

By Senator Albritton

26-00965B-20

20201514__

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 377.703, F.S.; revising
4 the contents of a Department of Agriculture and
5 Consumer Services report to the Governor and the
6 Legislature to include the development of certain
7 renewable and alternative energy technologies;
8 requiring the department to promote the development of
9 alternative fuel and alternative vehicle technologies;
10 requiring the Division of Emergency Management to
11 consult with the department to include specified
12 provisions in a certain report; deleting a requirement
13 that the department prepare a separate, specified
14 renewable energy report; amending s. 487.021, F.S.;
15 defining the term "raw agricultural commodities
16 fumigation"; amending s. 487.0435, F.S.; authorizing
17 the department to consider the use of a fumigant as a
18 pesticide for raw agricultural commodities; amending
19 s. 500.03, F.S.; revising definitions; amending s.
20 500.033, F.S.; revising the membership of the Florida
21 Food Safety and Food Defense Advisory Council;
22 amending s. 500.12, F.S.; conforming provisions to
23 changes made by the act; revising the date by which a
24 late fee is imposed for nonpayment of an applicable
25 permit; amending s. 500.121, F.S.; conforming
26 provisions to changes made by the act; amending s.
27 500.147, F.S.; updating a reference to certain bottled
28 water provisions; amending s. 502.012, F.S.; defining
29 and redefining terms; amending s. 502.014, F.S.;

26-00965B-20

20201514__

30 revising the authority of the department to conduct
31 onsite inspections of certain facilities and to
32 collect samples of products at such facilities for
33 testing; amending s. 502.053, F.S.; requiring
34 operation permits for wholesalers of frozen dessert
35 products; deleting a requirement that a frozen dessert
36 plant permitholder submit specified reports to the
37 department; providing an exemption from bulk milk
38 hauler/sampler permit requirements; amending s.
39 502.181, F.S.; revising the prohibitions against
40 certain testing for milkfat content and for
41 repasteurizing milk; amending s. 502.231, F.S.;
42 conforming a provision to changes made by the act;
43 repealing s. 502.301, F.S., relating to the Dairy
44 Industry Technical Council; amending s. 570.441, F.S.;
45 extending the expiration for the use of funds from the
46 Pest Control Trust Fund; amending s. 570.93, F.S.;
47 revising requirements for the agricultural water
48 conservation program; amending s. 590.02, F.S.;
49 directing the Florida Forest Service to develop a
50 training curriculum for wildland firefighting;
51 providing requirements for such training; amending s.
52 595.404, F.S.; authorizing the department to adopt and
53 implement an exemption, variance, and waiver process
54 for school food and other nutrition programs; amending
55 s. 633.408, F.S.; providing wildland firefighter
56 training and certification for certain firefighters
57 and volunteer firefighters; reenacting ss.
58 373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S.,

26-00965B-20

20201514__

59 relating to a declaration of policy, conditions for a
60 permit, and a declaration of policy, respectively, to
61 incorporate the amendment made to s. 500.033, F.S., in
62 references thereto; providing an effective date.
63

64 Be It Enacted by the Legislature of the State of Florida:
65

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

68 377.703 Additional functions of the Department of
69 Agriculture and Consumer Services.—

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

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

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

86 2. Collection and dissemination of information relating to
87 energy efficiency and conservation.

26-00965B-20

20201514__

88 3. Development and conduct of educational and training
89 programs relating to energy efficiency and conservation,
90 renewable energy, alternative fuels, and alternative vehicle
91 technologies.

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

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

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

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

109 3. Promote the development and use of renewable energy
110 resources, energy efficiency technologies, ~~and~~ conservation
111 measures, and alternative fuel and alternative vehicle
112 technologies.

113 4. Promote the recovery of energy from wastes, including,
114 but not limited to, the use of waste heat, the use of
115 agricultural products as a source of energy, and recycling of
116 manufactured products. Such promotion shall be conducted in

26-00965B-20

20201514__

117 conjunction with, and after consultation with, the Department of
118 Environmental Protection and the Florida Public Service
119 Commission where electrical generation or natural gas is
120 involved, and any other relevant federal, state, or local
121 governmental agency having responsibility for resource recovery
122 programs.

