

26 | 502.053, F.S.; requiring operation permits for
27 | wholesalers of frozen dessert products; providing an
28 | exemption from bulk milk hauler and sampler permit
29 | requirements; amending s. 502.181, F.S.; removing the
30 | prohibitions against certain testing for milkfat
31 | content and for repasteurizing milk; amending s.
32 | 570.441, F.S.; extending the expiration for the use of
33 | funds from the Pest Control Trust Fund; amending s.
34 | 570.691, F.S.; abrogating the scheduled repeal of
35 | provisions relating to direct-support organizations of
36 | the Department of Agriculture and Consumer Services;
37 | amending s. 570.83, F.S.; abrogating the scheduled
38 | repeal of provisions governing the Florida Beef
39 | Council, Inc., direct-support organization; amending
40 | s. 570.93, F.S.; revising requirements for the
41 | agricultural water conservation program; amending s.
42 | 590.02, F.S.; directing the Florida Forest Service to
43 | develop a training curriculum for wildland
44 | firefighting; amending s. 595.404, F.S.; authorizing
45 | the department to adopt and implement an exemption,
46 | variance, and waiver process for school food and other
47 | nutrition programs; amending s. 633.406, F.S.;
48 | conforming provisions to changes made by the act;
49 | amending s. 633.408, F.S.; providing wildland
50 | firefighter training and certification for certain

51 firefighters and volunteer firefighters; providing an
 52 effective date.

53

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

55

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

58 259.10521 Citizen support organization; use of property.—

59 (4) REPEAL.—This section is repealed October 1, 2024 ~~2019~~,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

61 Section 2. Subsections (57) through (67) of section
 62 487.021, Florida Statutes, are renumbered as subsections (58)
 63 through (68), respectively, and a new subsection (57) is added
 64 to that section, to read:

65 487.021 Definitions.—For the purpose of this part:

66 (57) "Raw agricultural commodities fumigation" means the
 67 use of a fumigant, in a lethal concentration to eliminate pests
 68 from fruits, vegetables, nuts, legumes, mushrooms, or other
 69 nonanimal matter customarily consumed by humans or animals,
 70 under a tarpaulin or in a structure such as a storage facility,
 71 barn, silo, or warehouse that is not inhabited by human beings,
 72 agricultural livestock, or domestic pets and that is not
 73 connected by construction elements such as voids, pipes,
 74 conduits, drains, or ducts to a structure that is inhabited by
 75 human beings, agricultural livestock, or domestic pets that

76 would allow the transfer of fumigant between the structures.

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

79 487.0435 License classification.—The department shall
80 issue certified applicator licenses in the following
81 classifications: certified public applicator; certified private
82 applicator; and certified commercial applicator. In addition,
83 separate classifications and subclassifications may be specified
84 by the department in rule as deemed necessary to carry out the
85 provisions of this part. Each classification shall be subject to
86 requirements or testing procedures to be set forth by rule of
87 the department and shall be restricted to the activities within
88 the scope of the respective classification as established in
89 statute or by rule. In specifying classifications, the
90 department may consider, but is not limited to, the following:

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

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

95 500.03 Definitions; construction; applicability.—

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

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

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

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

114 (d) "Bottled water" means a beverage, as described in 21
 115 C.F.R. part 165 (2018)~~(2006)~~, that is processed in compliance
 116 with 21 C.F.R. part 129 (2018)~~(2006)~~.

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

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

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

121 a. Is a dye pigment, or other substance, made by a process
 122 of synthesis or similar artifice, or extracted, isolated, or
 123 otherwise derived, with or without intermediate or final change
 124 of identity from a vegetable, animal, mineral, or other source,
 125 or

126 b. When added or applied to a food, is capable, alone or
 127 through reaction with another substance, of imparting color
 128 thereto;

129
 130 except that such term does not include any material that is
 131 exempt under the federal act.

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

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

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

149 (i)-(j) "Cottage food operation" means a natural person who
 150 produces or packages cottage food products at his or her

151 residence and sells such products in accordance with s. 500.80.

152 (j)~~(k)~~ "Cottage food product" means food that is not a
 153 potentially hazardous food as defined by department rule which
 154 is sold by a cottage food operation in accordance with s.
 155 500.80.

156 (k)~~(l)~~ "Department" means the Department of Agriculture
 157 and Consumer Services.

