

1                   A bill to be entitled  
2           An act relating to the Department of Agriculture and  
3           Consumer Services; amending s. 259.10521, F.S.;  
4           extending the scheduled repeal of the provisions  
5           governing the citizen support organizations operating  
6           to the benefit of the Babcock Ranch Preserve; amending  
7           s. 487.021, F.S.; providing a definition; amending s.  
8           487.0435, F.S.; authorizing the Department of  
9           Agriculture and Consumer Services to consider the use  
10          of a fumigant as a pesticide for raw agricultural  
11          commodities; amending s. 500.03, F.S.; revising  
12          definitions; amending s. 500.033, F.S.; revising the  
13          membership of the Florida Food Safety and Food Defense  
14          Advisory Council; amending s. 500.12, F.S.; conforming  
15          provisions to changes made by the act; revising the  
16          date by which a late fee is imposed for nonpayment of  
17          a food permit fee; amending s. 500.121, F.S.;  
18          conforming provisions to changes made by the act;  
19          amending s. 500.147, F.S.; conforming provisions to  
20          changes made by the act; transferring, renumbering,  
21          and amending s. 500.81, F.S.; providing and revising  
22          definitions; revising requirements for administration  
23          of and participation in the Healthy Food Financing  
24          Initiative; amending s. 502.012, F.S.; providing and  
25          revising definitions; amending s. 502.014, F.S.;

26 | revising the authority of the department to conduct  
27 | onsite inspections of facilities used to produce and  
28 | process milk and milk products and to collect samples  
29 | of such for testing; amending s. 502.053, F.S.;  
30 | requiring operation permits for wholesalers of frozen  
31 | dessert products; providing an exemption from bulk  
32 | milk hauler and sampler permit requirements; amending  
33 | s. 502.181, F.S.; removing the prohibitions against  
34 | certain testing for milkfat content and for  
35 | repasteurizing milk; amending s. 570.441, F.S.;  
36 | extending the expiration for the use of funds from the  
37 | Pest Control Trust Fund; amending s. 570.691, F.S.;  
38 | abrogating the scheduled repeal of provisions relating  
39 | to direct-support organizations of the Department of  
40 | Agriculture and Consumer Services; amending s. 570.83,  
41 | F.S.; abrogating the scheduled repeal of provisions  
42 | governing the Florida Beef Council, Inc., direct-  
43 | support organization; amending s. 570.93, F.S.;  
44 | revising requirements for the agricultural water  
45 | conservation program; amending s. 590.02, F.S.;  
46 | directing the Florida Forest Service to develop a  
47 | training curriculum for wildland firefighting;  
48 | authorizing the department to retain reimbursements  
49 | for out-of-state emergency response assistance;  
50 | amending s. 595.404, F.S.; authorizing the department

51 to adopt and implement an exemption, variance, and  
 52 waiver process for school food and other nutrition  
 53 programs; creating s. 595.901, F.S.; establishing the  
 54 Healthy Food Assistance program for small retailers;  
 55 providing requirements for program participation and  
 56 administration; providing for program expiration;  
 57 amending s. 633.406, F.S.; conforming provisions to  
 58 changes made by the act; amending s. 633.408, F.S.;  
 59 providing wildland firefighter training and  
 60 certification for certain firefighters and volunteer  
 61 firefighters; providing an effective date.

62

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

64

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

67 259.10521 Citizen support organization; use of property.—

68 (4) REPEAL.—This section is repealed October 1, 2024 ~~2019~~,  
 69 unless reviewed and saved from repeal by the Legislature.

70 Section 2. Subsections (57) through (67) of section  
 71 487.021, Florida Statutes, are renumbered as subsections (58)  
 72 through (68), respectively, and a new subsection (57) is added  
 73 to that section, to read:

74 487.021 Definitions.—For the purpose of this part:

75 (57) "Raw agricultural commodities fumigation" means the

HB 1215

2019

76 | use of a fumigant, in a lethal concentration to eliminate pests  
77 | from fruits, vegetables, nuts, legumes, mushrooms, or other  
78 | nonanimal matter customarily consumed by humans or animals,  
79 | under a tarpaulin or in a structure such as a storage facility,  
80 | barn, silo, or warehouse that is not inhabited by human beings,  
81 | agricultural livestock, or domestic pets and that is not  
82 | connected by construction elements such as voids, pipes,  
83 | conduits, drains, or ducts to a structure that is inhabited by  
84 | human beings, agricultural livestock, or domestic pets that  
85 | would allow the transfer of fumigant between the structures.

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

88 | 487.0435 License classification.—The department shall  
89 | issue certified applicator licenses in the following  
90 | classifications: certified public applicator; certified private  
91 | applicator; and certified commercial applicator. In addition,  
92 | separate classifications and subclassifications may be specified  
93 | by the department in rule as deemed necessary to carry out the  
94 | provisions of this part. Each classification shall be subject to  
95 | requirements or testing procedures to be set forth by rule of  
96 | the department and shall be restricted to the activities within  
97 | the scope of the respective classification as established in  
98 | statute or by rule. In specifying classifications, the  
99 | department may consider, but is not limited to, the following:

100 | (7) The use of a fumigant as a pesticide, solely in raw

101 agricultural commodities fumigation as defined in s. 487.021.

