

By Senator Bogdanoff

25-01545-11

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1 A bill to be entitled
2 An act relating to frozen desserts; repealing chapter
3 503, F.S., relating to the state's regulation of
4 frozen desserts, enforcement and penalties for
5 violations of such regulations, licensure of frozen
6 dessert plants, and preemption of municipal and county
7 regulations of frozen desserts; amending ss. 381.0014,
8 570.07, 570.40, 570.41, 570.50, and 570.51, F.S.; to
9 conform; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Chapter 503, Florida Statutes, consisting of
14 sections 503.011, 503.021, 503.031, 503.041, 503.0415, 503.051,
15 503.071, 503.081, and 503.091, is repealed.

16 Section 2. Section 381.0014, Florida Statutes, is amended
17 to read:

18 381.0014 Regulations and ordinances superseded.—The rules
19 adopted by the department under the provisions of this chapter
20 shall, as to matters of public health, supersede all rules
21 enacted by other state departments, boards or commissions, or
22 ordinances and regulations enacted by municipalities, except
23 that this chapter does not alter or supersede any of the
24 provisions set forth in chapter ~~chapters~~ 502 and ~~503~~ or any rule
25 adopted under the authority of that chapter ~~those chapters~~.

26 Section 3. Paragraph (m) of subsection (16) and subsection
27 (19) of section 570.07, Florida Statutes, are amended to read:

28 570.07 Department of Agriculture and Consumer Services;
29 functions, powers, and duties.—The department shall have and

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30 exercise the following functions, powers, and duties:

31 (16) To enforce the state laws and rules relating to:

32 (m) Administration and enforcement of all regulatory
33 legislation applying to milk, and milk products, and ice cream,
34 ~~and frozen desserts;~~

35
36 In order to ensure uniform health and safety standards, the
37 adoption of standards and fines in the subject areas of
38 paragraphs (a)-(n) is expressly preempted to the state and the
39 department. Any local government enforcing the subject areas of
40 paragraphs (a)-(n) must use the standards and fines set forth in
41 the pertinent statutes or any rules adopted by the department
42 pursuant to those statutes.

43 (19) To protect the dairy interests of the state; and, to
44 that end, it shall enforce those functions, powers, and duties
45 given to it in chapter ~~chapters~~ 502 and ~~503~~.

46 Section 4. Subsection (2) of section 570.40, Florida
47 Statutes, is amended to read:

48 570.40 Division of Dairy Industry; powers and duties.—The
49 duties of the Division of Dairy Industry include, but are not
50 limited to:

51 (2) Inspecting milk plants and, milk product plants, ~~and~~
52 ~~plants engaged in the manufacture and distribution of frozen~~
53 ~~desserts and frozen desserts mix~~; analyzing and testing samples
54 of milk and, milk products, ~~frozen desserts, and frozen desserts~~
55 ~~mix~~ collected by it; and enforcing those provisions of chapter
56 ~~chapters~~ 502 and ~~503~~ as are authorized by the department.

57 Section 5. Subsection (2) of section 570.41, Florida
58 Statutes, is amended to read:

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59 570.41 Director; qualifications; duties.—

60 (2) The director shall supervise, direct, and coordinate
61 the activities of the division and shall, under the direction of
62 the commissioner, enforce the provisions of chapter ~~chapters~~ 502
63 and ~~503~~.

64 Section 6. Subsections (2) and (3) of section 570.50,
65 Florida Statutes, are amended to read:

66 570.50 Division of Food Safety; powers and duties.—The
67 duties of the Division of Food Safety include, but are not
68 limited to:

69 (2) Conducting those general inspection activities relating
70 to food and food products being processed, held, or offered for
71 sale in this state and enforcing those provisions of chapters
72 500, 501, 502, ~~503~~, 531, 583, 585, 586, and 601 relating to
73 foods as authorized by the department.

74 (3) Analyzing samples of foods offered for sale in this
75 state as required under chapters 500, 501, 502, ~~503~~, 585, 586,
76 and 601.

77 Section 7. Subsection (2) of section 570.51, Florida
78 Statutes, is amended to read:

79 570.51 Director; qualifications; duties.—

80 (2) The director shall supervise, direct, and coordinate
81 the activities of the division and enforce the provisions of
82 chapters 500, 501, 502, ~~503~~, 531, 583, 585, and 601 and any
83 other chapter necessary to carry out the responsibilities of the
84 division.

85 Section 8. This act shall take effect July 1, 2011.