158 (l)~~(m)~~ "Federal act" means the Federal Food, Drug, and
 159 Cosmetic Act, as amended, 21 U.S.C. ss. 301 et seq.; 52 Stat.
 160 1040 et seq.

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

- 162 1. Articles used for food or drink for human consumption;
- 163 2. Chewing gum;
- 164 3. Articles used for components of any such article;
- 165 4. Articles for which health claims are made, which claims
 166 are approved by the Secretary of the United States Department of
 167 Health and Human Services and which claims are made in
 168 accordance with s. 343(r) of the federal act, and which are not
 169 considered drugs solely because their labels or labeling contain
 170 health claims; and
- 171 5. Dietary supplements as defined in 21 U.S.C. s.
 172 321(ff)(1) and (2).

173
 174 The term includes any raw, cooked, or processed edible
 175 substance; ice; any beverage; or any ingredient used, intended

176 for use, or sold for human consumption.

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

- 192 1. A pesticide chemical in or on a raw agricultural
193 commodity;
- 194 2. A pesticide chemical to the extent that it is intended
195 for use or is used in the production, storage, or transportation
196 of any raw agricultural commodity;
- 197 3. A color additive; or
- 198 4. Any substance used in accordance with a sanction or
199 approval granted before ~~prior to~~ the enactment of the Food
200 Additives Amendment of 1958, pursuant to the federal act; the

201 Poultry Products Inspection Act (21 U.S.C. ss. 451 et seq.); or
 202 the Meat Inspection Act of March 4, 1967 (34 Stat. 1260), as
 203 amended and extended (21 U.S.C. ss. 71 et seq.).

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

207 1. The term includes:

208 a. Tomato packinghouses and repackers.

209 b. Any establishment or section of an establishment at
 210 which food and food products are offered to the consumer and
 211 intended for off-premises consumption, and any delicatessen that
 212 offers prepared food in bulk quantities only.

213 2. The term does not include:

214 a. A business or activity that is regulated under s.
 215 413.051, s. 500.80, chapter 509, or chapter 601.

216 ~~b. The term includes tomato packinghouses and repackers~~
 217 ~~but does not include~~ Any other establishments that pack fruits
 218 and vegetables in their raw or natural states, including those
 219 fruits or vegetables that are washed, colored, or otherwise
 220 treated in their unpeeled, natural form before they are
 221 marketed, including markets that offer only fresh fruits and
 222 fresh vegetables for sale.

223 ~~(q) "Food outlet" means any grocery store; convenience~~
 224 ~~store; minor food outlet; meat, poultry, or fish and related~~
 225 ~~aquatic food market; fruit or vegetable market; food warehouse;~~

226 ~~refrigerated storage facility; freezer locker; salvage food~~
227 ~~facility; or any other similar place storing or offering food~~
228 ~~for sale.~~

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

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

245 ~~(q)(t)~~ (q) "Label" means a display of written, printed, or
246 graphic matter upon the immediate container of any article. A
247 requirement made by or under authority of this chapter that any
248 word, statement, or other information appear on the label shall
249 not be considered to be complied with unless such word,
250 statement, or other information also appears on the outside

251 container or wrapper, if there is any, of the retail package of
 252 such article or is easily legible through the outside container
 253 or wrapper.

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

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

257 or

258 2. Accompanying such article.

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

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

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

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

276 (w) ~~(z)~~ "Pesticide chemical" means any substance that
 277 ~~which~~, alone, in chemical combination, or in formulation with
 278 one or more other substances is a pesticide as defined in s.
 279 487.021 "pesticide" ~~within the meaning of the Florida Pesticide~~
 280 ~~Law, part I of chapter 487,~~ and that ~~which~~ is used in the
 281 production, storage, or transportation of raw agricultural
 282 commodities.