102 Section 4. Subsection (1) of section 500.03, Florida  
 103 Statutes, is amended to read:

104 500.03 Definitions; construction; applicability.—

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

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

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

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

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

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

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

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

130 a. Is a dye pigment, or other substance, made by a process  
 131 of synthesis or similar artifice, or extracted, isolated, or  
 132 otherwise derived, with or without intermediate or final change  
 133 of identity from a vegetable, animal, mineral, or other source,  
 134 or

135 b. When added or applied to a food, is capable, alone or  
 136 through reaction with another substance, of imparting color  
 137 thereto;

138

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

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

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

151 contamination.

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

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

161 (j)~~(k)~~ "Cottage food product" means food that is not a  
162 potentially hazardous food as defined by department rule which  
163 is sold by a cottage food operation in accordance with s.  
164 500.80.

165 (k)~~(l)~~ "Department" means the Department of Agriculture  
166 and Consumer Services.

167 (l)~~(m)~~ "Federal act" means the Federal Food, Drug, and  
168 Cosmetic Act, as amended, 21 U.S.C. ss. 301 et seq.; 52 Stat.  
169 1040 et seq.

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

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

176 Health and Human Services and which claims are made in  
 177 accordance with s. 343(r) of the federal act, and which are not  
 178 considered drugs solely because their labels or labeling contain  
 179 health claims; and

180 5. Dietary supplements as defined in 21 U.S.C. s.  
 181 321(ff) (1) and (2).

182  
 183 The term includes any raw, cooked, or processed edible  
 184 substance; ice; any beverage; or any ingredient used, intended  
 185 for use, or sold for human consumption.

186 (n)~~(e)~~ "Food additive" means any substance, the intended  
 187 use of which results or may be reasonably expected to result,  
 188 directly or indirectly, in its becoming a component or otherwise  
 189 affecting the characteristics of any food (including any  
 190 substance intended for use in producing, manufacturing, packing,  
 191 processing, preparing, treating, transporting, or holding food  
 192 and including any source of radiation intended for any such  
 193 use), if such substance is not generally recognized, among  
 194 experts qualified by scientific training and experience to  
 195 evaluate its safety, as having been adequately shown through  
 196 scientific procedures ~~or, in the case of a substance used in a~~  
 197 food before ~~prior to~~ January 1, 1958, through ~~either~~ scientific  
 198 procedures or experience based on common use in food ~~to be safe~~  
 199 under the conditions of its intended use; except that such term  
 200 does not include:



- 201           1. A pesticide chemical in or on a raw agricultural  
 202 commodity;
- 203           2. A pesticide chemical to the extent that it is intended  
 204 for use or is used in the production, storage, or transportation  
 205 of any raw agricultural commodity;
- 206           3. A color additive; or
- 207           4. Any substance used in accordance with a sanction or  
 208 approval granted before ~~prior to~~ the enactment of the Food  
 209 Additives Amendment of 1958, pursuant to the federal act; the  
 210 Poultry Products Inspection Act (21 U.S.C. ss. 451 et seq.); or  
 211 the Meat Inspection Act of March 4, 1967 (34 Stat. 1260), as  
 212 amended and extended (21 U.S.C. ss. 71 et seq.).
- 213           (o) ~~(p)~~ "Food establishment" means a factory, food outlet,  
 214 or other facility manufacturing, processing, packing, holding,  
 215 or preparing food or selling food at wholesale or retail.
- 216           1. The term includes:
- 217           a. Tomato packinghouses and repackers.
- 218           b. Any establishment or section of an establishment at  
 219 which food and food products are offered to the consumer and  
 220 intended for off-premises consumption, and any delicatessen that  
 221 offers prepared food in bulk quantities only.
- 222           2. The term does not include:
- 223           a. A business or activity that is regulated under s.  
 224 413.051, s. 500.80, chapter 509, or chapter 601.
- 225           b. ~~The term includes tomato packinghouses and repackers~~

226 ~~but does not include~~ Any ~~other~~ establishments that pack fruits  
227 and vegetables in their raw or natural states, including those  
228 fruits or vegetables that are washed, colored, or otherwise  
229 treated in their unpeeled, natural form before they are  
230 marketed, including markets that offer only fresh fruits and  
231 fresh vegetables for sale.

232 ~~(q) "Food outlet" means any grocery store; convenience~~  
233 ~~store; minor food outlet; meat, poultry, or fish and related~~  
234 ~~aquatic food market; fruit or vegetable market; food warehouse;~~  
235 ~~refrigerated storage facility; freezer locker; salvage food~~  
236 ~~facility; or any other similar place storing or offering food~~  
237 ~~for sale.~~

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

251 ~~which is not open to the general public.~~

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

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

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

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

266 or

267 2. Accompanying such article.

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

272 (t)~~(w)~~ "Natural water" means bottled spring water,  
273 artesian well water, or well water that has not been altered  
274 with water from another source or that has not been modified by  
275 mineral addition or deletion, except for alteration that is

276 necessary to treat the water through ozonation or an equivalent  
277 disinfection and filtration process.

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

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

285 (w)~~(z)~~ "Pesticide chemical" means any substance that  
286 ~~which~~, alone, in chemical combination, or in formulation with  
287 one or more other substances is a pesticide as defined in s.  
288 487.021 ~~"pesticide" within the meaning of the Florida Pesticide~~  
289 ~~Law, part I of chapter 487,~~ and that ~~which~~ is used in the  
290 production, storage, or transportation of raw agricultural  
291 commodities.

