

By the Committee on Agriculture; and Senator Albritton

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

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30 milk; amending s. 570.441, F.S.; extending the  
31 expiration for the use of funds from the Pest Control  
32 Trust Fund; amending s. 570.93, F.S.; revising  
33 requirements for the agricultural water conservation  
34 program; amending s. 590.02, F.S.; directing the  
35 Florida Forest Service to develop a training  
36 curriculum for wildland firefighting; amending s.  
37 595.404, F.S.; authorizing the department to adopt and  
38 implement an exemption, variance, and waiver process  
39 for school food and other nutrition programs; amending  
40 s. 633.406, F.S.; conforming provisions to changes  
41 made by the act; amending s. 633.408, F.S.; providing  
42 wildland firefighter training and certification for  
43 certain firefighters and volunteer firefighters;  
44 creating s. 828.261, F.S.; authorizing a contract for  
45 the sale of a horse to include a covenant for the  
46 continuing care of the horse; providing requirements  
47 for such a covenant; providing an effective date.  
48

49 Be It Enacted by the Legislature of the State of Florida:  
50

51 Section 1. Present subsections (57) through (67) of section  
52 487.021, Florida Statutes, are redesignated as subsections (58)  
53 through (68), respectively, and a new subsection (57) is added  
54 to that section, to read:

55 487.021 Definitions.—For the purpose of this part:

56 (57) "Raw agricultural commodities fumigation" means the  
57 use of a fumigant, in a lethal concentration to eliminate pests  
58 from fruits, vegetables, nuts, legumes, mushrooms, or other

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59 nonanimal matter customarily consumed by humans or animals,  
60 under a tarpaulin or in a structure such as a storage facility,  
61 barn, silo, or warehouse that is not inhabited by human beings,  
62 agricultural livestock, or domestic pets and that is not  
63 connected by construction elements such as voids, pipes,  
64 conduits, drains, or ducts to a structure that is inhabited by  
65 human beings, agricultural livestock, or domestic pets that  
66 would allow the transfer of fumigant between the structures.

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

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

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

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

85 500.03 Definitions; construction; applicability.—

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

87 (a) "Advertisement" means any representation disseminated

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88 in any manner or by any means, other than by labeling, for the  
89 purpose of inducing, or which is likely to induce, directly or  
90 indirectly, the purchase of food.

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

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

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

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

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

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

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

116 b. When added or applied to a food, is capable, alone or

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117 through reaction with another substance, of imparting color  
118 thereto;

119

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

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

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

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

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

142 (j) ~~(k)~~ "Cottage food product" means food that is not a  
143 potentially hazardous food as defined by department rule which  
144 is sold by a cottage food operation in accordance with s.  
145 500.80.

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146        (k)~~(l)~~ "Department" means the Department of Agriculture and  
147 Consumer Services.

148        (l)~~(m)~~ "Federal act" means the Federal Food, Drug, and  
149 Cosmetic Act, as amended, 21 U.S.C. ss. 301 et seq.; 52 Stat.  
150 1040 et seq.

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

- 152        1. Articles used for food or drink for human consumption;
- 153        2. Chewing gum;
- 154        3. Articles used for components of any such article;
- 155        4. Articles for which health claims are made, which claims  
156 are approved by the Secretary of the United States Department of  
157 Health and Human Services and which claims are made in  
158 accordance with s. 343(r) of the federal act, and which are not  
159 considered drugs solely because their labels or labeling contain  
160 health claims; and
- 161        5. Dietary supplements as defined in 21 U.S.C. s.  
162 321(ff)(1) and (2).

163  
164 The term includes any raw, cooked, or processed edible  
165 substance; ice; any beverage; or any ingredient used, intended  
166 for use, or sold for human consumption.