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

287 ~~(bb) "Retail food store" means any establishment or~~
 288 ~~section of an establishment where food and food products are~~
 289 ~~offered to the consumer and intended for off-premises~~
 290 ~~consumption. The term includes delicatessens that offer prepared~~
 291 ~~food in bulk quantities only. The term does not include~~
 292 ~~establishments which handle only prepackaged, nonpotentially~~
 293 ~~hazardous foods; roadside markets that offer only fresh fruits~~
 294 ~~and fresh vegetables for sale; food service establishments; or~~
 295 ~~food and beverage vending machines.~~

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

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

303 500.033 Florida Food Safety and Food Defense Advisory
 304 Council.—

305 (1) There is created the Florida Food Safety and Food
 306 Defense Advisory Council for the purpose of serving as a forum
 307 for presenting, investigating, and evaluating issues of current
 308 importance to the assurance of a safe and secure food supply to
 309 the citizens of Florida. The Florida Food Safety and Food
 310 Defense Advisory Council shall consist of, but not be limited
 311 to~~+~~ the Commissioner of Agriculture or his or her designee; the
 312 State Surgeon General or his or her designee; the Secretary of
 313 Business and Professional Regulation or his or her designee; ~~the~~
 314 ~~person responsible for domestic security with the Department of~~
 315 ~~Law Enforcement~~; members representing the production,
 316 processing, distribution, and sale of foods; consumers or
 317 members of citizens groups; representatives of food industry
 318 groups; scientists or other experts in aspects of food safety
 319 from state universities; representatives from local, state, and
 320 federal agencies that are charged with responsibilities for food
 321 safety or food defense; and as ex officio members, the chairs of
 322 the Agriculture Committees of the Senate and the House of
 323 Representatives or their designees, ~~+~~ ~~and~~ the chairs of the
 324 committees of the Senate and the House of Representatives with
 325 jurisdictional oversight of home defense issues or their

326 designees, and the person responsible for domestic security with
 327 the Department of Law Enforcement or his or her designee. The
 328 Commissioner of Agriculture shall appoint the remaining members.
 329 The council shall make periodic reports to the Department of
 330 Agriculture and Consumer Services concerning findings and
 331 recommendations in the area of food safety and food defense.

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

335 500.12 Food permits; building permits.—

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

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

344 2. Persons subject to continuous, onsite federal or state
 345 inspection.

346 3. Persons selling only legumes in the shell, either
 347 parched, roasted, or boiled.

348 4. Persons selling sugar cane or sorghum syrup that has
 349 been boiled and bottled on a premise located within the state.
 350 Such bottles must contain a label listing the producer's name

351 and street address, all added ingredients, the net weight or
352 volume of the product, and a statement that reads, "This product
353 has not been produced in a facility permitted by the Florida
354 Department of Agriculture and Consumer Services."

355 (b) Each food establishment ~~and retail food store~~
356 regulated under this chapter must apply for and receive a food
357 permit before operation begins. An application for a food permit
358 from the department must be accompanied by a fee in an amount
359 determined by department rule. The department shall adopt by
360 rule a schedule of fees to be paid by each food establishment
361 ~~and retail food store~~ as a condition of issuance or renewal of a
362 food permit. Such fees may not exceed \$650 and shall be used
363 solely for the recovery of costs for the services provided,
364 except that the fee accompanying an application for a food
365 permit for operating a bottled water plant may not exceed \$1,000
366 and the fee accompanying an application for a food permit for
367 operating a packaged ice plant may not exceed \$250. The fee for
368 operating a bottled water plant or a packaged ice plant shall be
369 set by rule of the department. Food permits are not transferable
370 from one person or physical location to another. Food permits
371 must be renewed annually on or before January 1. If ~~an~~
372 ~~application for renewal of~~ a food permit fee is not received in
373 full by the department by January 1 ~~within 30 days after its due~~
374 ~~date~~, a late fee not exceeding \$100 must be paid in addition to
375 the food permit fee ~~before the department may issue the food~~

376 ~~permit~~. The moneys collected shall be deposited in the General
377 Inspection Trust Fund.

378 (e) The department is the exclusive regulatory and
379 permitting authority for all ~~food outlets, retail food stores,~~
380 food establishments, ~~convenience stores,~~ and minor food outlets
381 in accordance with this section. Application for a food permit
382 must be made on forms provided by the department, which forms
383 must also contain provision for application for registrations
384 and permits issued by other state agencies and for collection of
385 the food permit fee and any other fees associated with
386 registration, licensing, or applicable surcharges. The details
387 of the application shall be prescribed by department rule.

