read:

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

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

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

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

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

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

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

Section 22. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 373.701, Florida Statutes, is reenacted to read:
373.701 Declaration of policy.—It is declared to be the policy of the Legislature:

(2)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power...
production by an electric utility as defined in s. 366.02(2).

Section 23. This act shall take effect July 1, 2020.