

HB 4125

2011

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

10

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

12

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 15 503.071, 503.081, and 503.091, is repealed.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18 381.0014 Regulations and ordinances superseded.—The rules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;

CODING: Words **stricken** are deletions; words **underlined** are additions.

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29 functions, powers, and duties.—The department shall have and
 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.

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

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
 70 relating to food and food products being processed, held, or
 71 offered for sale in this state and enforcing those provisions of
 72 chapters 500, 501, 502, ~~503~~, 531, 583, 585, 586, and 601
 73 relating to 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.

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