388 (2) When any person applies for a building permit to
389 construct, convert, or remodel any food establishment, ~~food~~
390 ~~outlet, or retail food store,~~ the authority issuing such permit
391 shall make available to the applicant a printed statement,
392 provided by the department, regarding the applicable sanitation
393 requirements for such establishments. A building permitting
394 authority, or municipality or county under whose jurisdiction a
395 building permitting authority operates, may not be held liable
396 for a food establishment, ~~food outlet, or retail food store~~ that
397 does not comply with the applicable sanitation requirements due
398 to failure of the building permitting authority to provide the
399 information as provided in this subsection.

400 (a) The department shall furnish, for distribution, a

401 statement that includes the checklist to be used by the food
 402 inspector in any preoperational inspections to assure that the
 403 food establishment is constructed and equipped to meet the
 404 applicable sanitary guidelines. Such preoperational inspection
 405 shall be a prerequisite for obtaining a food permit in
 406 accordance with this section.

407 (b) The department may provide assistance, when requested
 408 by the applicant, in the review of any construction or
 409 remodeling plans for food establishments. The department may
 410 charge a fee for such assistance which covers the cost of
 411 providing the assistance and which shall be deposited in the
 412 General Inspection Trust Fund for use in funding the food safety
 413 program.

414 (c) A building permitting authority or other subdivision
 415 of local government may not require the department to approve
 416 construction or remodeling plans for food establishments ~~and~~
 417 ~~retail food stores~~ as a condition of any permit or license at
 418 the local level.

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

421 500.121 Disciplinary procedures.—

422 (1) In addition to the suspension procedures provided in
 423 s. 500.12, if applicable, the department may impose an
 424 administrative fine in the Class II category pursuant to s.
 425 570.971 against any ~~retail food store~~, food establishment, or

426 cottage food operation that violates this chapter, which fine,
 427 when imposed and paid, shall be deposited by the department into
 428 the General Inspection Trust Fund. The department may revoke or
 429 suspend the permit of any such retail food store or food
 430 establishment if it is satisfied that the ~~retail food store or~~
 431 food establishment has:

- 432 (a) Violated this chapter.
- 433 (b) Violated or aided or abetted in the violation of any
 434 law of this state governing or applicable to ~~retail food stores~~
 435 ~~or~~ food establishments or any lawful rules of the department.
- 436 (c) Knowingly committed, or been a party to, any material
 437 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
 438 or device whereby another person, lawfully relying upon the
 439 word, representation, or conduct of a ~~retail food store or~~ food
 440 establishment, acts to her or his injury or damage.
- 441 (d) Committed any act that ~~or conduct of the same or~~
 442 ~~different character than that enumerated which~~ constitutes
 443 fraudulent or dishonest dealing.

444 Section 8. Paragraph (a) of subsection (3) of section
 445 500.147, Florida Statutes, is amended to read:

446 500.147 Inspection of food establishments, food records,
 447 and vehicles.—

- 448 (3) For bottled water plants:
- 449 (a) Bottled water must be from an approved source. Bottled
 450 water must be processed in conformance with 21 C.F.R. part 129

451 ~~(2018)~~~~(2006)~~, and must conform to 21 C.F.R. part 165
452 ~~(2018)~~~~(2006)~~. A person operating a bottled water plant shall be
453 responsible for all water sampling and analyses required by this
454 chapter.

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

457 502.012 Definitions.—As used in this chapter, the term:

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

464 (2)~~(1)~~ "Bulk milk pickup tanker" means a vehicle,
465 including the truck and tank, and necessary attachments for its
466 use, used by a bulk milk hauler and sampler to transport bulk
467 raw milk for pasteurization, ultra-pasteurization, aseptic
468 processing and packaging, or retort processing after packaging
469 from a dairy farm to a milk plant, receiving station, or
470 transfer station.

471 (3)~~(2)~~ "Dairy farm" means any place or premises where one
472 or more lactating animals, such as cows, goats, sheep, water
473 buffalo, camels, or other hooved mammals, are kept for milking
474 purposes and from which a part or all of the milk is provided,
475 sold, or offered for sale.

476 (4)~~(3)~~ "Department" means the Department of Agriculture
477 and Consumer Services.

478 (5)~~(4)~~ "Frozen dessert" means a specific standardized
479 frozen dessert described in 21 C.F.R. part 135 and any other
480 food defined by rule of the department that resembles such
481 standardized frozen dessert but does not conform to the specific
482 description of such standardized frozen dessert in 21 C.F.R.
483 part 135. The term includes, but is not limited to, a
484 quiescently frozen confection, a quiescently frozen dairy
485 confection, a frozen dietary dairy dessert, and a frozen dietary
486 dessert.

