

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.;  
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.,  
 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.

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  
96 | programs of state government, including, but not limited to, the  
97 | programs provided in this section. To this end, the department  
98 | shall:

99 |       1. Provide assistance to other state agencies, counties,  
100 | municipalities, and regional planning agencies to further and

101 promote their energy planning activities.

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

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

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

124       (m) In recognition of the devastation to the economy of  
125 this state and the dangers to the health and welfare of

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

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

146 ~~1. For the renewable energy technologies investment tax~~  
147 ~~credit authorized in s. 220.192:~~

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

150 ~~b. The amount of the credits allocated for that fiscal~~

151 ~~year for each taxpayer; and~~  
 152 ~~e. The type of technology and a description of each~~  
 153 ~~investment for which each taxpayer receives an allocation.~~  
 154 ~~2. For the renewable energy production credit authorized~~  
 155 ~~in s. 220.193:~~  
 156 ~~a. The name of each taxpayer receiving an allocation under~~  
 157 ~~this section;~~  
 158 ~~b. The amount of credits allocated for that fiscal year~~  
 159 ~~for each taxpayer;~~  
 160 ~~c. The type and amount of renewable energy produced and~~  
 161 ~~sold, whether the facility producing that energy is a new or~~  
 162 ~~expanded facility, and the approximate date on which production~~  
 163 ~~began; and~~  
 164 ~~d. The aggregate amount of credits allocated for all~~  
 165 ~~taxpayers claiming credits under this section for the fiscal~~  
 166 ~~year.~~

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

171 487.021 Definitions.—For the purpose of this part:  
 172 (57) "Raw agricultural commodities fumigation" means the  
 173 use of a fumigant pesticide, in a sufficient concentration to be  
 174 lethal to a given organism, to treat for pests in any fruits,  
 175 vegetables, nuts, legumes, mushrooms, or other non-animal matter

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

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

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

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



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

204 500.03 Definitions; construction; applicability.—

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

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

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

215 (o) ~~(p)~~ "Food establishment" means a factory, food outlet,  
216 or other facility manufacturing, processing, packing, holding,  
217 or preparing food or selling food at wholesale or retail. The  
218 term includes any establishment or section of an establishment  
219 where food and food products are offered to the consumer and are  
220 intended for off-premises consumption and delicatessens that  
221 offer prepared food in bulk quantities only. The term does not  
222 include a business or activity that is regulated under s.  
223 413.051, s. 500.80, chapter 509, or chapter 601. The term  
224 includes tomato packinghouses and repackers but does not include  
225 any other establishments that pack fruits and vegetables in

226 | their raw or natural states, including those fruits or  
227 | vegetables that are washed, colored, or otherwise treated in  
228 | their unpeeled, natural form before they are marketed; and  
229 | markets that offer only fresh fruit and fresh vegetables for  
230 | sale.

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

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

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

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

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

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

269        (1) There is created the Florida Food Safety and Food  
 270 Defense Advisory Council for the purpose of serving as a forum  
 271 for presenting, investigating, and evaluating issues of current  
 272 importance to the assurance of a safe and secure food supply to  
 273 the citizens of Florida. The Florida Food Safety and Food  
 274 Defense Advisory Council shall consist of, but not be limited  
 275 to: the Commissioner of Agriculture or his or her designee; the

276 State Surgeon General or his or her designee; the Secretary of  
277 Business and Professional Regulation or his or her designee; the  
278 person responsible for domestic security with the Department of  
279 Law Enforcement; members representing the production,  
280 processing, distribution, and sale of foods; consumers or  
281 members of citizens groups; representatives of food industry  
282 groups; scientists or other experts in aspects of food safety  
283 from state universities; representatives from local, state, and  
284 federal agencies that are charged with responsibilities for food  
285 safety or food defense; and as ex officio members, the chairs of  
286 the Agriculture Committees of the Senate and the House of  
287 Representatives or their designees, ~~and~~ the chairs of the  
288 committees of the Senate and the House of Representatives with  
289 jurisdictional oversight of home defense issues or their  
290 designees, and the person responsible for domestic security  
291 within the Department of Law Enforcement or his or her designee.  
292 The Commissioner of Agriculture shall appoint the remaining  
293 members. The council shall make periodic reports to the  
294 Department of Agriculture and Consumer Services concerning  
295 findings and recommendations in the area of food safety and food  
296 defense.

