

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/HB 921 — Department of Agriculture and Consumer Services

by State Affairs Committee, Agriculture and Natural Resources Appropriations Subcommittee, and Rep. Brannan (CS/CS/SB 1514 by Innovation, Industry, and Technology Committee; Agriculture Committee; and Senator Albritton)

The bill addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

Agricultural Loads on Vehicles

- Eliminates the 20-mile maximum distance requirement that vehicles transporting agricultural products may travel without covering and securing the load.

Recreational Vehicles

- Provides a new definition for the term “recreational vehicle;”
- Requires the department to adopt rules specifying requirements for agents to administer written competency examinations;
- Requires the department to establish a separate competency examination for a license to engage in activities solely related to the service and repair of recreational vehicles;
- Authorizes certain qualifiers and master qualifiers to engage in activities solely related to the service and repair of recreational vehicles; and
- Requires verifiable liquefied petroleum gas experience or professional certification by a liquefied petroleum gas manufacturer in order to apply for certification as a master qualifier.

Pest Control Trust Fund

- Extends the expiration date of the department’s authority to use funds from the Pest Control Trust Fund to carry out the division’s duties to June 30, 2024.

State Hemp Program

- Modifies the definition of “hemp extract;”
- Clarifies the way hemp products should be packaged and labeled;
- Provides that hemp extract sold in violation of the law shall be considered adulterated or misbranded; and
- Prohibits the sale of products that are intended for inhalation and contain hemp extract from being sold to a person who is under the age of 21.

Forest Service Firefighters

- Requires the Florida Forest Service firefighter training curriculum to include a minimum of 40 hours each of structural firefighter training and emergency medical training;
- Requires a minimum of 376 hours of wildfire training; and
- Provides Wildland Firefighter training and certification.

Aquaculture

- Authorizes the department to revoke an aquaculture certificate of registration if it determines that aquaculture is not the primary purpose of the certified entity's operation.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 111-0

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CS/SB 1082 — Domestic Violence Injunctions

by Agriculture Committee and Senator Albritton

The bill expressly authorizes a court, when granting a domestic violence injunction, to:

- Award the petitioner the exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child who is residing in the residence or household of the petitioner or respondent.
- Order the respondent to have no contact with the animal.
- Prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

The bill does not apply to animals owned primarily for a bona fide agricultural purpose or to a service animal if the respondent is the service animal's handler.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 117-0

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SB 1084 — Emotional Support Animals

by Senators Diaz and Montford

The bill amends Florida’s Fair Housing Act by prohibiting a housing provider, to the extent required by federal law, rule, or regulation, to deny housing to a person with a disability or a disability-related need who has an animal that is required as support. It defines emotional support animal as an animal that is not required to be trained to assist a person with a disability but, by virtue of its presence, provides support to alleviate one or more identified symptoms or effects of a person’s disability.

The bill prohibits a housing provider from charging a person with an emotional support animal additional fees. It does allow a housing provider to prohibit the animal if it poses a direct threat to the safety, health, or property of others and to request written documentation that reasonably supports that the person has a disability. The supporting information may be provided by any federal, state, or local government agency, specified health care practitioners, telehealth providers, or out-of-state practitioners who have provided in-person care or services to the tenant on at least one occasion. If a person requests to keep more than one emotional support animal, the housing provider may request information regarding the specific need for each animal and may require proof of licensing and vaccination requirements for each animal.

The bill prohibits a housing provider to request information that discloses the diagnosis or severity of a person’s disability or any medical records relating to the disability. The housing provider is authorized to develop a routine process for reasonable accommodation requests relating to emotional support animals, but prohibits the denial of a request based only on a tenant’s failure to use a specific form or process.

The bill creates a new cause for disciplinary action against a health care practitioner’s license for providing supporting information for an emotional support animal, without personal knowledge of the patient’s disability or disability-related need. It also creates the misdemeanor crime of providing false or fraudulent emotional support animal information or documentation, and requires a convicted person to perform 30 hours of community service for an organization serving persons with disabilities, or another entity or organization the court determines appropriate.

If approved by the Governor, these provisions take effect July 1, 2020

Vote: Senate 40-0; House 116-0

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CS/HB 1275 — Amusement Rides

by Agriculture and Natural Resources Appropriations Subcommittee and Representatives Pritchett and Davis (CS/SB 1228 by Agriculture Committee and Senator Book)

The bill modernizes the permitting and inspection processes of amusement ride safety. The Department of Agriculture and Consumer Services (department) is required to inspect all amusement rides in Florida, except those at large parks with more than 1,000 employees and inspectors on staff. Specifically, the bill:

- Includes amusement ride managers as a responsible party for ensuring compliance with state regulations;
- Conforms state standards for testing, materials, electric, and fire protection to national standards;
- Separates the permitting process for permanent and temporary amusement rides and streamlines the application process;
- Authorizes the department to revise the 6-month inspection interval at permanent facilities;
- Exempts permanent rides from department inspection when inspected by an accredited trade organization;
- Requires ride documents to be submitted to the department in electronic format;
- Revises exemptions for museums and other exhibition related institutions;
- Requires signage containing department contact information to be displayed at temporary amusement ride events;
- Requires certification to the department before a modified ride is placed back in operation;
- Grants subpoena powers to the department;
- Criminalizes the refusal or failure to testify pursuant to a department subpoena;
- Increases the limit for administrative fines from up to \$2,500 to up to \$10,000 per violation; and
- Allows the department to impose an additional fine of \$10,000 or more for violations resulting in serious injury or death.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 115-0

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CS/SB 1276 — Department of Citrus

by Appropriations Committee and Senator Albritton

The bill established the Friends of Florida Citrus Program within the Department of Citrus (department). It provides for the powers and duties of the program and requires any funds received to be deposited into the Florida Citrus Advertising Trust Fund within the department. It also creates the Friends of Florida Citrus Advisory Council, which is to advise and provide recommendations to the Florida Citrus Commission regarding the use of any funds received for the Friends of Florida Citrus Program.

The bill authorizes the department to loan its employees to or to share its employees with specified state and federal entities and to enter into related agreements with such entities. The bill also deletes provisions setting out the required work schedule and staffing of the department.

If approved by the Governor, these provisions take effect July 1, 2020

Vote: Senate 39-0; House 116-0