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

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

145 ~~1. For the renewable energy technologies investment tax~~

26-00965B-20

20201514__

146 ~~credit authorized in s. 220.192:~~

147 ~~a. The name of each taxpayer receiving an allocation under~~
148 ~~this section;~~

149 ~~b. The amount of the credits allocated for that fiscal year~~
150 ~~for each taxpayer; and~~

151 ~~e. The type of technology and a description of each~~
152 ~~investment for which each taxpayer receives an allocation.~~

153 ~~2. For the renewable energy production credit authorized in~~
154 ~~s. 220.193:~~

155 ~~a. The name of each taxpayer receiving an allocation under~~
156 ~~this section;~~

157 ~~b. The amount of credits allocated for that fiscal year for~~
158 ~~each taxpayer;~~

159 ~~e. The type and amount of renewable energy produced and~~
160 ~~sold, whether the facility producing that energy is a new or~~
161 ~~expanded facility, and the approximate date on which production~~
162 ~~began; and~~

163 ~~d. The aggregate amount of credits allocated for all~~
164 ~~taxpayers claiming credits under this section for the fiscal~~
165 ~~year.~~

166 Section 2. Present subsections (57) through (67) of section
167 487.021, Florida Statutes, are redesignated as subsections (58)
168 through (68), respectively, and a new subsection (57) is added
169 to that section, to read:

170 487.021 Definitions.—For the purpose of this part:

171 (57) "Raw agricultural commodities fumigation" means the
172 use of a fumigant pesticide, in a sufficient concentration to be
173 lethal to a given organism, to treat for pests in any fruits,
174 vegetables, nuts, legumes, mushrooms, or other non-animal matter

26-00965B-20

20201514__

175 customarily consumed by humans or animals. The term includes the
176 process of fumigating raw agricultural commodities under a
177 tarpaulin or in a structure such as a storage facility, barn,
178 silos, warehouse, or shipping container which is not inhabited by
179 human beings, agricultural livestock, or domestic pets and is
180 not connected by construction elements containing voids, pipes,
181 conduits, drains, or ducts to a structure inhabited by human
182 beings, agricultural livestock, or domestic pets which could
183 allow for transfer of fumigant between the structures.

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

186 487.0435 License classification.—The department shall issue
187 certified applicator licenses in the following classifications:
188 certified public applicator; certified private applicator; and
189 certified commercial applicator. In addition, separate
190 classifications and subclassifications may be specified by the
191 department in rule as deemed necessary to carry out the
192 provisions of this part. Each classification shall be subject to
193 requirements or testing procedures to be set forth by rule of
194 the department and shall be restricted to the activities within
195 the scope of the respective classification as established in
196 statute or by rule. In specifying classifications, the
197 department may consider, but is not limited to, the following:

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

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

203 500.03 Definitions; construction; applicability.—

26-00965B-20

20201514__

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

205 (d) "Bottled water" means a beverage, as described in 21
206 C.F.R. part 165 (2019) ~~(2006)~~, that is processed in compliance
207 with 21 C.F.R. part 129 (2019) ~~(2006)~~.

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

214 (o) ~~(p)~~ "Food establishment" means a factory, food outlet,
215 or other facility manufacturing, processing, packing, holding,
216 or preparing food or selling food at wholesale or retail. The
217 term includes any establishment or section of an establishment
218 where food and food products are offered to the consumer and are
219 intended for off-premises consumption and delicatessens that
220 offer prepared food in bulk quantities only. The term does not
221 include a business or activity that is regulated under s.
222 413.051, s. 500.80, chapter 509, or chapter 601. The term
223 includes tomato packinghouses and repackers but does not include
224 any other establishments that pack fruits and vegetables in
225 their raw or natural states, including those fruits or
226 vegetables that are washed, colored, or otherwise treated in
227 their unpeeled, natural form before they are marketed; and
228 markets that offer only fresh fruit and fresh vegetables for
229 sale.