167        (n)~~(o)~~ "Food additive" means any substance, the intended  
168 use of which results or may be reasonably expected to result,  
169 directly or indirectly, in its becoming a component or otherwise  
170 affecting the characteristics of any food (including any  
171 substance intended for use in producing, manufacturing, packing,  
172 processing, preparing, treating, transporting, or holding food  
173 and including any source of radiation intended for any such  
174 use), if such substance is not generally recognized, among

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175 experts qualified by scientific training and experience to  
176 evaluate its safety, as having been adequately shown through  
177 scientific procedures ~~or, in the case of a substance used in a~~  
178 food before ~~prior to~~ January 1, 1958, through ~~either~~ scientific  
179 procedures or experience based on common use in food ~~to be safe~~  
180 under the conditions of its intended use; except that such term  
181 does not include:

- 182 1. A pesticide chemical in or on a raw agricultural  
183 commodity;
- 184 2. A pesticide chemical to the extent that it is intended  
185 for use or is used in the production, storage, or transportation  
186 of any raw agricultural commodity;
- 187 3. A color additive; or
- 188 4. Any substance used in accordance with a sanction or  
189 approval granted before ~~prior to~~ the enactment of the Food  
190 Additives Amendment of 1958, pursuant to the federal act; the  
191 Poultry Products Inspection Act (21 U.S.C. ss. 451 et seq.); or  
192 the Meat Inspection Act of March 4, 1967 (34 Stat. 1260), as  
193 amended and extended (21 U.S.C. ss. 71 et seq.).

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

- 202 1. A business or activity that is regulated under s.  
203 413.051, s. 500.80, chapter 509, or chapter 601;~~;~~

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204       ~~2. The term includes tomato packinghouses and repackers but~~  
205 ~~does not include any other Establishments,~~ except for tomato  
206 packinghouses and repackers, that pack fruits and vegetables in  
207 their raw or natural states, including those fruits or  
208 vegetables that are washed, colored, or otherwise treated in  
209 their unpeeled, natural form before they are marketed; or

210       3. Markets that offer only fresh fruits and fresh  
211 vegetables for sale.

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

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

232       (p) ~~(s)~~ "Immediate container" does not include package



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233 liners.

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

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

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

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

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

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

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

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

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

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

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

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

290        500.033 Florida Food Safety and Food Defense Advisory

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291 Council.—

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

319 Section 5. Paragraphs (a), (b), and (e) of subsection (1)

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320 and subsection (2) of section 500.12, Florida Statutes, are  
321 amended to read:

322 500.12 Food permits; building permits.—

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

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

331 2. Persons subject to continuous, onsite federal or state  
332 inspection.

333 3. Persons selling only legumes in the shell, either  
334 parched, roasted, or boiled.

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

342 (b) Each food establishment ~~and retail food store~~ regulated  
343 under this chapter must apply for and receive a food permit  
344 before operation begins. An application for a food permit from  
345 the department must be accompanied by a fee in an amount  
346 determined by department rule. The department shall adopt by  
347 rule a schedule of fees to be paid by each food establishment  
348 ~~and retail food store~~ as a condition of issuance or renewal of a

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349 food permit. Such fees may not exceed \$650 and shall be used  
350 solely for the recovery of costs for the services provided,  
351 except that the fee accompanying an application for a food  
352 permit for operating a bottled water plant may not exceed \$1,000  
353 and the fee accompanying an application for a food permit for  
354 operating a packaged ice plant may not exceed \$250. The fee for  
355 operating a bottled water plant or a packaged ice plant shall be  
356 set by rule of the department. Food permits are not transferable  
357 from one person or physical location to another. Food permits  
358 must be renewed annually on or before January 1. If ~~an~~  
359 ~~application for renewal of a food permit fee~~ fee is not received in  
360 full by the department by January 1 ~~within 30 days after its due~~  
361 ~~date~~, a late fee not exceeding \$100 must be paid in addition to  
362 the food permit fee ~~before the department may issue the food~~  
363 ~~permit~~. The moneys collected shall be deposited in the General  
364 Inspection Trust Fund.