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

296 ~~(bb) "Retail food store" means any establishment or~~  
297 ~~section of an establishment where food and food products are~~  
298 ~~offered to the consumer and intended for off-premises~~  
299 ~~consumption. The term includes delicatessens that offer prepared~~  
300 ~~food in bulk quantities only. The term does not include~~

HB 1215

2019

301 ~~establishments which handle only prepackaged, nonpotentially~~  
302 ~~hazardous foods; roadside markets that offer only fresh fruits~~  
303 ~~and fresh vegetables for sale; food service establishments; or~~  
304 ~~food and beverage vending machines.~~

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

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

312 500.033 Florida Food Safety and Food Defense Advisory  
313 Council.—

314 (1) There is created the Florida Food Safety and Food  
315 Defense Advisory Council for the purpose of serving as a forum  
316 for presenting, investigating, and evaluating issues of current  
317 importance to the assurance of a safe and secure food supply to  
318 the citizens of Florida. The Florida Food Safety and Food  
319 Defense Advisory Council shall consist of, but not be limited  
320 to~~+~~ the Commissioner of Agriculture or his or her designee; the  
321 State Surgeon General or his or her designee; the Secretary of  
322 Business and Professional Regulation or his or her designee; ~~the~~  
323 ~~person responsible for domestic security with the Department of~~  
324 ~~Law Enforcement~~; members representing the production,  
325 processing, distribution, and sale of foods; consumers or

326 members of citizens groups; representatives of food industry  
 327 groups; scientists or other experts in aspects of food safety  
 328 from state universities; representatives from local, state, and  
 329 federal agencies that are charged with responsibilities for food  
 330 safety or food defense; and as ex officio members, the chairs of  
 331 the Agriculture Committees of the Senate and the House of  
 332 Representatives or their designees, ~~and~~ the chairs of the  
 333 committees of the Senate and the House of Representatives with  
 334 jurisdictional oversight of home defense issues or their  
 335 designees, and the person responsible for domestic security with  
 336 the Department of Law Enforcement or his or her designee. The  
 337 Commissioner of Agriculture shall appoint the remaining members.  
 338 The council shall make periodic reports to the Department of  
 339 Agriculture and Consumer Services concerning findings and  
 340 recommendations in the area of food safety and food defense.

341 Section 6. Paragraphs (a), (b), and (e) of subsection (1)  
 342 and subsection (2) of section 500.12, Florida Statutes, are  
 343 amended to read:

344 500.12 Food permits; building permits.—

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

348 1. Persons operating minor food outlets that sell food  
 349 that is commercially prepackaged, not potentially hazardous, and  
 350 not time or temperature controlled for safety, if the shelf

351 space for those items does not exceed 12 total linear feet and  
352 no other food is sold by the minor food outlet.

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

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

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

364 (b) Each food establishment ~~and retail food store~~  
365 regulated under this chapter must apply for and receive a food  
366 permit before operation begins. An application for a food permit  
367 from the department must be accompanied by a fee in an amount  
368 determined by department rule. The department shall adopt by  
369 rule a schedule of fees to be paid by each food establishment  
370 ~~and retail food store~~ as a condition of issuance or renewal of a  
371 food permit. Such fees may not exceed \$650 and shall be used  
372 solely for the recovery of costs for the services provided,  
373 except that the fee accompanying an application for a food  
374 permit for operating a bottled water plant may not exceed \$1,000  
375 and the fee accompanying an application for a food permit for

376 | operating a packaged ice plant may not exceed \$250. The fee for  
377 | operating a bottled water plant or a packaged ice plant shall be  
378 | set by rule of the department. Food permits are not transferable  
379 | from one person or physical location to another. Food permits  
380 | must be renewed annually on or before January 1. If ~~an~~  
381 | ~~application for renewal of~~ a food permit fee is not received in  
382 | full by the department by January 1 ~~within 30 days after its due~~  
383 | ~~date,~~ a late fee not exceeding \$100 must be paid in addition to  
384 | the food permit fee ~~before the department may issue the food~~  
385 | ~~permit.~~ The moneys collected shall be deposited in the General  
386 | Inspection Trust Fund.

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

397 | (2) When any person applies for a building permit to  
398 | construct, convert, or remodel any food establishment, ~~food~~  
399 | ~~outlet, or retail food store,~~ the authority issuing such permit  
400 | shall make available to the applicant a printed statement,



401 provided by the department, regarding the applicable sanitation  
402 requirements for such establishments. A building permitting  
403 authority, or municipality or county under whose jurisdiction a  
404 building permitting authority operates, may not be held liable  
405 for a food establishment, ~~food outlet, or retail food store~~ that  
406 does not comply with the applicable sanitation requirements due  
407 to failure of the building permitting authority to provide the  
408 information as provided in this subsection.

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

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

423 (c) A building permitting authority or other subdivision  
424 of local government may not require the department to approve  
425 construction or remodeling plans for food establishments ~~and~~

426 ~~retail food stores~~ as a condition of any permit or license at  
427 the local level.

428 Section 7. Subsection (1) of section 500.121, Florida  
429 Statutes, is amended to read:

430 500.121 Disciplinary procedures.—

431 (1) In addition to the suspension procedures provided in  
432 s. 500.12, if applicable, the department may impose an  
433 administrative fine in the Class II category pursuant to s.  
434 570.971 against any ~~retail food store~~, food establishment, or  
435 cottage food operation that violates this chapter, which fine,  
436 when imposed and paid, shall be deposited by the department into  
437 the General Inspection Trust Fund. The department may revoke or  
438 suspend the permit of any such retail food store or food  
439 establishment if it is satisfied that the ~~retail food store or~~  
440 food establishment has:

441 (a) Violated this chapter.