487 (6)~~(5)~~ "Frozen desserts manufacturer" means a person who
488 manufactures, processes, converts, partially freezes, or freezes
489 any mix or frozen dessert for distribution or sale.

490 (7)~~(6)~~ "Frozen desserts plant" means any location or
491 premises at which frozen desserts or mix are manufactured,
492 processed, or frozen for distribution or sale at wholesale.

493 (8)~~(7)~~ "Frozen desserts retail establishment" means any
494 location or premises, including a retail store, stand, hotel,
495 boardinghouse, restaurant, vehicle, or mobile unit, at which
496 frozen desserts are frozen, partially frozen, or dispensed for
497 sale at retail.

498 (9)~~(8)~~ "Frozen dietary dairy dessert" or "frozen dietary
499 dessert" means a food for any special dietary use, prepared by
500 freezing, with or without agitation, and composed of a

501 | pasteurized mix that may contain fat, protein, carbohydrates,
 502 | natural or artificial sweeteners, flavoring, stabilizers,
 503 | emulsifiers, vitamins, and minerals.

504 | ~~(10)-(9)~~ "Grade 'A' pasteurized milk ordinance" means the
 505 | document entitled "Grade 'A' Pasteurized Milk Ordinance, United
 506 | States Department of Health and Human Services, Public Health
 507 | Service, Food and Drug Administration," including all associated
 508 | appendices, as adopted by department rule.

509 | ~~(11)-(10)~~ "Imitation milk and imitation milk products"
 510 | means those foods that have the physical characteristics, such
 511 | as taste, flavor, body, texture, or appearance, of milk or milk
 512 | products as defined in this chapter and the Grade "A"
 513 | pasteurized milk ordinance but do not come within the definition
 514 | of "milk" or "milk products" and are nutritionally inferior to
 515 | the product imitated.

516 | ~~(12)-(11)~~ "Milk" means the lacteal secretion, practically
 517 | free from colostrum, obtained by the complete milking of one or
 518 | more healthy cows, goats, sheep, water buffalo, camels, or other
 519 | hooved mammals.

520 | ~~(13)-(12)~~ "Milk distributor" means any person who offers
 521 | for sale or sells to another person any milk or milk product.

522 | ~~(14)-(13)~~ "Milk products" means products made with milk
 523 | that is processed in some manner, including being whipped,
 524 | acidified, cultured, concentrated, lactose-reduced, or sodium-
 525 | reduced or aseptically processed, or having the addition or

526 subtraction of milkfat, the addition of safe and suitable
527 microbial organisms, or the addition of safe and suitable
528 optional ingredients for protein, vitamin, or mineral
529 fortification. "Milk products" do not include products such as
530 evaporated milk, condensed milk, eggnog in a rigid metal
531 container, dietary products, infant formula, or ice cream and
532 other desserts.

533 (15)~~(14)~~ "Milkfat" or "butterfat" means the fat contained
534 in milk.

535 (16)~~(15)~~ "Milk hauler" means any person who transports raw
536 milk or raw milk products to or from a milk plant, receiving
537 station, or transfer station.

538 (17)~~(16)~~ "Milk plant" means any place, premises, or
539 establishment where milk or milk products are collected,
540 handled, processed, stored, pasteurized, ultra-pasteurized,
541 aseptically processed and packaged, retort processed after
542 packaging, condensed, dried, packaged, bottled, or prepared for
543 distribution.

544 (18)~~(17)~~ "Milk plant operator" means any person
545 responsible for receiving, processing, pasteurizing, or
546 packaging milk and milk products, or performing any other
547 related operation.

548 (19)~~(18)~~ "Milk producer" means any person who operates a
549 dairy farm and provides, sells, or offers for sale milk to a
550 milk plant, receiving station, or transfer station.

551 ~~(19)~~ (20) "Milk tank truck" means either a bulk milk pickup
552 tanker or a milk transport tank.

553 ~~(20)~~ (21) "Milk transport tank" means a vehicle, including
554 the truck and tank, used by a bulk milk hauler and sampler or a
555 milk hauler to transport bulk shipments of milk from a milk
556 plant, receiving station, or transfer station to another milk
557 plant, receiving station, or transfer station.