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

375 (2) When any person applies for a building permit to  
376 construct, convert, or remodel any food establishment, ~~food~~  
377 ~~outlet, or retail food store,~~ the authority issuing such permit

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378 shall make available to the applicant a printed statement,  
379 provided by the department, regarding the applicable sanitation  
380 requirements for such establishments. A building permitting  
381 authority, or municipality or county under whose jurisdiction a  
382 building permitting authority operates, may not be held liable  
383 for a food establishment, ~~food outlet, or retail food store~~ that  
384 does not comply with the applicable sanitation requirements due  
385 to failure of the building permitting authority to provide the  
386 information as provided in this subsection.

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

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

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

406 Section 6. Subsection (1) of section 500.121, Florida

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407 Statutes, is amended to read:

408 500.121 Disciplinary procedures.—

409 (1) In addition to the suspension procedures provided in s.  
410 500.12, if applicable, the department may impose an  
411 administrative fine in the Class II category pursuant to s.  
412 570.971 against any ~~retail food store,~~ food establishment, or  
413 cottage food operation that violates this chapter, which fine,  
414 when imposed and paid, shall be deposited by the department into  
415 the General Inspection Trust Fund. The department may revoke or  
416 suspend the permit of any such retail food store or food  
417 establishment if it is satisfied that the ~~retail food store or~~  
418 food establishment has:

419 (a) Violated this chapter.

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

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

428 (d) Committed any act that ~~or conduct of the same or~~  
429 ~~different character than that enumerated which~~ constitutes  
430 fraudulent or dishonest dealing.

431 Section 7. Paragraph (a) of subsection (3) of section  
432 500.147, Florida Statutes, is amended to read:

433 500.147 Inspection of food establishments, food records,  
434 and vehicles.—

435 (3) For bottled water plants:

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436 (a) Bottled water must be from an approved source. Bottled  
437 water must be processed in conformance with 21 C.F.R. part 129  
438 (2018) ~~(2006)~~, and must conform to 21 C.F.R. part 165 (2018)  
439 ~~(2006)~~. A person operating a bottled water plant shall be  
440 responsible for all water sampling and analyses required by this  
441 chapter.

442 Section 8. Subsection (10) is added to section 500.81,  
443 Florida Statutes, to read:

444 500.81 Healthy Food Financing Initiative.—

445 (10) This section is repealed on October 1, 2020.

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

448 502.012 Definitions.—As used in this chapter, the term:

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

455 (2)~~(1)~~ "Bulk milk pickup tanker" means a vehicle, including  
456 the truck and tank, and necessary attachments for its use, used  
457 by a bulk milk hauler and sampler to transport bulk raw milk for  
458 pasteurization, ultra-pasteurization, aseptic processing and  
459 packaging, or retort processing after packaging from a dairy  
460 farm to a milk plant, receiving station, or transfer station.

461 (3)~~(2)~~ "Dairy farm" means any place or premises where one  
462 or more lactating animals, such as cows, goats, sheep, water  
463 buffalo, camels, or other hooved mammals, are kept for milking  
464 purposes and from which a part or all of the milk is provided,



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465 sold, or offered for sale.

466 (4)~~(3)~~ "Department" means the Department of Agriculture and  
467 Consumer Services.

468 (5)~~(4)~~ "Frozen dessert" means a specific standardized  
469 frozen dessert described in 21 C.F.R. part 135 and any other  
470 food defined by rule of the department that resembles such  
471 standardized frozen dessert but does not conform to the specific  
472 description of such standardized frozen dessert in 21 C.F.R.  
473 part 135. The term includes, but is not limited to, a  
474 quiescently frozen confection, a quiescently frozen dairy  
475 confection, a frozen dietary dairy dessert, and a frozen dietary  
476 dessert.

477 (6)~~(5)~~ "Frozen desserts manufacturer" means a person who  
478 manufactures, processes, converts, partially freezes, or freezes  
479 any mix or frozen dessert for distribution or sale.

480 (7)~~(6)~~ "Frozen desserts plant" means any location or  
481 premises at which frozen desserts or mix are manufactured,  
482 processed, or frozen for distribution or sale at wholesale.

483 (8)~~(7)~~ "Frozen desserts retail establishment" means any  
484 location or premises, including a retail store, stand, hotel,  
485 boardinghouse, restaurant, vehicle, or mobile unit, at which  
486 frozen desserts are frozen, partially frozen, or dispensed for  
487 sale at retail.