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

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

450 (d) Committed any act that ~~or conduct of the same or~~

451 ~~different character than that enumerated which~~ constitutes  
452 fraudulent or dishonest dealing.

453 Section 8. Paragraph (a) of subsection (3) of section  
454 500.147, Florida Statutes, is amended to read:

455 500.147 Inspection of food establishments, food records,  
456 and vehicles.—

457 (3) For bottled water plants:

458 (a) Bottled water must be from an approved source. Bottled  
459 water must be processed in conformance with 21 C.F.R. part 129  
460 ~~(2006)~~, and must conform to 21 C.F.R. part 165 ~~(2006)~~. A person  
461 operating a bottled water plant shall be responsible for all  
462 water sampling and analyses required by this chapter.

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

466 595.801 ~~500.81~~ Healthy Food Financing Initiative.—

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

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

476 (b) "Department" means the Department of Agriculture and  
477 Consumer Services.

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

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

- 487 1. The poverty rate is at least 20 percent;
- 488 2. In the case of a low-income community located outside  
489 of a metropolitan area, the median family income does not exceed  
490 80 percent of the statewide median family income; or
- 491 3. In the case of a low-income community located inside of  
492 a metropolitan area, the median family income does not exceed 80  
493 percent of the statewide median family income or 80 percent of  
494 the metropolitan median family income, whichever is greater.

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

500 (f)~~(e)~~ "Program" means the Healthy Food Financing

501 Initiative program established by the department.

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

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

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

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

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

522 3. Identified as an area with low access to a supermarket  
523 or grocery store through a methodology that has been adopted for  
524 use by another governmental initiative, or well-established or  
525 well-regarded philanthropic healthy food initiative.

526           (2) (a) The department shall establish a Healthy Food  
 527 Financing Initiative program that provides grants and loans ~~is~~  
 528 ~~composed of and coordinates the use of grants~~ from any source;  
 529 federal, state, and private loans from a governmental entity or  
 530 institutions regulated by a governmental entity; federal tax  
 531 credits; and other types of financial assistance for the  
 532 construction, rehabilitation, or expansion of independent  
 533 grocery stores, supermarkets, community facilities, or other  
 534 retail outlets ~~structures~~ to increase access to affordable fresh  
 535 produce and other nutritious food in underserved communities.

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

540           (c) Qualified nonprofit organizations must be able to  
 541 demonstrate:

- 542           1. Prior experience in healthy food financing.
- 543           2. Tax exempt status under s. 501(c) (3) of the Internal  
 544 Revenue Code.
- 545           3. The ability to successfully manage and operate lending  
 546 and grant programs.
- 547           4. The ability to assume full financial risk for loans  
 548 made under this program.

549           (d) Eligible community development financial institutions  
 550 must be able to demonstrate:

- 551           1. Prior experience in healthy food financing.
- 552           2. Support from the Community Development Financial
- 553 Institutions Fund of the United States Department of the
- 554 Treasury.
- 555           3. The ability to successfully manage and operate lending
- 556 and tax credit programs.

- 557           4. The ability to assume full financial risk for loans
- 558 made under this initiative.

559           (3)~~(b)~~ The department shall:

560           (a)1. Establish program guidelines, raise matching funds,

561 promote the program statewide, evaluate applicants, underwrite

562 and disburse grants and loans, and monitor compliance and

563 impact. ~~The department may contract with a third party~~

564 ~~administrator to carry out such duties. If the department~~

565 ~~contracts with a third party administrator, funds shall be~~

566 ~~granted to the third party administrator to create a revolving~~

567 ~~loan fund for the purpose of financing projects that meet the~~

568 ~~criteria of the program. The third party administrator shall~~

569 ~~report to the department annually.~~

570           (b)2. Create eligibility guidelines and provide financing

571 through an application process. Eligible projects must:

- 572           1.a. Be located in an underserved community;
- 573           2.b. Primarily serve low-income communities; and
- 574           3.c. Provide for the renovation or expansion of, including
- 575 infrastructure upgrades to, existing independent grocery stores

576 or supermarkets; or the renovation or expansion of, including  
577 infrastructure upgrades to, community facilities to improve the  
578 availability and quality of fresh produce and other healthy  
579 foods.

580 ~~(c)3.~~ Report annually to the President of the Senate and  
581 the Speaker of the House of Representatives on the projects  
582 funded, the geographic distribution of the projects, the costs  
583 of the program, and the outcomes, including the number and type  
584 of jobs created.

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

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

591 (c) The third-party administrator shall:

592 1. Create eligibility guidelines.

593 2. Award project financing through an application process.

594 3. Raise matching funds.

595 4. Promote the program statewide.

596 5. Underwrite and disburse grants and loans.

597 6. Monitor program compliance and impact.

598 7. Report quarterly to the department and annually to the

599 President of the Senate and the Speaker of the House of

600 Representatives on the projects funded, the geographic



601 distribution of the projects, and the outcomes, including the  
602 number and type of jobs created.

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

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

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

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

625 (b) Demonstrate the ability to repay the loan; and

626 (c) Agree, as an independent grocery store or supermarket,  
 627 for at least 5 years, to:

628 1. Accept Supplemental Nutrition Assistance Program  
 629 benefits;

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

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

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

639 5. Promote the hiring of local residents.

