

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/HB 921 Department of Agriculture and Consumer Services  
**SPONSOR(S):** State Affairs Committee, Agriculture & Natural Resources Subcommittee, Brannan  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/CS/SB 1514

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**FINAL HOUSE FLOOR ACTION:** 111 Y's 0 N's **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/CS/HB 921 passed the House on May 9, 2020. The bill was amended in the Senate on March 13, 2020, and returned to the House. The House concurred in the Senate amendment to the House bill and subsequently passed the bill as amended on March 13, 2020. The bill includes portions of CS/CS/HB 343, CS/CS/SB 422, CS/CS/HB 1063, and CS/CS/SB 1876.

Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from escaping from the vehicle. This requirement does not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles. The bill removes the 20-mile maximum distance that a vehicle carrying agricultural products may travel on roads where the posted speed limit is 65 miles per hour or less without covering and securing the load.

The Department of Agriculture and Consumer Services (DACS) is the primary agency charged with regulating the liquefied petroleum (LP) gas industry, including licensing, inspection, training, and examination requirements. The bill requires DACS to establish by rule certain requirements related to competency examinations required for LP gas licensure as well as licenses to service and repair recreational vehicles. The bill also revises the eligibility requirements for applying to be a master qualifier for a LP gas business.

DACS is authorized to use funds from the Pest Control Trust Fund (Trust Fund) to carry out the duties of the Division of Agricultural Environmental Services (division) within DACS until June 30, 2020. The bill extends the expiration date of DACS's authority to use funds from the Trust Fund to carry out the division's duties to June 30, 2024.

In 2019, the Legislature created the state hemp program within DACS to regulate the cultivation of hemp in Florida. The bill amends the definition for the term "hemp extract;" amends the packaging and labeling requirements for hemp extract; provides that hemp extract distributed or sold in the state in violation of the hemp extract labeling requirements is considered adulterated or misbranded; and prohibits the sale of products that contain hemp extract intended for inhalation to persons under 21 years of age.

In order to raise aquatic species for commercial sale, entities must acquire an aquaculture certificate of registration. The bill authorizes DACS to revoke an aquaculture certificate of registration if DACS determines that aquaculture is not the primary purpose of the certified entity's operation.

The Florida Forest Service (FFS) firefighters must complete a fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training. The bill requires the FFS firefighter training curriculum to include a minimum of 40 hours each of structural firefighter training and emergency medical training and to increase the minimum number of hours of wildfire training required from 250 hours to 376 hours.

The bill may have an indeterminate fiscal impact on state government.

The bill was approved by the Governor on June 29, 2020, ch. 2020-135, L.O.F., and will become effective on July 1, 2020.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Agricultural Loads on Vehicles**

##### Background

Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping from the vehicle.<sup>1</sup> Every vehicle owner and driver has a duty to prevent items from escaping from his or her vehicle and may do so by using an appropriate cover or load-securing device that meets federal requirements, or a device designed to reasonably ensure that cargo will not shift or fall from the vehicle.<sup>2</sup>

Currently, the requirements to cover and secure the load do not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles.<sup>3</sup>

##### Effect of the Bill

The bill removes the 20-mile maximum distance that a vehicle carrying agricultural products may travel without covering and securing the load.

#### **Liquefied Petroleum Gas**

##### Background

The Department of Agriculture and Consumer Services (DACs), through its Bureau of Compliance, is the primary agency charged with regulating the liquefied petroleum (LP) gas industry, including licensing, inspection, training, and examination requirements.<sup>4</sup> LP gas is defined as any material composed predominantly of any of the following hydrocarbons, or mixtures of the same:

- Propane;
- Propylene;
- Butanes (normal butane or isobutane); and
- Butylenes.<sup>5</sup>

Propane, the most widely used LP gas, is an energy source for hotels, restaurants, schools, hospitals, nursing homes, universities, private homes, recreational vehicles, and agricultural and industrial facilities. It is also used as an alternative fuel for vehicles.<sup>6</sup>

##### *Business Licenses*

Current law provides licensing requirements for businesses that engage in certain LP gas-related activities, including sales, installations, service and repair work, manufacture of equipment, and other miscellaneous activities. DACs must license applicants that it determines to be competent, qualified, and trustworthy.<sup>7</sup>

The license categories and associated fees are as follows:<sup>8</sup>

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<sup>1</sup> Section 316.520(1), F.S.

<sup>2</sup> Section 316.520(2), F.S.

<sup>3</sup> Section 316.520(4), F.S.