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

26-00965B-20

20201514__

233 ~~refrigerated storage facility; freezer locker; salvage food~~
234 ~~facility; or any other similar place storing or offering food~~
235 ~~for sale.~~

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

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

255 ~~(bb) "Retail food store" means any establishment or section~~
256 ~~of an establishment where food and food products are offered to~~
257 ~~the consumer and intended for off-premises consumption. The term~~
258 ~~includes delicatessens that offer prepared food in bulk~~
259 ~~quantities only. The term does not include establishments which~~
260 ~~handle only prepackaged, nonpotentially hazardous foods;~~
261 ~~roadside markets that offer only fresh fruits and fresh~~

26-00965B-20

20201514__

262 ~~vegetables for sale; food service establishments; or food and~~
263 ~~beverage vending machines.~~

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

266 500.033 Florida Food Safety and Food Defense Advisory
267 Council.—

268 (1) There is created the Florida Food Safety and Food
269 Defense Advisory Council for the purpose of serving as a forum
270 for presenting, investigating, and evaluating issues of current
271 importance to the assurance of a safe and secure food supply to
272 the citizens of Florida. The Florida Food Safety and Food
273 Defense Advisory Council shall consist of, but not be limited
274 to: the Commissioner of Agriculture or his or her designee; the
275 State Surgeon General or his or her designee; the Secretary of
276 Business and Professional Regulation or his or her designee; the
277 person responsible for domestic security with the Department of
278 Law Enforcement; members representing the production,
279 processing, distribution, and sale of foods; consumers or
280 members of citizens groups; representatives of food industry
281 groups; scientists or other experts in aspects of food safety
282 from state universities; representatives from local, state, and
283 federal agencies that are charged with responsibilities for food
284 safety or food defense; and as ex officio members, the chairs of
285 the Agriculture Committees of the Senate and the House of
286 Representatives or their designees, ~~and~~ the chairs of the
287 committees of the Senate and the House of Representatives with
288 jurisdictional oversight of home defense issues or their
289 designees, and the person responsible for domestic security
290 within the Department of Law Enforcement or his or her designee.

26-00965B-20

20201514__

291 The Commissioner of Agriculture shall appoint the remaining
292 members. The council shall make periodic reports to the
293 Department of Agriculture and Consumer Services concerning
294 findings and recommendations in the area of food safety and food
295 defense.

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

299 500.12 Food permits; building permits.-

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

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

308 2. Persons subject to continuous, onsite federal or state
309 inspection.

310 3. Persons selling only legumes in the shell, either
311 parched, roasted, or boiled.

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

319 (b) Each food establishment ~~and retail food store~~ regulated

26-00965B-20

20201514__

320 under this chapter must apply for and receive a food permit
321 before operation begins. An application for a food permit from
322 the department must be accompanied by a fee in an amount
323 determined by department rule. The department shall adopt by
324 rule a schedule of fees to be paid by each food establishment
325 ~~and retail food store~~ as a condition of issuance or renewal of a
326 food permit. Such fees may not exceed \$650 and shall be used
327 solely for the recovery of costs for the services provided,
328 except that the fee accompanying an application for a food
329 permit for operating a bottled water plant may not exceed \$1,000
330 and the fee accompanying an application for a food permit for
331 operating a packaged ice plant may not exceed \$250. The fee for
332 operating a bottled water plant or a packaged ice plant shall be
333 set by rule of the department. Food permits are not transferable
334 from one person or physical location to another. Food permits
335 must be renewed annually on or before January 1. If a ~~an~~
336 ~~application for renewal of a food permit~~ fee is not received in
337 full by the department on or before January 1 ~~within 30 days~~
338 ~~after its due date~~, a late fee not exceeding \$100 must be paid
339 in addition to the applicable food permit fee ~~before the~~
340 ~~department may issue the food permit~~. The moneys collected shall
341 be deposited in the General Inspection Trust Fund.

342 (e) The department is the exclusive regulatory and
343 permitting authority for all ~~food outlets, retail food stores,~~
344 ~~food establishments, convenience stores,~~ and minor food outlets
345 in accordance with this section. Application for a food permit
346 must be made on forms provided by the department, which forms
347 must also contain provision for application for registrations
348 and permits issued by other state agencies and for collection of

26-00965B-20

20201514__

349 the food permit fee and any other fees associated with
350 registration, licensing, or applicable surcharges. The details
351 of the application shall be prescribed by department rule.

352 (2) When any person applies for a building permit to
353 construct, convert, or remodel any food establishment, ~~food~~
354 ~~outlet, or retail food store,~~ the authority issuing such permit
355 shall make available to the applicant a printed statement,
356 provided by the department, regarding the applicable sanitation
357 requirements for such establishments. A building permitting
358 authority, or municipality or county under whose jurisdiction a
359 building permitting authority operates, may not be held liable
360 for a food establishment, ~~food outlet, or retail food store~~ that
361 does not comply with the applicable sanitation requirements due
362 to failure of the building permitting authority to provide the
363 information as provided in this subsection.