640

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

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

649 (a) Give preference to:

650 1. Local Florida-based grocers or local business owners

651 with experience in grocery stores and to grocers and business  
652 owners with a business plan model that includes written  
653 documentation of opportunities to purchase from Florida farmers  
654 and growers before seeking out-of-state purchases.

655 2. Construction of independent grocery stores or  
656 supermarkets.

657 3. Renovation, expansion, and infrastructure upgrades to  
658 stores and community facilities that improve the availability  
659 and quality of fresh produce and other healthy foods.

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

663 (b) Consider the level of need in the area to be served;

664 (c) Consider the degree to which the project will have a  
665 positive economic impact on the underserved community, including  
666 the creation or retention of jobs for local residents;

667 (d) Consider the location of existing independent grocery  
668 stores, supermarkets, or other markets relevant to the  
669 applicant's project and provide the established entity the right  
670 of first refusal for such project; and

671 (e) Consider other criteria as determined by the  
672 department.

673 (7) Financing for projects may be used for the following  
674 purposes:

675 (a) Site acquisition and preparation.

- 676 (b) Construction and build-out costs.
- 677 (c) Equipment and furnishings.
- 678 (d) Workforce training or security.
- 679 (e) Predevelopment costs, such as market studies and
- 680 appraisals.
- 681 (f) Energy efficiency measures.
- 682 (g) Working capital for first-time inventory and startup
- 683 costs, including seeds and starter plants for residential
- 684 produce cultivation.
- 685 (h) Acquisition of seeds and starter plants for the
- 686 residential cultivation of fruits, vegetables, herbs, and other
- 687 culinary products. However, only 7 percent of the total funds
- 688 expended in any one project under this section may be used for
- 689 such acquisition.
- 690 (i) Other purposes as determined necessary and reasonable
- 691 by the department or a third-party administrator.
- 692 (8) The department shall adopt rules to administer this
- 693 section.
- 694 (9) The department may not distribute more than \$500,000
- 695 among more than three recipients. The department's performance
- 696 and obligation to pay under this section is contingent upon an
- 697 annual appropriation by the Legislature as provided in s.
- 698 287.0582. If the department contracts with a third-party
- 699 administrator, funds shall be advanced to the third-party
- 700 administrator from the department's annual appropriation in

701 order to implement this section.

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

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

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

715 502.012 Definitions.—As used in this chapter, the term:

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

722 (2)~~(1)~~ "Bulk milk pickup tanker" means a vehicle,  
723 including the truck and tank, and necessary attachments for its  
724 use, used by a bulk milk hauler and sampler to transport bulk  
725 raw milk for pasteurization, ultra-pasteurization, aseptic

726 processing and packaging, or retort processing after packaging  
 727 from a dairy farm to a milk plant, receiving station, or  
 728 transfer station.

729 (3)~~(2)~~ "Dairy farm" means any place or premises where one  
 730 or more lactating animals, such as cows, goats, sheep, water  
 731 buffalo, camels, or other hooved mammals, are kept for milking  
 732 purposes and from which a part or all of the milk is provided,  
 733 sold, or offered for sale.

734 (4)~~(3)~~ "Department" means the Department of Agriculture  
 735 and Consumer Services.

736 (5)~~(4)~~ "Frozen dessert" means a specific standardized  
 737 frozen dessert described in 21 C.F.R. part 135 and any other  
 738 food defined by rule of the department that resembles such  
 739 standardized frozen dessert but does not conform to the specific  
 740 description of such standardized frozen dessert in 21 C.F.R.  
 741 part 135. The term includes, but is not limited to, a  
 742 quiescently frozen confection, a quiescently frozen dairy  
 743 confection, a frozen dietary dairy dessert, and a frozen dietary  
 744 dessert.

745 (6)~~(5)~~ "Frozen desserts manufacturer" means a person who  
 746 manufactures, processes, converts, partially freezes, or freezes  
 747 any mix or frozen dessert for distribution or sale.

748 (7)~~(6)~~ "Frozen desserts plant" means any location or  
 749 premises at which frozen desserts or mix are manufactured,  
 750 processed, or frozen for distribution or sale at wholesale.

751        (8)~~(7)~~ "Frozen desserts retail establishment" means any  
752 location or premises, including a retail store, stand, hotel,  
753 boardinghouse, restaurant, vehicle, or mobile unit, at which  
754 frozen desserts are frozen, partially frozen, or dispensed for  
755 sale at retail.

756        (9)~~(8)~~ "Frozen dietary dairy dessert" or "frozen dietary  
757 dessert" means a food for any special dietary use, prepared by  
758 freezing, with or without agitation, and composed of a  
759 pasteurized mix that may contain fat, protein, carbohydrates,  
760 natural or artificial sweeteners, flavoring, stabilizers,  
761 emulsifiers, vitamins, and minerals.

762        (10)~~(9)~~ "Grade 'A' pasteurized milk ordinance" means the  
763 document entitled "Grade 'A' Pasteurized Milk Ordinance, United  
764 States Department of Health and Human Services, Public Health  
765 Service, Food and Drug Administration," including all associated  
766 appendices, as adopted by department rule.

767        (11)~~(10)~~ "Imitation milk and imitation milk products"  
768 means those foods that have the physical characteristics, such  
769 as taste, flavor, body, texture, or appearance, of milk or milk  
770 products as defined in this chapter and the Grade "A"  
771 pasteurized milk ordinance but do not come within the definition  
772 of "milk" or "milk products" and are nutritionally inferior to  
773 the product imitated.