558 ~~(21)~~ (22) "Quiescently frozen confection" means a clean and
559 wholesome frozen, sweetened, flavored product that, while being
560 frozen, was not stirred or agitated (generally known as
561 quiescent freezing). The confection may be acidulated with food-
562 grade acid, may contain milk solids or water, or may be made
563 with or without added harmless pure or imitation flavoring and
564 with or without harmless coloring. The finished product must not
565 contain more than 0.5 percent by weight of stabilizer composed
566 of wholesome, edible material and must not contain less than 17
567 percent by weight of total food solids. In the production of the
568 confection, processing or mixing before quiescent freezing that
569 develops in the finished confection mix any physical expansion
570 in excess of 10 percent may not be used.

571 ~~(22)~~ (23) "Quiescently frozen dairy confection" means a
572 clean and wholesome frozen product made from water, milk
573 products, and sugar, with added harmless pure or imitation
574 flavoring, with or without added harmless coloring, with or
575 without added stabilizer, or with or without added emulsifier,

576 that, while being frozen, was not stirred or agitated (generally
 577 known as quiescent freezing). The confection must not contain
 578 less than 13 percent by weight of total milk solids, less than
 579 33 percent by weight of total food solids, more than 0.5 percent
 580 by weight of stabilizer, or more than 0.2 percent by weight of
 581 emulsifier. Stabilizer and emulsifier must be composed of
 582 wholesome, edible material. In the production of a quiescently
 583 frozen dairy confection, processing or mixing before quiescently
 584 freezing that develops in the finished confection mix any
 585 physical expansion in excess of 10 percent may not be used.

586 (24)~~(23)~~ "Raw milk" means unpasteurized, unprocessed milk.

587 (25)~~(24)~~ "Receiving station" means any place, premises, or
 588 establishment where raw milk is received, collected, handled,
 589 stored, or cooled and is prepared for further transporting.

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

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

596 (28)~~(25)~~ "Substitute milk and substitute milk products"
 597 means those foods that have the physical characteristics, such
 598 as taste, flavor, body, texture, or appearance, of milk or milk
 599 products as defined in this chapter and the Grade "A"
 600 pasteurized milk ordinance but do not come within the definition

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

603 ~~(29)-(26)~~ "Transfer station" means any place, premises, or
604 establishment where milk or milk products are transferred
605 directly from one milk tank truck to another.

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

611 ~~(31)-(27)~~ "Washing station" means any place, premises, or
612 establishment where milk tank trucks are cleaned and sanitized.

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

615 Section 10. Paragraph (a) of subsection (2) of section
616 502.014, Florida Statutes, is amended to read:

617 502.014 Powers and duties.—

618 (2) (a) The department shall conduct onsite inspections of
619 any facility used in the production, processing, and
620 distribution of any milk or milk products under this chapter and
621 shall collect samples of such products from such facilities for
622 testing pursuant to dairy farms, milk plants, and frozen dessert
623 plants and collect test samples of milk, milk products, and
624 frozen desserts as required by this chapter.

625 Section 11. Paragraph (b) of subsection (1), paragraph (d)

626 of subsection (3), and paragraph (a) of subsection (4) of
 627 section 502.053, Florida Statutes, are amended to read:

628 502.053 Permits and fees; requirements; exemptions;
 629 temporary permits.—

630 (1) PERMITS.—

631 (b) Each frozen dessert plant, whether located in the
 632 state or outside the state, that manufactures frozen desserts or
 633 other products defined in this chapter and offers these products
 634 at wholesale ~~for sale~~ in this state must apply to the department
 635 for a permit to operate. The application must be submitted on
 636 forms prescribed by the department. All frozen dessert permits
 637 expire on June 30 of each year.

638 (3) REQUIREMENTS.—

639 ~~(d) Each frozen dessert plant permitholder must report~~
 640 ~~monthly, quarterly, semiannually, or annually, as required by~~
 641 ~~the department, the number of gallons of frozen dessert or~~
 642 ~~frozen dessert mix sold or manufactured by the permitholder in~~
 643 ~~this state.~~

644 (4) EXEMPTIONS.—

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

647 1. Milk producers who transport milk or milk products only
 648 from their own dairy farms.

649 2. Employees of a milk distributor or milk plant operator
 650 who possesses a valid permit.