364 (a) The department shall furnish, for distribution, a
365 statement that includes the checklist to be used by the food
366 inspector in any preoperational inspections to assure that the
367 food establishment is constructed and equipped to meet the
368 applicable sanitary guidelines. Such preoperational inspection
369 shall be a prerequisite for obtaining a food permit in
370 accordance with this section.

371 (b) The department may provide assistance, when requested
372 by the applicant, in the review of any construction or
373 remodeling plans for food establishments. The department may
374 charge a fee for such assistance which covers the cost of
375 providing the assistance and which shall be deposited in the
376 General Inspection Trust Fund for use in funding the food safety
377 program.

26-00965B-20

20201514__

378 (c) A building permitting authority or other subdivision of
379 local government may not require the department to approve
380 construction or remodeling plans for food establishments ~~and~~
381 ~~retail food stores~~ as a condition of any permit or license at
382 the local level.

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

385 500.121 Disciplinary procedures.—

386 (1) In addition to the suspension procedures provided in s.
387 500.12, if applicable, the department may impose an
388 administrative fine in the Class II category pursuant to s.
389 570.971 against any ~~retail food store~~, food establishment, or
390 cottage food operation that violates this chapter, which fine,
391 when imposed and paid, shall be deposited by the department into
392 the General Inspection Trust Fund. The department may revoke or
393 suspend the permit of any such ~~retail food store or~~ food
394 establishment if it is satisfied that the ~~retail food store or~~
395 food establishment has:

396 (a) Violated this chapter.

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

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

405 (d) Committed any act or conduct of the same or different
406 character than that enumerated which constitutes fraudulent or

26-00965B-20

20201514__

407 dishonest dealing.

408 Section 8. Paragraph (a) of subsection (3) of section
409 500.147, Florida Statutes, is amended to read:

410 500.147 Inspection of food establishments, food records,
411 and vehicles.—

412 (3) For bottled water plants:

413 (a) Bottled water must be from an approved source. Bottled
414 water must be processed in conformance with 21 C.F.R. part 129
415 (2019) ~~(2006)~~, and must conform to 21 C.F.R. part 165 (2019)
416 ~~(2006)~~. A person operating a bottled water plant shall be
417 responsible for all water sampling and analyses required by this
418 chapter.

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

421 502.012 Definitions.—As used in this chapter, the term:

422 (1) "Bulk milk hauler/sampler" means a person who collects
423 official samples and may transport raw milk from a farm or raw
424 milk products to or from a milk plant, receiving station, or
425 transfer station and has in his or her possession a permit to
426 sample such products from any state regulatory agency charged in
427 implementing the United States Food and Drug Administration's
428 Grade "A" Milk Safety Program.

429 (2) "Bulk milk pickup tanker" means a vehicle, including
430 the truck and tank, and those appurtenances necessary for its
431 use, used by a bulk milk hauler/sampler to transport bulk raw
432 milk for pasteurization, ultra-pasteurization, aseptic
433 processing and packaging or retort processed after packaging
434 from a dairy farm to a milk plant, receiving station, or
435 transfer station ~~necessary attachments, used by a milk hauler to~~

26-00965B-20

20201514__

436 ~~transport bulk raw milk for pasteurization from a dairy farm to~~
437 ~~a milk plant, receiving station, or transfer station.~~

438 (3)~~(2)~~ "Dairy farm" means any place or premises where one
439 or more lactating animals, including cows, goats, sheep, water
440 buffalo, ~~or~~ other hooved mammals, or camels, are kept for
441 milking purposes and from which a part or all of the milk is
442 provided, sold, or offered for sale.

443 (4)~~(3)~~ "Department" means the Department of Agriculture and
444 Consumer Services.

445 (5)~~(4)~~ "Frozen dessert" means a specific standardized
446 frozen dessert described in 21 C.F.R. part 135 and any other
447 food defined by rule of the department which ~~that~~ resembles such
448 standardized frozen dessert but does not conform to the specific
449 description of such standardized frozen dessert in 21 C.F.R.
450 part 135. The term includes, but is not limited to, a
451 quiescently frozen confection, a quiescently frozen dairy
452 confection, a frozen dietary dairy dessert, and a frozen dietary
453 dessert.