<sup>4</sup> Chapter 527, F.S.

<sup>5</sup> Section 527.01(1), F.S.

<sup>6</sup> DACs, *Safe Dispensing of Propane* (Jan. 2019), available at <https://www.fdacs.gov/content/download/78592/file/Safe-Dispensing-of-Propane-Manual.pdf> (last visited Mar. 18, 2020).

<sup>7</sup> Section 527.02, F.S.

<sup>8</sup> *Id.*

License Category	Annual License Fee
Category I LP gas dealer	\$400
Category II LP gas dispenser	\$400
Category III LP gas cylinder exchange unit operator	\$65
Category IV dealer in appliances and equipment	\$65
Category V LP gas installer	\$200
Category VI miscellaneous operator	\$200

Licensees may elect to renew their license annually, biennially, or triennially, and are required to meet the same requirements and conditions, including fee amounts, for each licensed year. An expired license will become inoperative, and the fee for restoration of an expired license is equal to the original license fee and must be paid before the licensee is allowed to resume operations.<sup>9</sup>

#### *Training and Examinations*

DACS is responsible for enforcing reasonable standards of competency, including, but not limited to, the training, licensure, testing, and qualifying of persons participating in the LP gas industry.<sup>10</sup> DACS is also authorized to adopt rules that are:<sup>11</sup>

- In the interest of public health, safety, and welfare and to promote the safe handling of LP gas, equipment, and systems; and
- Reasonably necessary to assure the competence of persons to safely engage in the business of LP gas.

Training is required for all employees of a LP gas-related business, and refresher training must be conducted at three-year intervals.<sup>12</sup> In addition, any person applying for a license to engage in category I dealer, category II dispenser, or category V installer activities must prove competency by passing a written examination administered by DACS or its agent.<sup>13</sup>

#### *Qualifiers*

Each category I dealer, category II dispenser, or category V installer licensee must employ a full-time employee who has received a qualifier certificate from DACS. Qualifiers are required to function in a supervisory capacity, and a separate qualifier must be present for every 10 employees.<sup>14</sup>

An applicant for a qualifier certificate must:

- Be employed by a category I dealer, category II dispenser, or category V installer licensee;
- Submit to DACS a nonrefundable \$20 examination fee; and
- Pass a competency examination with a grade of 70 percent or above in each area tested.<sup>15</sup>

Qualifier registration expires three years after the date of issuance. Qualifiers must renew their qualification 30 calendar days before expiration by submitting to DACS a renewal application, payment for the \$20 renewal fee, and documentation that shows the completion of a minimum of 16 hours of approved continuing education courses, as defined by DACS rule, during the previous three-year period.<sup>16</sup> Persons failing to renew before the expiration date must reapply and take a qualifier competency examination in order to reestablish qualifier status.<sup>17</sup>

<sup>9</sup> Section 527.03, F.S.

<sup>10</sup> Section 527.055(1)(b), F.S.

<sup>11</sup> Section 527.06, F.S.

<sup>12</sup> DACS, *LP Gas Training*, available at <https://www.fdacs.gov/Business-Services/LP-Gas-Inspection/LP-Gas-Training> (last visited Mar. 18, 2020).

<sup>13</sup> Section 527.0201(1), F.S.

<sup>14</sup> Section 527.0201(1)-(4), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

### *Master Qualifiers*

In addition to the qualifier requirements, each category I dealer and category V installer licensee is required to have a manager, an owner, or an employee at each licensed location who has received a master qualifier certificate from DACS. The master qualifier must be a manager, an owner, or someone otherwise primarily responsible for overseeing the operations of the licensed location and must provide documentation to DACS.<sup>18</sup>

An applicant for a master qualifier certificate must:

- Be employed by a category I dealer or category V installer licensee;
- Submit to DACS a nonrefundable \$30 examination fee;
- Have been a registered qualifier for at least three years immediately preceding the application; and
- Pass a master qualifier competency examination with a grade of 70 percent or above in each area tested.<sup>19</sup>

Master qualifier registration expires three years after the date of issuance<sup>20</sup> and may be renewed by submitting to DACS proof of employment, payment of a \$30 certificate renewal fee, and documentation of the completion of a minimum of 16 hours of approved continuing education courses, as defined by department rule, during the previous three-year period.<sup>21</sup>

### *Recreational Vehicle Dealers or Installers*

Propane is widely used in recreational vehicles (RVs) to regulate temperature, cook meals, provide hot water, and refrigerate food. Typically, motorized RVs have a fixed propane tank and towable RVs have a removable propane tank.<sup>22</sup> In Florida, the refilling, repairing, or replacing of propane gas and equipment must be completed by a properly trained employee of a licensed LP gas-related business, referred to as RV dealers/installers.<sup>23</sup>

Since July 2018, depending on the type of work being performed, a RV dealer/installer is required to obtain either a category I dealer, category II dispenser, or category V installer license and is required to meet all applicable licensing and examination requirements in order to operate lawfully in the state. Current law does not provide a separate LP gas license category specifically for RV dealers/installers.