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

300 500.12 Food permits; building permits.—

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

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

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

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

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

320 (b) Each food establishment ~~and retail food store~~  
321 regulated under this chapter must apply for and receive a food  
322 permit before operation begins. An application for a food permit  
323 from the department must be accompanied by a fee in an amount  
324 determined by department rule. The department shall adopt by  
325 rule a schedule of fees to be paid by each food establishment

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

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

351 registration, licensing, or applicable surcharges. The details  
352 of the application shall be prescribed by department rule.

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

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

372 (b) The department may provide assistance, when requested  
373 by the applicant, in the review of any construction or  
374 remodeling plans for food establishments. The department may  
375 charge a fee for such assistance which covers the cost of

376 providing the assistance and which shall be deposited in the  
377 General Inspection Trust Fund for use in funding the food safety  
378 program.

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

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

386 500.121 Disciplinary procedures.—

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

397 (a) Violated this chapter.

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



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

406 (d) Committed any act or conduct of the same or different  
 407 character than that enumerated which constitutes fraudulent or  
 408 dishonest dealing.

409 Section 8. Paragraph (a) of subsection (3) of section  
 410 500.147, Florida Statutes, is amended to read:

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

413 (3) For bottled water plants:

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

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

422 502.012 Definitions.—As used in this chapter, the term:

423 (1) "Bulk milk hauler/sampler" means a person who collects  
 424 official samples and may transport raw milk from a farm or raw  
 425 milk products to or from a milk plant, receiving station, or

426 transfer station and has in his or her possession a permit to  
427 sample such products from any state regulatory agency charged in  
428 implementing the United States Food and Drug Administration's  
429 Grade "A" Milk Safety Program.

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

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

444 (4)-(3) "Department" means the Department of Agriculture  
445 and Consumer Services.

446 (5)-(4) "Frozen dessert" means a specific standardized  
447 frozen dessert described in 21 C.F.R. part 135 and any other  
448 food defined by rule of the department which ~~that~~ resembles such  
449 standardized frozen dessert but does not conform to the specific  
450 description of such standardized frozen dessert in 21 C.F.R.

451 part 135. The term includes, but is not limited to, a  
452 quiescently frozen confection, a quiescently frozen dairy  
453 confection, a frozen dietary dairy dessert, and a frozen dietary  
454 dessert.

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

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

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

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

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

476 | appendices, as adopted by department rule.

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

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

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

490 |        (14)~~(13)~~ "Milk products" means products made with milk  
491 | that is processed in some manner, including being whipped,  
492 | acidified, cultured, concentrated, lactose-reduced, or sodium-  
493 | reduced or aseptically processed, or having the addition or  
494 | subtraction of milkfat, the addition of safe and suitable  
495 | microbial organisms, or the addition of safe and suitable  
496 | optional ingredients for protein, vitamin, or mineral  
497 | fortification. "Milk products" do not include products such as  
498 | evaporated milk, condensed milk, eggnog in a rigid metal  
499 | container, dietary products, infant formula, or ice cream and  
500 | other desserts.

501        ~~(15)~~~~(14)~~ "Milkfat" or "butterfat" means the fat contained  
502 in milk.

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

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

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

516        ~~(19)~~~~(18)~~ "Milk producer" means any person who operates a  
517 dairy farm and provides, sells, or offers for sale milk to a  
518 milk plant, receiving station, or transfer station.

519        ~~(20)~~~~(19)~~ "Milk tank truck" means either a bulk milk pickup  
520 tanker or a milk transport tank.

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

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

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

551 frozen dairy confection, processing or mixing before quiescently  
 552 freezing that develops in the finished confection mix any  
 553 physical expansion in excess of 10 percent may not be used.

554 ~~(24)-(23)~~ "Raw milk" means unpasteurized ~~unprocessed~~ milk.

555 ~~(25)-(24)~~ "Receiving station" means any place, premises, or  
 556 establishment where raw milk is received, collected, handled,  
 557 stored, or cooled and is prepared for further transporting.

558 ~~(26)~~ "Reconstituted milk or milk products" or "recombined  
 559 milk or milk products" means milk or milk products that result  
 560 from reconstituting or recombining milk constituents with  
 561 potable water.

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

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

571 ~~(29)-(26)~~ "Transfer station" means any place, premises, or  
 572 establishment where milk or milk products are transferred  
 573 directly from one milk tank truck to another.

574 ~~(30)~~ "Ultra-pasteurization" means the process of thermally  
 575 processing a milk or milk product at or above 280 degrees

576 Fahrenheit for at least 2 seconds, before or after packaging, so  
 577 as to produce a milk or milk product that has an extended shelf-  
 578 life under refrigerated conditions.