454 (6)~~(5)~~ "Frozen desserts manufacturer" means a person who
455 manufactures, processes, converts, partially freezes, or freezes
456 any mix or frozen dessert for distribution or sale.

457 (7)~~(6)~~ "Frozen desserts plant" means any location or
458 premises at which frozen desserts or mix are manufactured,
459 processed, or frozen for distribution or sale at wholesale.

460 (8)~~(7)~~ "Frozen desserts retail establishment" means any
461 location or premises, including a retail store, stand, hotel,
462 boardinghouse, restaurant, vehicle, or mobile unit, at which
463 frozen desserts are frozen, partially frozen, or dispensed for
464 sale at retail.

26-00965B-20

20201514__

465 (9)~~(8)~~ "Frozen dietary dairy dessert" or "frozen dietary
466 dessert" means a food for any special dietary use, prepared by
467 freezing, with or without agitation, and composed of a
468 pasteurized mix that may contain fat, protein, carbohydrates,
469 natural or artificial sweeteners, flavoring, stabilizers,
470 emulsifiers, vitamins, and minerals.

471 (10)~~(9)~~ "Grade 'A' pasteurized milk ordinance" means the
472 document entitled "Grade 'A' Pasteurized Milk Ordinance, United
473 States Department of Health and Human Services, Public Health
474 Service, Food and Drug Administration," including all associated
475 appendices, as adopted by department rule.

476 (11)~~(10)~~ "Imitation milk and imitation milk products" means
477 those foods that have the physical characteristics, such as
478 taste, flavor, body, texture, or appearance, of milk or milk
479 products as defined in this chapter and the Grade "A"
480 pasteurized milk ordinance but do not come within the definition
481 of "milk" or "milk products" and are nutritionally inferior to
482 the product imitated.

483 (12)~~(11)~~ "Milk" means the lacteal secretion, practically
484 free from colostrum, obtained by the complete milking of one or
485 more healthy cows, goats, sheep, water buffalo, camels, or other
486 hooved mammals.

487 (13)~~(12)~~ "Milk distributor" means any person who offers for
488 sale or sells to another person any milk or milk product.

489 (14)~~(13)~~ "Milk products" means products made with milk that
490 is processed in some manner, including being whipped, acidified,
491 cultured, concentrated, lactose-reduced, or sodium-reduced or
492 aseptically processed, or having the addition or subtraction of
493 milkfat, the addition of safe and suitable microbial organisms,

26-00965B-20

20201514__

494 or the addition of safe and suitable optional ingredients for
495 protein, vitamin, or mineral fortification. "Milk products" do
496 not include products such as evaporated milk, condensed milk,
497 eggnog in a rigid metal container, dietary products, infant
498 formula, or ice cream and other desserts.

499 (15)~~(14)~~ "Milkfat" or "butterfat" means the fat contained
500 in milk.

501 (16)~~(15)~~ "Milk hauler" means any person who transports raw
502 milk or raw milk products to or from a milk plant, receiving
503 station, or transfer station.

504 (17)~~(16)~~ "Milk plant" means any place, premises, or
505 establishment where milk or milk products are collected,
506 handled, processed, stored, pasteurized, ultra-pasteurized,
507 aseptically processed and packaged, retort processed after
508 packaged, condensed, dried, packaged, bottled, or prepared for
509 distribution.

510 (18)~~(17)~~ "Milk plant operator" means any person responsible
511 for receiving, processing, pasteurizing, or packaging milk and
512 milk products, or performing any other related operation.

513 (19)~~(18)~~ "Milk producer" means any person who operates a
514 dairy farm and provides, sells, or offers for sale milk to a
515 milk plant, receiving station, or transfer station.

516 (20)~~(19)~~ "Milk tank truck" means either a bulk milk pickup
517 tanker or a milk transport tank.

518 (21)~~(20)~~ "Milk transport tank" means a vehicle, including
519 the truck and tank, used by a bulk milk hauler/sampler or a milk
520 hauler to transport bulk shipments of milk from a milk plant,
521 receiving station, or transfer station to another milk plant,
522 receiving station, or transfer station.