774        (12)~~(11)~~ "Milk" means the lacteal secretion, practically  
775 free from colostrum, obtained by the complete milking of one or

776 more healthy cows, goats, sheep, water buffalo, camels, or other  
777 hooved mammals.

778 (13)~~(12)~~ "Milk distributor" means any person who offers  
779 for sale or sells to another person any milk or milk product.

780 (14)~~(13)~~ "Milk products" means products made with milk  
781 that is processed in some manner, including being whipped,  
782 acidified, cultured, concentrated, lactose-reduced, or sodium-  
783 reduced or aseptically processed, or having the addition or  
784 subtraction of milkfat, the addition of safe and suitable  
785 microbial organisms, or the addition of safe and suitable  
786 optional ingredients for protein, vitamin, or mineral  
787 fortification. "Milk products" do not include products such as  
788 evaporated milk, condensed milk, eggnog in a rigid metal  
789 container, dietary products, infant formula, or ice cream and  
790 other desserts.

791 (15)~~(14)~~ "Milkfat" or "butterfat" means the fat contained  
792 in milk.

793 (16)~~(15)~~ "Milk hauler" means any person who transports raw  
794 milk or raw milk products to or from a milk plant, receiving  
795 station, or transfer station.

796 (17)~~(16)~~ "Milk plant" means any place, premises, or  
797 establishment where milk or milk products are collected,  
798 handled, processed, stored, pasteurized, ultra-pasteurized,  
799 aseptically processed and packaged, retort processed after  
800 packaging, condensed, dried, packaged, bottled, or prepared for



801 distribution.

802 ~~(18)~~~~(17)~~ "Milk plant operator" means any person  
803 responsible for receiving, processing, pasteurizing, or  
804 packaging milk and milk products, or performing any other  
805 related operation.

806 ~~(19)~~~~(18)~~ "Milk producer" means any person who operates a  
807 dairy farm and provides, sells, or offers for sale milk to a  
808 milk plant, receiving station, or transfer station.

809 ~~(20)~~~~(19)~~ "Milk tank truck" means either a bulk milk pickup  
810 tanker or a milk transport tank.

811 ~~(21)~~~~(20)~~ "Milk transport tank" means a vehicle, including  
812 the truck and tank, used by a bulk milk hauler and sampler or a  
813 milk hauler to transport bulk shipments of milk from a milk  
814 plant, receiving station, or transfer station to another milk  
815 plant, receiving station, or transfer station.

816 ~~(22)~~~~(21)~~ "Quiescently frozen confection" means a clean and  
817 wholesome frozen, sweetened, flavored product that, while being  
818 frozen, was not stirred or agitated (generally known as  
819 quiescent freezing). The confection may be acidulated with food-  
820 grade acid, may contain milk solids or water, or may be made  
821 with or without added harmless pure or imitation flavoring and  
822 with or without harmless coloring. The finished product must not  
823 contain more than 0.5 percent by weight of stabilizer composed  
824 of wholesome, edible material and must not contain less than 17  
825 percent by weight of total food solids. In the production of the

826 confection, processing or mixing before quiescent freezing that  
827 develops in the finished confection mix any physical expansion  
828 in excess of 10 percent may not be used.

829 ~~(23)-(22)~~ "Quiescently frozen dairy confection" means a  
830 clean and wholesome frozen product made from water, milk  
831 products, and sugar, with added harmless pure or imitation  
832 flavoring, with or without added harmless coloring, with or  
833 without added stabilizer, or with or without added emulsifier,  
834 that, while being frozen, was not stirred or agitated (generally  
835 known as quiescent freezing). The confection must not contain  
836 less than 13 percent by weight of total milk solids, less than  
837 33 percent by weight of total food solids, more than 0.5 percent  
838 by weight of stabilizer, or more than 0.2 percent by weight of  
839 emulsifier. Stabilizer and emulsifier must be composed of  
840 wholesome, edible material. In the production of a quiescently  
841 frozen dairy confection, processing or mixing before quiescently  
842 freezing that develops in the finished confection mix any  
843 physical expansion in excess of 10 percent may not be used.

844 ~~(24)-(23)~~ "Raw milk" means unpasteurized, unprocessed milk.

845 ~~(25)-(24)~~ "Receiving station" means any place, premises, or  
846 establishment where raw milk is received, collected, handled,  
847 stored, or cooled and is prepared for further transporting.

848 (26) "Reconstituted milk or milk products" or "recombined  
849 milk or milk products" means milk or milk products that result  
850 from reconstituting or recombining of milk constituents with

851 potable water.

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

854 (28)~~(25)~~ "Substitute milk and substitute milk products"  
855 means those foods that have the physical characteristics, such  
856 as taste, flavor, body, texture, or appearance, of milk or milk  
857 products as defined in this chapter and the Grade "A"  
858 pasteurized milk ordinance but do not come within the definition  
859 of "milk" or "milk products" and are nutritionally equivalent to  
860 the product for which they are substitutes.

861 (29)~~(26)~~ "Transfer station" means any place, premises, or  
862 establishment where milk or milk products are transferred  
863 directly from one milk tank truck to another.

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

869 (31)~~(27)~~ "Washing station" means any place, premises, or  
870 establishment where milk tank trucks are cleaned and sanitized.