579 ~~(31)(27)~~ "Washing station" means any place, premises, or  
 580 establishment where milk tank trucks are cleaned and sanitized.

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

583 Section 10. Paragraph (a) of subsection (2) of section  
 584 502.014, Florida Statutes, is amended to read:

585 502.014 Powers and duties.—

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

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

596 502.053 Permits and fees; requirements; exemptions;  
 597 temporary permits.—

598 (1) PERMITS.—

599 (b) Each frozen dessert plant, whether located in the  
 600 state or outside the state, that manufactures frozen desserts or



601 other products defined in this chapter and offers these products  
602 for wholesale ~~sale~~ in this state must apply to the department  
603 for a permit to operate. The application must be submitted on  
604 forms prescribed by the department. All frozen dessert permits  
605 expire on June 30 of each year.

606 (3) REQUIREMENTS.—

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

612 (4) EXEMPTIONS.—

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

615 1. Milk producers who transport milk or milk products only  
616 from their own dairy farms.

617 2. Employees of a milk distributor or milk plant operator  
618 who possesses a valid permit.

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

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

623 502.181 Prohibited acts.—It is unlawful for any person in  
624 this state to:

625 (1) Engage in the business of producing, hauling,

626 transferring, receiving, processing, packaging, or distributing  
 627 milk, milk products, or frozen desserts or operating a washing  
 628 station, manufacturing single-service containers, or  
 629 manufacturing imitation or substitute milk or milk products, ~~or~~  
 630 ~~testing for milkfat content,~~ without first obtaining a permit or  
 631 license from the department.

632 ~~(4) Repasteurize milk.~~

633 Section 13. Paragraph (b) of subsection (1) of section  
 634 502.231, Florida Statutes, is amended to read:

635 502.231 Penalty and injunction.—

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

639 (b) Imposition of an administrative fine:

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

642 2. ~~Ten percent of the license fee or \$100, whichever is~~  
 643 ~~greater, for failure to report the information described in s.~~  
 644 ~~502.053(3)(d); or~~

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

647

648 When imposing a fine under this paragraph, the department must  
 649 consider the degree and extent of harm caused by the violation,  
 650 the cost of rectifying the damage, the benefit to the violator,

651 whether the violation was committed willfully, and the  
652 violator's compliance record.

653 Section 14. Section 502.301, Florida Statutes, is  
654 repealed.

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

657 570.441 Pest Control Trust Fund.—

658 (4) In addition to the uses authorized under subsection  
659 (2), moneys collected or received by the department under  
660 chapter 482 may be used to carry out the provisions of s.  
661 570.44. This subsection expires June 30, 2024 ~~2020~~.

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

667 570.93 Department of Agriculture and Consumer Services;  
668 agricultural water conservation and agricultural water supply  
669 planning.—

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

672 (a) A cost-share program, coordinated where appropriate  
673 with the United States Department of Agriculture and other  
674 federal, state, regional, and local agencies, for irrigation  
675 system retrofit and application of mobile irrigation laboratory

676 evaluations and for water conservation and ~~as provided in this~~  
677 ~~section and, where applicable, for~~ water quality improvement  
678 ~~pursuant to s. 403.067(7)(c).~~

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

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

686 590.02 Florida Forest Service; powers, authority, and  
687 duties; liability; building structures; Withlacoochee Training  
688 Center.—

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

691 (a) Enforce the provisions of this chapter;

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

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

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

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

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

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

724 (g) Provide fire management services and emergency  
725 response assistance and set and charge reasonable fees for

726 performance of those services. Moneys collected from such fees  
727 shall be deposited into the Incidental Trust Fund of the Florida  
728 Forest Service;

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

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

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

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

739 595.404 School food and other nutrition programs; powers  
740 and duties of the department.—The department has the following  
741 powers and duties:

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

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

748 633.408 Firefighter and volunteer firefighter training and  
749 certification.—

750 (8) (a) Pursuant to s. 590.02(1)(e), the division shall

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

757 (b) An individual who holds a current and valid Forestry  
 758 or Wildland Firefighter Certificate of Compliance is entitled to  
 759 the same rights, privileges, and benefits provided for by law as  
 760 a firefighter.