26-00965B-20

20201514__

523 (22)~~(21)~~ "Quiescently frozen confection" means a clean and
524 wholesome frozen, sweetened, flavored product that, while being
525 frozen, was not stirred or agitated (generally known as
526 quiescent freezing). The confection may be acidulated with food-
527 grade acid, may contain milk solids or water, or may be made
528 with or without added harmless pure or imitation flavoring and
529 with or without harmless coloring. The finished product must not
530 contain more than 0.5 percent by weight of stabilizer composed
531 of wholesome, edible material and must not contain less than 17
532 percent by weight of total food solids. In the production of the
533 confection, processing or mixing before quiescent freezing that
534 develops in the finished confection mix any physical expansion
535 in excess of 10 percent may not be used.

536 (23)~~(22)~~ "Quiescently frozen dairy confection" means a
537 clean and wholesome frozen product made from water, milk
538 products, and sugar, with added harmless pure or imitation
539 flavoring, with or without added harmless coloring, with or
540 without added stabilizer, or with or without added emulsifier,
541 that, while being frozen, was not stirred or agitated (generally
542 known as quiescent freezing). The confection must not contain
543 less than 13 percent by weight of total milk solids, less than
544 33 percent by weight of total food solids, more than 0.5 percent
545 by weight of stabilizer, or more than 0.2 percent by weight of
546 emulsifier. Stabilizer and emulsifier must be composed of
547 wholesome, edible material. In the production of a quiescently
548 frozen dairy confection, processing or mixing before quiescently
549 freezing that develops in the finished confection mix any
550 physical expansion in excess of 10 percent may not be used.

551 (24)~~(23)~~ "Raw milk" means unpasteurized ~~unprocessed~~ milk.

26-00965B-20

20201514__

552 ~~(25)~~~~(24)~~ "Receiving station" means any place, premises, or
553 establishment where raw milk is received, collected, handled,
554 stored, or cooled and is prepared for further transporting.

555 (26) "Reconstituted milk or milk products" or "recombined
556 milk or milk products" means milk or milk products that result
557 from reconstituting or recombining milk constituents with
558 potable water.

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

561 ~~(28)~~~~(25)~~ "Substitute milk and substitute milk products"
562 means those foods that have the physical characteristics, such
563 as taste, flavor, body, texture, or appearance, of milk or milk
564 products as defined in this chapter and the Grade "A"
565 pasteurized milk ordinance but do not come within the definition
566 of "milk" or "milk products" and are nutritionally equivalent to
567 the product for which they are substitutes.

568 ~~(29)~~~~(26)~~ "Transfer station" means any place, premises, or
569 establishment where milk or milk products are transferred
570 directly from one milk tank truck to another.

571 (30) "Ultra-pasteurization" means the process of thermally
572 processing a milk or milk product at or above 280 degrees
573 Fahrenheit for at least 2 seconds, before or after packaging, so
574 as to produce a milk or milk product that has an extended shelf-
575 life under refrigerated conditions.

576 ~~(31)~~~~(27)~~ "Washing station" means any place, premises, or
577 establishment where milk tank trucks are cleaned and sanitized.

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

580 Section 10. Paragraph (a) of subsection (2) of section

26-00965B-20

20201514__

581 502.014, Florida Statutes, is amended to read:

582 502.014 Powers and duties.—

583 (2) (a) The department shall conduct onsite inspections of
584 all facility types defined in this chapter, and any products
585 produced or received by such facilities, and shall collect
586 samples for testing of any products produced or stored in such
587 facilities ~~dairy farms, milk plants, and frozen dessert plants~~
588 ~~and collect test samples of milk, milk products, and frozen~~
589 ~~desserts~~ as required by this chapter.

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

593 502.053 Permits and fees; requirements; exemptions;
594 temporary permits.—

595 (1) PERMITS.—

596 (b) Each frozen dessert plant, whether located in the state
597 or outside the state, that manufactures frozen desserts or other
598 products defined in this chapter and offers these products for
599 wholesale sale in this state must apply to the department for a
600 permit to operate. The application must be submitted on forms
601 prescribed by the department. All frozen dessert permits expire
602 on June 30 of each year.