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

873 Section 11. Paragraph (a) of subsection (2) of section  
874 502.014, Florida Statutes, is amended to read:

875 502.014 Powers and duties.—

876           (2) (a) The department shall conduct onsite inspections of  
877 any facility used in the production, processing, and  
878 distribution of any milk or milk products under this chapter and  
879 shall collect samples of such products from such facilities for  
880 testing pursuant to ~~dairy farms, milk plants, and frozen dessert~~  
881 ~~plants and collect test samples of milk, milk products, and~~  
882 ~~frozen desserts as required by~~ this chapter.

883           Section 12. Paragraph (b) of subsection (1), paragraph (d)  
884 of subsection (3), and paragraph (a) of subsection (4) of  
885 section 502.053, Florida Statutes, are amended to read:

886           502.053 Permits and fees; requirements; exemptions;  
887 temporary permits.—

888           (1) PERMITS.—

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

896           (3) REQUIREMENTS.—

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

901 ~~this state.~~

902 (4) EXEMPTIONS.—

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

905 1. Milk producers who transport milk or milk products only  
 906 from their own dairy farms.

907 2. Employees of a milk distributor or milk plant operator  
 908 who possesses a valid permit.

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

911 Section 13. Subsection (5) of section 502.181, Florida  
 912 Statutes, is renumbered as subsection (4), and subsections (1)  
 913 and (4) of that section are amended to read:

914 502.181 Prohibited acts.—It is unlawful for any person in  
 915 this state to:

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

923 ~~(4) Repasteurize milk.~~

924 Section 14. Subsection (4) of section 570.441, Florida  
 925 Statutes, is amended to read:

926 570.441 Pest Control Trust Fund.—

927 (4) In addition to the uses authorized under subsection  
 928 (2), moneys collected or received by the department under  
 929 chapter 482 may be used to carry out the provisions of s.  
 930 570.44. This subsection expires June 30, 2024 ~~2019~~.

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

933 570.691 Direct-support organization.—

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

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

938 570.83 Beef Market Development Act; definitions; Florida  
 939 Beef Council, Inc., creation, purposes, governing board, powers,  
 940 and duties; referendum on assessments imposed on gross receipts  
 941 from cattle sales; payments to organizations for services;  
 942 collecting and refunding assessments; vote on continuing the  
 943 act; council bylaws.—

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

946 Section 17. Subsection (1) of section 570.93, Florida  
 947 Statutes, is amended to read:

948 570.93 Department of Agriculture and Consumer Services;  
 949 agricultural water conservation and agricultural water supply  
 950 planning.—

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

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

960 (b) The development and implementation of voluntary  
961 interim measures or best management practices, ~~adopted by rule,~~  
962 which provide for increased efficiencies in the use and  
963 management of water for agricultural production. In the process  
964 of developing and adopting rules for interim measures or best  
965 management practices, the department shall consult with the  
966 Department of Environmental Protection and the water management  
967 districts. Such rules may also include a system to ensure ~~assure~~  
968 the implementation of the practices, including recordkeeping  
969 requirements. As new information regarding efficient  
970 agricultural water use and management becomes available, the  
971 department shall reevaluate and revise ~~as needed,~~ the interim  
972 measures or best management practices as needed. The interim  
973 measures or best management practices may include irrigation  
974 retrofit, implementation of mobile irrigation laboratory  
975 evaluations and recommendations, water resource augmentation,

976 and integrated water management systems for drought management  
 977 and flood control and should, to the maximum extent practicable,  
 978 be designed to qualify for regulatory incentives and other  
 979 incentives, as determined by the agency having applicable  
 980 statutory authority.

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

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

989 590.02 Florida Forest Service; powers, authority, and  
 990 duties; liability; building structures; Withlacoochee Training  
 991 Center.—

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

994 (e) Develop a training curriculum for wildland forestry  
 995 firefighters which must contain at least 40 hours of structural  
 996 firefighter training, at least 40 hours of emergency medical  
 997 training, and at least 376 ~~the basic volunteer structural fire~~  
 998 ~~training course approved by the Florida State Fire College of~~  
 999 ~~the Division of State Fire Marshal and a minimum of 250~~ hours of  
 1000 wildfire training;



1001 (9)  
 1002 (b) All money received from reimbursements for providing  
 1003 emergency response assistance for out-of-state hazard incidents  
 1004 and from the disposition of state-owned equipment and vehicles  
 1005 that are used for wildland firefighting shall be retained by the  
 1006 department. Money received pursuant to this section is  
 1007 appropriated for and may be disbursed for the acquisition of  
 1008 exchange and surplus equipment used for wildland firefighting,  
 1009 and for all necessary operating expenditures related to such  
 1010 equipment, in the same fiscal year and the fiscal year following  
 1011 the reimbursement or disposition. The department shall maintain  
 1012 records of the accounts into which the money is deposited.

1013 Section 19. Subsection (16) is added to section 595.404,  
 1014 Florida Statutes, to read:

1015 595.404 School food and other nutrition programs; powers  
 1016 and duties of the department.—The department has the following  
 1017 powers and duties:

1018 (16) To adopt and implement an exemption, variance, and  
 1019 waiver process by rule, as required by federal regulations, for  
 1020 sponsors of the programs implemented pursuant to this chapter,  
 1021 notwithstanding s. 120.542.

1022 Section 20. Section 595.901, Florida Statutes, is created  
 1023 to read:

1024 595.901 Healthy Food Assistance Program.—

1025 (1) There is created within the department the Healthy

1026 Food Assistance Program. The purpose of the program is to  
1027 establish a process for small food retailers to receive  
1028 assistance for projects that increase the availability and sales  
1029 of fresh and nutritious food, including fresh vegetables,  
1030 fruits, meats, and seafood in low-income and moderate-income  
1031 communities.

