

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/SB 902 — Safety Standards for Amusement Rides

by Appropriations Committee on Agriculture, Environment, and General Government; Agriculture Committee; and Senators Thompson and Yarborough

The bill, (Chapter 2023-50, L.O.F.) the “Tyre Sampson Act,” significantly amends regulations related to amusement rides after a fatal incident occurred in Orlando in March of 2022.

The bill amends the definition of “major modification” and provides a definition for the term “ride commissioning and certification report.” The bill provides new requirements for permanent and temporary amusement rides and requires that each permanent or temporary amusement ride operated for the first time after July 1, 2023, have a ride commissioning and certification report on file with the Department of Agriculture and Consumer Services (department) before the ride’s first inspection and a permit is issued. The bill provides exemptions for certain temporary amusement rides.

The bill requires that nonvisual nondestructive testing of appropriate components must be conducted under certain circumstances, and creates new reporting requirements for an affidavit of nondestructive testing. The affidavit of nondestructive testing must include the following:

- That all the ride manufacturer’s nondestructive testing requirements and recommendations are current;
- That the components of the amusement ride for which the affiant, in addition to the manufacturer’s requirements and recommendations, has recommended or required nondestructive testing;
- That the ride is in conformance with the requirements of statute and applicable department rules;
- Whether the amusement ride went under a major modification, the name of the person who authorized the modification and the date the modification took place; and
- That the amusement ride and applicable components are in conformance with the service life specified by the manufacturer.

The bill requires that patron-loading and the proper positioning and measurements for patron safety restraint systems must be provided to the department upon request. It also provides that if rider restrictions related to age, size, health, or weight are not provided in the ride’s manual, the owner or manager must provide the department with documentation from the manufacturer stating that such restrictions do not exist.

The bill permits the department to prepare a written report of each investigation it conducts. The bill also changes the accident reporting requirements for owners and managers following an accident, and changes the parameters in which the department is permitted to impound an amusement ride involved in an accident.

The bill requires the department to establish by rule, minimum training and retraining standards, and the frequency of employee training for all amusement rides. The bill also requires the owner

or manager of an amusement ride to immediately document all training following each training session.

These provisions were approved by the Governor and take effect July 1, 2023.

Vote: Senate 39-0; House 115-0

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2023 SUMMARY OF LEGISLATION PASSED
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CS/SB 904 — Public Records/Active Amusement Ride Investigation

by Appropriations Committee on Agriculture, Environment, and General Government and Senator Thompson

The bill provides an exemption from public records requirements for investigatory records made or received by the department. The bill provides a statement of public necessity.

The public records exemption would stand repealed on October 2, 2028, unless it is reenacted by the Legislature under the Open Government Sunset Review Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law July 1, 2023.

Vote: Senate 37-0; House 112-0

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CS/HB 959 — Dosage Form Animal Health Products

by Regulatory Reform and Economic Development Subcommittee and Rep. Tuck and others (CS/SB 1056 by Appropriations Committee on Agriculture, Environment, and General Government and Senator Gruters)

The bill defines a “dosage form animal product” as a regulated feedstuff under the Florida Commercial Feed Law, requiring such products to be subject to related fees, quality, safety, and labeling requirements. The Department of Agriculture and Consumer Services (department) administers and enforces the Florida Commercial Feed Law.

The bill defines a “dosage form animal product” as a feedstuff that includes any product intended to affect the structure or function of an animal’s body, other than providing nutrition to the animal. The term includes oils, tinctures, capsules, tablets, liquids, and chewables. The term does not include:

- Minerals or vitamins;
- Products represented as a primary meal for the intended animal species;
- Products intended as a treat; or
- Dental products.

The bill exempts products sold solely as a dosage form animal product from showing a guaranteed analysis.

The bill includes specific labeling requirements and clarifies that a dosage form animal product does not apply to drugs that are administered or used to treat animals as defined under federal law.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect October 1, 2023.

Vote: Senate 39-0; House 109-0

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CS/HB 1215 — Pub. Rec./Inspectors and Investigators/DACS

by Ethics, Elections and Open Government Subcommittee and Rep. Maggard and others
(CS/SB 1166 by Governmental Oversight and Accountability Committee and Senator Collins)

The bill exempts from public records copying and inspection requirements of certain personal identifying information of current or former inspectors or investigators of the Florida Department of Agriculture and Consumer Services. Personal Identifying information relating to their spouses and children is likewise exempt. The specific information made exempt from public records disclosure requirements includes:

- Home addresses, telephone numbers, dates of birth, and photographs of current and former inspectors and investigators;
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The bill provides a statement of public necessity as required by the State Constitution.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2028, unless reviewed and reenacted by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-1; House 114-1

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/HB 1279 — Department of Agriculture and Consumer Services

by Infrastructure Strategies Committee; Agriculture, Conservation and Resiliency Subcommittee; and Rep. Alvarez and others (CS/CS/SB 1164 by Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; and Senator Collins)

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

- Creates a Farm Tax Exempt Agricultural Materials (TEAM) card for use by a farmer to claim applicable sales tax exemptions in lieu of a certificate or affidavit.
- Requires state agencies, universities, and colleges to, by 2025 or the expiration of any existing food service contract, give preference to food commodities grown or produced in the state.
- Authorizes the fee for a food permit issued by the department to be prorated.
- Amends definitions, including but not limited to “milk,” “dairy farm,” “frozen dessert,” “milk transport tank,” and “pasteurization.”
- Permits the department to collect samples for testing from all facilities engaged in the production, processing, holding, or transfer of milk and milk products.
- Removes the prohibition of a person to test for milkfat content. It also removes the prohibition for a person to repasteurize milk.
- Provides that if the estimated value of a conservation easement exceeds \$5 million, two appraisals must be conducted, and if the purchase price exceeds \$5 million, the purchase of a conservation easement must be approved by the Board of Trustees of the Internal Improvement Trust Fund.
- Revises the timeframe for when the department provides written notice and renewal forms for the registration of honeybee colonies.
- Revises the department’s authority and responsibilities related to regulation and development of aquaculture.
- Revises the composition of the Aquaculture Review Council.
- Revises the composition of the Viticulture Advisory Council.
- Eliminates certain agricultural advisory councils.
- Authorizes a non-law enforcement employee of the department, for all lawful purposes within the department’s authority, to use drones.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 109-0

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/CS/SB 1676 — Hemp

by Fiscal Policy Committee; Agriculture Committee; and Senators Burton and Rodriguez

This bill makes a number of changes to the regulation of hemp in this state. Specifically, the bill:

- Adds hemp extract to the definition of “food” to clarify that it requires time and temperature control for product safety and integrity.
- Defines “attractive to children” to mean a product manufactured in the shape of humans, cartoons, or animals, in a form resembling candy, or containing color additives.
- Revises the definition of “hemp” to exempt hemp extract, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.
- Modifies how hemp extract may be sold in this state, including:
 - Requiring the batch to be processed in a facility that meets certain requirements related to food safety and sanitization;
 - Requiring it to be sold in a container that meets certain requirements, one of which is that the container is not attractive to children; and
 - Limiting the sale of hemp extract to only businesses that meet certain requirements.
- Prohibits hemp extract products intended for human ingestion, including, but not limited to, snuff, gum, and other smokeless products, from being sold to a person who is under 21 years of age. The bill provides that a person who violates this prohibition commits a second degree misdemeanor, and a subsequent violation within one year is a first degree misdemeanor.
- Revises the rulemaking authority of the Department of Agriculture and Consumer Services (department) to reflect the approval of the state hemp plan and to require adoption of rules relating to the packaging, labeling, and advertising of hemp extract products.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 119-0