603 (3) REQUIREMENTS.—

604 ~~(d) Each frozen dessert plant permitholder must report~~
605 ~~monthly, quarterly, semiannually, or annually, as required by~~
606 ~~the department, the number of gallons of frozen dessert or~~
607 ~~frozen dessert mix sold or manufactured by the permitholder in~~
608 ~~this state.~~

609 (4) EXEMPTIONS.—

26-00965B-20

20201514__

610 (a) The following persons are ~~shall be~~ exempt from bulk
 611 milk hauler/sampler ~~milk hauler~~ permit requirements:

612 1. Milk producers who transport milk or milk products only
 613 from their own dairy farms.

614 2. Employees of a milk distributor or milk plant operator
 615 who possesses a valid permit.

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

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

620 502.181 Prohibited acts.—It is unlawful for any person in
 621 this state to:

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

629 ~~(4) Repasteurize milk.~~

630 Section 13. Paragraph (b) of subsection (1) of section
 631 502.231, Florida Statutes, is amended to read:

632 502.231 Penalty and injunction.—

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

636 (b) Imposition of an administrative fine:

637 1. In the Class II category pursuant to s. 570.971 for each
 638 violation in the case of a frozen dessert licensee; or

26-00965B-20

20201514__

639 2. ~~Ten percent of the license fee or \$100, whichever is~~
640 ~~greater, for failure to report the information described in s.~~
641 ~~502.053(3)(d); or~~

642 ~~3.~~ In the Class I category pursuant to s. 570.971 for each
643 occurrence for any other violation.

644
645 When imposing a fine under this paragraph, the department must
646 consider the degree and extent of harm caused by the violation,
647 the cost of rectifying the damage, the benefit to the violator,
648 whether the violation was committed willfully, and the
649 violator's compliance record.

650 Section 14. Section 502.301, Florida Statutes, is repealed.

651 Section 15. Subsection (4) of section 570.441, Florida
652 Statutes, is amended to read:

653 570.441 Pest Control Trust Fund.—

654 (4) In addition to the uses authorized under subsection
655 (2), moneys collected or received by the department under
656 chapter 482 may be used to carry out the provisions of s.
657 570.44. This subsection expires June 30, 2024 ~~2020~~.

658 Section 16. Upon the expiration and reversion of the
659 amendment made to section 570.93, Florida Statutes, pursuant to
660 section 91 of chapter 2019-116, Laws of Florida, paragraphs (a)
661 and (c) of subsection (1) of section 570.93, Florida Statutes,
662 are amended to read:

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

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

26-00965B-20

20201514__

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

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

680 Section 17. Subsection (1) of section 590.02, Florida
681 Statutes, is amended to read:

682 590.02 Florida Forest Service; powers, authority, and
683 duties; liability; building structures; Withlacoochee Training
684 Center.—

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

687 (a) Enforce the provisions of this chapter;

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

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

695 (d) Appoint center managers, forest area supervisors,
696 forestry program administrators, a forest protection bureau

26-00965B-20

20201514__

697 chief, a forest protection assistant bureau chief, a field
698 operations bureau chief, deputy chiefs of field operations,
699 district managers, forest operations administrators, senior
700 forest rangers, investigators, forest rangers, firefighter
701 rotorcraft pilots, and other employees who may, at the Florida
702 Forest Service's discretion, be certified as forestry
703 firefighters pursuant to s. 633.408(8). Other law
704 notwithstanding, center managers, district managers, forest
705 protection assistant bureau chief, and deputy chiefs of field
706 operations have Selected Exempt Service status in the state
707 personnel designation;

708 (e) Develop a training curriculum for wildland forestry
709 firefighters which must contain a minimum of 40 hours of
710 structural firefighter training, a minimum of 40 hours of
711 emergency medical training, ~~the basic volunteer structural fire~~
712 ~~training course approved by the Florida State Fire College of~~
713 ~~the Division of State Fire Marshal~~ and a minimum of 376 ~~250~~
714 hours of wildfire training;

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

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

725 (h) Require all state, regional, and local government

26-00965B-20

20201514__

726 agencies operating aircraft in the vicinity of an ongoing
727 wildfire to operate in compliance with the applicable state
728 Wildfire Aviation Plan;

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

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

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

735 595.404 School food and other nutrition programs; powers
736 and duties of the department.—The department has the following
737 powers and duties:

738 (16) To adopt and implement an exemption, variance, and
739 waiver process by rule, as required by federal regulations, for
740 sponsors under the programs implemented pursuant to this
741 chapter, notwithstanding s. 120.542.