488 (9)~~(8)~~ "Frozen dietary dairy dessert" or "frozen dietary  
489 dessert" means a food for any special dietary use, prepared by  
490 freezing, with or without agitation, and composed of a  
491 pasteurized mix that may contain fat, protein, carbohydrates,  
492 natural or artificial sweeteners, flavoring, stabilizers,  
493 emulsifiers, vitamins, and minerals.

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494        (10)~~(9)~~ "Grade 'A' pasteurized milk ordinance" means the  
495 document entitled "Grade 'A' Pasteurized Milk Ordinance, United  
496 States Department of Health and Human Services, Public Health  
497 Service, Food and Drug Administration," including all associated  
498 appendices, as adopted by department rule.

499        (11)~~(10)~~ "Imitation milk and imitation milk products" means  
500 those foods that have the physical characteristics, such as  
501 taste, flavor, body, texture, or appearance, of milk or milk  
502 products as defined in this chapter and the Grade "A"  
503 pasteurized milk ordinance but do not come within the definition  
504 of "milk" or "milk products" and are nutritionally inferior to  
505 the product imitated.

506        (12)~~(11)~~ "Milk" means the lacteal secretion, practically  
507 free from colostrum, obtained by the complete milking of one or  
508 more healthy cows, goats, sheep, water buffalo, camels, or other  
509 hooved mammals.

510        (13)~~(12)~~ "Milk distributor" means any person who offers for  
511 sale or sells to another person any milk or milk product.

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

522        (15)~~(14)~~ "Milkfat" or "butterfat" means the fat contained

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523 in milk.

524 ~~(16)~~~~(15)~~ "Milk hauler" means any person who transports raw  
525 milk or raw milk products to or from a milk plant, receiving  
526 station, or transfer station.

527 ~~(17)~~~~(16)~~ "Milk plant" means any place, premises, or  
528 establishment where milk or milk products are collected,  
529 handled, processed, stored, pasteurized, ultra-pasteurized,  
530 aseptically processed and packaged, retort processed after  
531 packaging, condensed, dried, packaged, bottled, or prepared for  
532 distribution.

533 ~~(18)~~~~(17)~~ "Milk plant operator" means any person responsible  
534 for receiving, processing, pasteurizing, or packaging milk and  
535 milk products, or performing any other related operation.

536 ~~(19)~~~~(18)~~ "Milk producer" means any person who operates a  
537 dairy farm and provides, sells, or offers for sale milk to a  
538 milk plant, receiving station, or transfer station.

539 ~~(20)~~~~(19)~~ "Milk tank truck" means either a bulk milk pickup  
540 tanker or a milk transport tank.

541 ~~(21)~~~~(20)~~ "Milk transport tank" means a vehicle, including  
542 the truck and tank, used by a bulk milk hauler and sampler or a  
543 milk hauler to transport bulk shipments of milk from a milk  
544 plant, receiving station, or transfer station to another milk  
545 plant, receiving station, or transfer station.

546 ~~(22)~~~~(21)~~ "Quiescently frozen confection" means a clean and  
547 wholesome frozen, sweetened, flavored product that, while being  
548 frozen, was not stirred or agitated (generally known as  
549 quiescent freezing). The confection may be acidulated with food-  
550 grade acid, may contain milk solids or water, or may be made  
551 with or without added harmless pure or imitation flavoring and

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552 with or without harmless coloring. The finished product must not  
553 contain more than 0.5 percent by weight of stabilizer composed  
554 of wholesome, edible material and must not contain less than 17  
555 percent by weight of total food solids. In the production of the  
556 confection, processing or mixing before quiescent freezing that  
557 develops in the finished confection mix any physical expansion  
558 in excess of 10 percent may not be used.