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

653 Section 12. Subsection (5) of section 502.181, Florida
654 Statutes, is renumbered as subsection (4), and subsections (1)
655 and (4) of that section are amended to read:

656 502.181 Prohibited acts.—It is unlawful for any person in
657 this state to:

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

665 ~~(4) Repasteurize milk.~~

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

668 570.441 Pest Control Trust Fund.—

669 (4) In addition to the uses authorized under subsection
670 (2), moneys collected or received by the department under
671 chapter 482 may be used to carry out the provisions of s.
672 570.44. This subsection expires June 30, 2024 ~~2019~~.

673 Section 14. Subsection (10) of section 570.691, Florida
674 Statutes, is amended to read:

675 570.691 Direct-support organization.—

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

678 Section 15. Subsection (14) of section 570.83, Florida
 679 Statutes, is amended to read:

680 570.83 Beef Market Development Act; definitions; Florida
 681 Beef Council, Inc., creation, purposes, governing board, powers,
 682 and duties; referendum on assessments imposed on gross receipts
 683 from cattle sales; payments to organizations for services;
 684 collecting and refunding assessments; vote on continuing the
 685 act; council bylaws.—

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

688 Section 16. Subsection (1) of section 570.93, Florida
 689 Statutes, is amended to read:

690 570.93 Department of Agriculture and Consumer Services;
 691 agricultural water conservation and agricultural water supply
 692 planning.—

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

695 (a) A cost-share program, coordinated ~~where appropriate~~
 696 with the United States Department of Agriculture and other
 697 federal, state, regional, and local agencies when appropriate,
 698 for irrigation system retrofit and application of mobile
 699 irrigation laboratory evaluations and for water conservation and
 700 ~~as provided in this section and, where applicable, for water~~

701 quality improvement pursuant to s. 403.067(7)(c).

702 (b) The development and implementation of voluntary
703 interim measures or best management practices~~,~~ adopted by rule~~,~~
704 which provide for increased efficiencies in the use and
705 management of water for agricultural production. In the process
706 of developing and adopting rules for interim measures or best
707 management practices, the department shall consult with the
708 Department of Environmental Protection and the water management
709 districts. Such rules may also include a system to ensure ~~assure~~
710 the implementation of the practices, including recordkeeping
711 requirements. As new information regarding efficient
712 agricultural water use and management becomes available, the
713 department shall reevaluate and revise ~~as needed,~~ the interim
714 measures or best management practices as needed. The interim
715 measures or best management practices may include irrigation
716 retrofit, implementation of mobile irrigation laboratory
717 evaluations and recommendations, water resource augmentation,
718 and integrated water management systems for drought management
719 and flood control and should, to the maximum extent practicable,
720 be designed to qualify for regulatory incentives and other
721 incentives, as determined by the agency having applicable
722 statutory authority.

723 (c) Provision of assistance to the water management
724 districts in the development and implementation, to the extent
725 practicable, of a consistent, ~~to the extent practicable,~~

726 methodology for the efficient allocation of water for
727 agricultural irrigation.

728 Section 17. Paragraph (e) of subsection (1) of section
729 590.02, Florida Statutes, is amended to read:

730 590.02 Florida Forest Service; powers, authority, and
731 duties; liability; building structures; Withlacoochee Training
732 Center.—

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

735 (e) Develop a training curriculum for wildland forestry
736 firefighters which must contain at least 40 hours of structural
737 firefighter training, at least 40 hours of emergency medical
738 training, and at least 376 ~~the basic volunteer structural fire~~
739 ~~training course approved by the Florida State Fire College of~~
740 ~~the Division of State Fire Marshal and a minimum of 250~~ hours of
741 wildfire training;

742 Section 18. Subsection (16) is added to section 595.404,
743 Florida Statutes, to read:

744 595.404 School food and other nutrition programs; powers
745 and duties of the department.—The department has the following
746 powers and duties:

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

751 Section 19. Paragraph (d) of subsection (1) of section
 752 633.406, Florida Statutes, is amended to read:

753 633.406 Classes of certification.—

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

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

762 Section 20. Subsection (8) of section 633.408, Florida
 763 Statutes, is amended to read:

764 633.408 Firefighter and volunteer firefighter training and
 765 certification.—

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

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

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776 | a firefighter.

777 | Section 21. This act shall take effect July 1, 2019.