742 Section 19. Subsection (8) of section 633.408, Florida
743 Statutes, is amended to read:

744 633.408 Firefighter and volunteer firefighter training and
745 certification.—

746 (8) (a) Pursuant to s. 590.02(1)(e), the division shall
747 establish a structural fire training program of not less than 40
748 ~~206~~ hours. The division shall issue to a person satisfactorily
749 complying with this training program and who has successfully
750 passed an examination as prescribed by the division and who has
751 met the requirements of s. 590.02(1)(e), a Wildland Firefighter
752 ~~Forestry~~ Certificate of Compliance.

753 (b) An individual who holds a current and valid Forestry or
754 Wildland Firefighter Certificate of Compliance is entitled to

26-00965B-20

20201514__

755 the same rights, privileges, and benefits provided for by law as
756 a firefighter.

757 Section 20. For the purpose of incorporating the amendment
758 made by this act to section 500.033, Florida Statutes, in a
759 reference thereto, paragraph (a) of subsection (4) of section
760 373.016, Florida Statutes, is reenacted to read:

761 373.016 Declaration of policy.—

762 (4) (a) Because water constitutes a public resource
763 benefiting the entire state, it is the policy of the Legislature
764 that the waters in the state be managed on a state and regional
765 basis. Consistent with this directive, the Legislature
766 recognizes the need to allocate water throughout the state so as
767 to meet all reasonable-beneficial uses. However, the Legislature
768 acknowledges that such allocations have in the past adversely
769 affected the water resources of certain areas in this state. To
770 protect such water resources and to meet the current and future
771 needs of those areas with abundant water, the Legislature
772 directs the department and the water management districts to
773 encourage the use of water from sources nearest the area of use
774 or application whenever practicable. Such sources shall include
775 all naturally occurring water sources and all alternative water
776 sources, including, but not limited to, desalination,
777 conservation, reuse of nonpotable reclaimed water and
778 stormwater, and aquifer storage and recovery. Reuse of potable
779 reclaimed water and stormwater shall not be subject to the
780 evaluation described in s. 373.223(3)(a)-(g). However, this
781 directive to encourage the use of water, whenever practicable,
782 from sources nearest the area of use or application shall not
783 apply to the transport and direct and indirect use of water

26-00965B-20

20201514__

784 within the area encompassed by the Central and Southern Florida
785 Flood Control Project, nor shall it apply anywhere in the state
786 to the transport and use of water supplied exclusively for
787 bottled water as defined in s. 500.03(1)(d), nor shall it apply
788 to the transport and use of reclaimed water for electrical power
789 production by an electric utility as defined in s. 366.02(2).

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

794 373.223 Conditions for a permit.—

795 (3) Except for the transport and use of water supplied by
796 the Central and Southern Florida Flood Control Project, and
797 anywhere in the state when the transport and use of water is
798 supplied exclusively for bottled water as defined in s.
799 500.03(1)(d), any water use permit applications pending as of
800 April 1, 1998, with the Northwest Florida Water Management
801 District and self-suppliers of water for which the proposed
802 water source and area of use or application are located on
803 contiguous private properties, when evaluating whether a
804 potential transport and use of ground or surface water across
805 county boundaries is consistent with the public interest,
806 pursuant to paragraph (1)(c), the governing board or department
807 shall consider:

808 (a) The proximity of the proposed water source to the area
809 of use or application.

810 (b) All impoundments, streams, groundwater sources, or
811 watercourses that are geographically closer to the area of use
812 or application than the proposed source, and that are

26-00965B-20

20201514__

813 technically and economically feasible for the proposed transport
814 and use.

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

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

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

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

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

832

833 Where districtwide water supply assessments and regional water
834 supply plans have been prepared pursuant to ss. 373.036 and
835 373.709, the governing board or the department shall use the
836 applicable plans and assessments as the basis for its
837 consideration of the applicable factors in this subsection.

838 Section 22. For the purpose of incorporating the amendment
839 made by this act to section 500.033, Florida Statutes, in a
840 reference thereto, paragraph (a) of subsection (2) of section
841 373.701, Florida Statutes, is reenacted to read:

26-00965B-20

20201514__

842 373.701 Declaration of policy.—It is declared to be the
843 policy of the Legislature:

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

26-00965B-20

20201514__

871 production by an electric utility as defined in s. 366.02(2).

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