559 (23)~~(22)~~ "Quiescently frozen dairy confection" means a  
560 clean and wholesome frozen product made from water, milk  
561 products, and sugar, with added harmless pure or imitation  
562 flavoring, with or without added harmless coloring, with or  
563 without added stabilizer, or with or without added emulsifier,  
564 that, while being frozen, was not stirred or agitated (generally  
565 known as quiescent freezing). The confection must not contain  
566 less than 13 percent by weight of total milk solids, less than  
567 33 percent by weight of total food solids, more than 0.5 percent  
568 by weight of stabilizer, or more than 0.2 percent by weight of  
569 emulsifier. Stabilizer and emulsifier must be composed of  
570 wholesome, edible material. In the production of a quiescently  
571 frozen dairy confection, processing or mixing before quiescently  
572 freezing that develops in the finished confection mix any  
573 physical expansion in excess of 10 percent may not be used.

574 (24)~~(23)~~ "Raw milk" means unpasteurized, unprocessed milk.

575 (25)~~(24)~~ "Receiving station" means any place, premises, or  
576 establishment where raw milk is received, collected, handled,  
577 stored, or cooled and is prepared for further transporting.

578 (26) "Reconstituted milk or milk products" or "recombined  
579 milk or milk products" means milk or milk products that result  
580 from reconstituting or recombining of milk constituents with

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581 potable water.

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

584 (28)-(25) "Substitute milk and substitute milk products"  
585 means those foods that have the physical characteristics, such  
586 as taste, flavor, body, texture, or appearance, of milk or milk  
587 products as defined in this chapter and the Grade "A"  
588 pasteurized milk ordinance but do not come within the definition  
589 of "milk" or "milk products" and are nutritionally equivalent to  
590 the product for which they are substitutes.

591 (29)-(26) "Transfer station" means any place, premises, or  
592 establishment where milk or milk products are transferred  
593 directly from one milk tank truck to another.

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

599 (31)-(27) "Washing station" means any place, premises, or  
600 establishment where milk tank trucks are cleaned and sanitized.

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

603 Section 10. Paragraph (a) of subsection (2) of section  
604 502.014, Florida Statutes, is amended to read:

605 502.014 Powers and duties.—

606 (2) (a) The department shall conduct onsite inspections of  
607 any facility used in the production, processing, and  
608 distribution of any milk or milk products under this chapter and  
609 shall collect samples of such products from such facilities for

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610 ~~testing pursuant to dairy farms, milk plants, and frozen dessert~~  
611 ~~plants and collect test samples of milk, milk products, and~~  
612 ~~frozen desserts as required by this chapter.~~

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

616 502.053 Permits and fees; requirements; exemptions;  
617 temporary permits.—

618 (1) PERMITS.—

619 (b) Each frozen dessert plant, whether located in the state  
620 or outside the state, that manufactures frozen desserts or other  
621 products defined in this chapter and offers these products at  
622 wholesale ~~for sale~~ in this state must apply to the department  
623 for a permit to operate. The application must be submitted on  
624 forms prescribed by the department. All frozen dessert permits  
625 expire on June 30 of each year.

626 (3) REQUIREMENTS.—

627 ~~(d) Each frozen dessert plant permitholder must report~~  
628 ~~monthly, quarterly, semiannually, or annually, as required by~~  
629 ~~the department, the number of gallons of frozen dessert or~~  
630 ~~frozen dessert mix sold or manufactured by the permitholder in~~  
631 ~~this state.~~

632 (4) EXEMPTIONS.—

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

635 1. Milk producers who transport milk or milk products only  
636 from their own dairy farms.

637 2. Employees of a milk distributor or milk plant operator  
638 who possesses a valid permit.

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

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

643 502.181 Prohibited acts.—It is unlawful for any person in  
644 this state to:

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

652 ~~(4) Repasteurize milk.~~

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

655 570.441 Pest Control Trust Fund.—

656 (4) In addition to the uses authorized under subsection  
657 (2), moneys collected or received by the department under  
658 chapter 482 may be used to carry out the provisions of s.  
659 570.44. This subsection expires June 30, 2024 ~~2019~~.