1032 (2) As used in this section, the terms "low-income  
1033 community," "moderate-income community," and "small food  
1034 retailer" have the same meaning as in s. 500.81(1).

1035 (3) The department shall administer the program and  
1036 develop guidelines for the operation of the program. Guidelines  
1037 may include procedures for granting appropriated funds to a  
1038 qualified project administrator to provide assistance to small  
1039 food retailers in urban and rural low-income and moderate-income  
1040 communities to increase the sales of fresh produce and other  
1041 healthy foods.

1042 (4) In administering the program, the department shall:

1043 (a) Establish project administrator eligibility  
1044 guidelines, including, but not limited to, establishing and  
1045 administering an application process for a project administrator  
1046 and establishing monitoring and accountability mechanisms for  
1047 projects receiving assistance. At a minimum, a project  
1048 administrator must be a not-for-profit entity and have  
1049 demonstrated experience in developing and implementing  
1050 strategies for healthy food retail in small food retailers.

HB 1215

2019

1051 (b) Establish criteria for the project administrator to  
1052 use in selecting projects, which shall consider the level of  
1053 need in the area proposed to be served by an applicant.

1054 (c) Electronically submit an annual report to the  
1055 President of the Senate and the Speaker of the House of  
1056 Representatives on the projects funded, the geographic  
1057 distribution of the projects, and the costs and results of the  
1058 program, including the program's impact on any related health  
1059 initiatives.

1060 (5) The project administrator is responsible for  
1061 implementing and operating the program for small food retailers.  
1062 In operating the program, the administrator shall:

1063 (a) Establish and administer an application process for  
1064 small food retailers to participate in the program. At a  
1065 minimum, in order to receive assistance, small food retailers  
1066 shall:

1067 1. Be located in a low-income community or moderate income  
1068 community.

1069 2. Accept, or agree to apply to and accept, Supplemental  
1070 Nutrition Assistance Program benefits and Special Supplemental  
1071 Nutrition for Women, Infants, and Children benefits.

1072 (b) Promote program availability throughout the state and  
1073 undertake efforts to raise funds from other private and public  
1074 sources.

1075 (c) Use up to 10 percent of the funds provided by the

1076 department for administrative and operational costs for  
1077 operating program, if such costs are not provided for from other  
1078 budgets or in-kind resources.

1079 (d) Collect and provide data and other information  
1080 quarterly as required by the department.

1081 (e) Provide defined goals, standards, and accountability  
1082 mechanisms for eligible project applicants to ensure that  
1083 expenditures of moneys are consistent with the purpose of this  
1084 program.

1085 (f) Engage communities to support the participating small  
1086 food retailers.

1087 (g) Seek guidance from state, county or municipal  
1088 agencies, private or public universities, cooperative extension  
1089 services, community-based organizations, and community members.

1090 (h) Create standards to assess whether project goals are  
1091 met.

1092 (i) Ensure funds are appropriately expended by monitoring  
1093 the activities of small food retailers.

1094 (j) Expend funds for each approved project for the  
1095 following purposes only:

1096 1. Refrigeration, display shelving, or other equipment  
1097 that small food retailers need for stocking and purchasing  
1098 healthy foods, including dairy products and fresh produce, up to  
1099 a maximum of \$7,500 per retailer.

1100 2. Materials and supplies for nutrition education and

1101 healthy food promotion.

1102 3. Initial purchase of healthy foods, including dairy  
 1103 products and fresh produce, up to a maximum of \$2,000 per  
 1104 retailer.

1105 (6) For purposes of operating the program, a project  
 1106 administrator is exempt from chapter 287.

1107 (7) The department's performance and obligation to pay  
 1108 under this section is contingent upon an annual appropriation by  
 1109 the Legislature.

1110 (8) This section is repealed June 30, 2021, unless  
 1111 reviewed and saved from repeal through reenactment by the  
 1112 Legislature.

1113 Section 21. Paragraph (d) of subsection (1) of section  
 1114 633.406, Florida Statutes, is amended to read:

1115 633.406 Classes of certification.—

1116 (1) The division may award one or more of the following  
 1117 certificates:

1118 (d) Wildland Forestry Certificate of Compliance.—A  
 1119 Wildland Forestry Certificate of Compliance may be awarded to a  
 1120 person who has satisfactorily complied with a training program  
 1121 and successfully passed an examination as prescribed by rule,  
 1122 and who possesses the qualifications established in s.  
 1123 590.02(1)(e).

1124 Section 22. Subsection (8) of section 633.408, Florida  
 1125 Statutes, is amended to read:

HB 1215

2019

1126           633.408 Firefighter and volunteer firefighter training and  
1127 certification.—

1128           (8) (a) Pursuant to s. 590.02(1)(e), the division shall  
1129 establish a structural fire training program of at least 40 ~~not~~  
1130 ~~less than 206~~ hours. The division shall issue to a person  
1131 satisfactorily complying with this training program and who has  
1132 successfully passed an examination as prescribed by the division  
1133 and who has met the requirements of s. 590.02(1)(e), a Wildland  
1134 Firefighter Forestry Certificate of Compliance.

1135           (b) An individual who holds a current and valid Wildland  
1136 Firefighter Forestry Certificate of Compliance is entitled to  
1137 the same rights, privileges, and benefits provided for by law as  
1138 a firefighter.

1139           Section 23. This act shall take effect July 1, 2019.