761 Section 20. For the purpose of incorporating the amendment  
 762 made by this act to section 500.033, Florida Statutes, in a  
 763 reference thereto, paragraph (a) of subsection (4) of section  
 764 373.016, Florida Statutes, is reenacted to read:

765 373.016 Declaration of policy.—

766 (4) (a) Because water constitutes a public resource  
 767 benefiting the entire state, it is the policy of the Legislature  
 768 that the waters in the state be managed on a state and regional  
 769 basis. Consistent with this directive, the Legislature  
 770 recognizes the need to allocate water throughout the state so as  
 771 to meet all reasonable-beneficial uses. However, the Legislature  
 772 acknowledges that such allocations have in the past adversely  
 773 affected the water resources of certain areas in this state. To  
 774 protect such water resources and to meet the current and future  
 775 needs of those areas with abundant water, the Legislature

776 directs the department and the water management districts to  
777 encourage the use of water from sources nearest the area of use  
778 or application whenever practicable. Such sources shall include  
779 all naturally occurring water sources and all alternative water  
780 sources, including, but not limited to, desalination,  
781 conservation, reuse of nonpotable reclaimed water and  
782 stormwater, and aquifer storage and recovery. Reuse of potable  
783 reclaimed water and stormwater shall not be subject to the  
784 evaluation described in s. 373.223(3)(a)-(g). However, this  
785 directive to encourage the use of water, whenever practicable,  
786 from sources nearest the area of use or application shall not  
787 apply to the transport and direct and indirect use of water  
788 within the area encompassed by the Central and Southern Florida  
789 Flood Control Project, nor shall it apply anywhere in the state  
790 to the transport and use of water supplied exclusively for  
791 bottled water as defined in s. 500.03(1)(d), nor shall it apply  
792 to the transport and use of reclaimed water for electrical power  
793 production by an electric utility as defined in s. 366.02(2).

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

798 373.223 Conditions for a permit.—

799 (3) Except for the transport and use of water supplied by  
800 the Central and Southern Florida Flood Control Project, and



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

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

814 (b) All impoundments, streams, groundwater sources, or  
815 watercourses that are geographically closer to the area of use  
816 or application than the proposed source, and that are  
817 technically and economically feasible for the proposed transport  
818 and use.

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

823 (d) The potential environmental impacts that may result  
824 from the transport and use of water from the proposed source,  
825 and the potential environmental impacts that may result from use

826 of the other water sources identified in paragraphs (b) and (c).

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

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

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

836

837 Where districtwide water supply assessments and regional water  
 838 supply plans have been prepared pursuant to ss. 373.036 and  
 839 373.709, the governing board or the department shall use the  
 840 applicable plans and assessments as the basis for its  
 841 consideration of the applicable factors in this subsection.

842 Section 22. For the purpose of incorporating the amendment  
 843 made by this act to section 500.033, Florida Statutes, in a  
 844 reference thereto, paragraph (a) of subsection (2) of section  
 845 373.701, Florida Statutes, is reenacted to read:

846 373.701 Declaration of policy.—It is declared to be the  
 847 policy of the Legislature:

848 (2) (a) Because water constitutes a public resource  
 849 benefiting the entire state, it is the policy of the Legislature  
 850 that the waters in the state be managed on a state and regional

851 basis. Consistent with this directive, the Legislature  
852 recognizes the need to allocate water throughout the state so as  
853 to meet all reasonable-beneficial uses. However, the Legislature  
854 acknowledges that such allocations have in the past adversely  
855 affected the water resources of certain areas in this state. To  
856 protect such water resources and to meet the current and future  
857 needs of those areas with abundant water, the Legislature  
858 directs the department and the water management districts to  
859 encourage the use of water from sources nearest the area of use  
860 or application whenever practicable. Such sources shall include  
861 all naturally occurring water sources and all alternative water  
862 sources, including, but not limited to, desalination,  
863 conservation, reuse of nonpotable reclaimed water and  
864 stormwater, and aquifer storage and recovery. Reuse of potable  
865 reclaimed water and stormwater shall not be subject to the  
866 evaluation described in s. 373.223(3)(a)-(g). However, this  
867 directive to encourage the use of water, whenever practicable,  
868 from sources nearest the area of use or application shall not  
869 apply to the transport and direct and indirect use of water  
870 within the area encompassed by the Central and Southern Florida  
871 Flood Control Project, nor shall it apply anywhere in the state  
872 to the transport and use of water supplied exclusively for  
873 bottled water as defined in s. 500.03(1)(d), nor shall it apply  
874 to the transport and use of reclaimed water for electrical power  
875 production by an electric utility as defined in s. 366.02(2).

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2020

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