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

662 570.93 Department of Agriculture and Consumer Services;  
663 agricultural water conservation and agricultural water supply  
664 planning.—

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

667 (a) A cost-share program, coordinated ~~where appropriate~~

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668 with the United States Department of Agriculture and other  
669 federal, state, regional, and local agencies when appropriate,  
670 for irrigation system retrofit and application of mobile  
671 irrigation laboratory evaluations and for water conservation and  
672 ~~as provided in this section and, where applicable, for~~ water  
673 quality improvement pursuant to s. 403.067(7)(c).

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

695 (c) Provision of assistance to the water management  
696 districts in the development and implementation, to the extent



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697 practicable, of a consistent, ~~to the extent practicable,~~  
698 methodology for the efficient allocation of water for  
699 agricultural irrigation.

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

702 590.02 Florida Forest Service; powers, authority, and  
703 duties; liability; building structures; Withlacoochee Training  
704 Center.—

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

707 (a) Enforce the provisions of this chapter;

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

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

715 (d) Appoint center managers, forest area supervisors,  
716 forestry program administrators, a forest protection bureau  
717 chief, a forest protection assistant bureau chief, a field  
718 operations bureau chief, deputy chiefs of field operations,  
719 district managers, forest operations administrators, senior  
720 forest rangers, investigators, forest rangers, firefighter  
721 rotorcraft pilots, and other employees who may, at the Florida  
722 Forest Service's discretion, be certified as forestry  
723 firefighters pursuant to s. 633.408(8). Other law  
724 notwithstanding, center managers, district managers, forest  
725 protection assistant bureau chief, and deputy chiefs of field

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726 operations have Selected Exempt Service status in the state  
727 personnel designation;

728 (e) Develop a training curriculum for wildland forestry  
729 firefighters which must contain at least 40 hours of structural  
730 firefighter training, at least 40 hours of emergency medical  
731 training, and at least 376 ~~the basic volunteer structural fire~~  
732 ~~training course approved by the Florida State Fire College of~~  
733 ~~the Division of State Fire Marshal and a minimum of 250~~ hours of  
734 wildfire training;

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

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

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

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

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

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

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755           595.404 School food and other nutrition programs; powers  
756 and duties of the department.—The department has the following  
757 powers and duties:

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

762           Section 17. Paragraph (d) of subsection (1) of section  
763 633.406, Florida Statutes, is amended to read:

764           633.406 Classes of certification.—

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

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

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

775           633.408 Firefighter and volunteer firefighter training and  
776 certification.—

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

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

788 Section 19. Section 828.261, Florida Statutes, is created  
789 to read:

790 828.261 Ongoing horse care covenants.-

791 (1) Notwithstanding any other provision of law, a contract  
792 for the sale of a horse may include a covenant for the  
793 continuing care of the horse, subject to the following  
794 provisions:

795 (a) The obligations under the covenant may be satisfied by  
796 a third-party provider who is contractually obligated to provide  
797 continuing care for the horse upon its retirement, for an  
798 actuarially appropriate charge, which is not subject to chapter  
799 624.

800 (b) The covenant is valid and annexed to the horse, runs  
801 with the horse, and is binding and enforceable upon all future  
802 purchasers, if notice is provided pursuant to paragraph (c).

803 (c) Written notice of the covenant must be provided to all  
804 purchasers before a sale and must be acknowledged in writing by  
805 all such purchasers before consummation of the sale of a covered  
806 horse.

807 (d) The covenant must include liability for liquidated  
808 damages for a purchaser's failure to comply with the covenant.

809 (e) The covenant must include the ability of an owner to  
810 retire the horse into the care of the third-party provider under  
811 the covenant.

812 (f) A third-party provider who is contracted to provide the

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813 continuing care of a horse under the covenant shall, at a  
814 minimum, comply with the American Association of Equine  
815 Practitioners care guidelines for equine rescue and retirement  
816 facilities.

817 (2) An owner is not required to put in place a covenant for  
818 the continuing care of a horse and a purchaser is not required  
819 to purchase a horse that is subject to such a covenant.

820 (3) This section does not create any covenants that annex  
821 to or travel with any other chattel.

822 Section 20. This act shall take effect July 1, 2019.