According to DACS, RV dealers/installers are required to obtain a category V installer license, and if the RV dealer/installer also dispenses LP gas, a category II dispenser license must be obtained as well. In lieu of multiple licenses, RV dealers/installers may obtain a category I dealer license that allows them to perform both service and dispensing functions.<sup>24</sup> Currently, there are 50 licensed RV dealers/installers in the state.<sup>25</sup>

### Effect of the Bill

The bill defines an “RV” as a motor vehicle that is designed to provide temporary living quarters for recreational, camping, or travel use and that has its own propulsion or is mounted on or towed by another motor vehicle.

The bill requires DACS to specify by rule the requirements for agents qualified to administer written competency examinations required for LP gas licensure.

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<sup>18</sup> Section 527.0201(5), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Winnebagolife, *An Easy Guide to Finding Propane for Your RV*, available at <https://winnebagolife.com/2019/05/finding-propane-for-your-rv> (last visited Mar. 18, 2020).

<sup>23</sup> *See* ch. 527, F.S.

<sup>24</sup> Florida Department of Agriculture and Consumer Services, Agency Analysis of 2018 House Bill 553, 1 (Nov. 21, 2017).

<sup>25</sup> *Id.* at 3.

The bill requires DACS to establish by rule a separate test for persons applying for a license to engage in category I activities solely related to the service or repair of RVs. The bill specifies that the category I RV dealer/installer test must include and ensure competency in the following activities as they relate to RVs:

- Operating a LP gas dispensing unit to serve liquid product to a consumer for industrial, commercial, or domestic use;
- Selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of LP gas; and
- Installing, servicing, or repairing RV LP gas appliances and equipment.

The bill limits a qualifier or master qualifier who has passed the category I RV dealer/installer test to category I activities solely related to the service and repair of RVs.

The bill also requires master qualifier applicants to have a minimum of three years of verifiable LP gas experience or hold a professional certification by a LP gas manufacturer.

## **Pest Control Trust Fund**

### Background

The Pest Control Trust Fund (Trust Fund) is used to carry out the various responsibilities of the Department of Agriculture and Consumer Services (DACS) related to the regulation of pest control, including the licensing of pest control businesses, examinations for operators' certificates, and the education of the pest control industry.<sup>26</sup> Revenue sources of the Trust Fund include fines as well as license, examination, certification, and commercial fees imposed by DACS.<sup>27</sup>

In addition to DACS's pest control responsibilities, current law also allows DACS to use funds from the Trust Fund to carry out the duties of its Division of Agricultural Environmental Services (division), which include:

- Inspecting and drawing samples of commercial feeds for sale, seeds for sale, certified seed grown in Florida, fertilizers for sale, and pesticides;
- Conducting general inspection activities in regard to weights, measures, and standards of articles for sale;
- Reviewing and evaluating technical and scientific data associated with the production, manufacture, storage, transportation, sale, or use of any article or product with respect to any statutory authority conferred on DACS;
- Analyzing samples of fertilizer, pesticide formulations, commercial feed, and certain seeds offered for sale; and
- Investigating, evaluating, and developing new or improved technology to enhance the analytical capability and efficiency of all divisional laboratories and perform other related analyses as deemed necessary.<sup>28</sup>

DACS's authority to use funds from the Trust Fund to carry out the division's duties is set to expire on June 30, 2020.

### Effect of the Bill

The bill extends the expiration date of DACS's authority to use funds from the Trust Fund to carry out the division's duties to June 30, 2024.

## **The State Hemp Program**

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<sup>26</sup> Section 570.441, F.S.; ch. 482, F.S.

<sup>27</sup> Chapter 482, F.S.

<sup>28</sup> Section 570.44, F.S.

## Background

Hemp, also called industrial hemp, is defined as the plant *Cannabis sativa L.* and any part of that plant, including seeds, derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration that does not exceed 0.3 percent on a dry weight basis.<sup>29</sup> While hemp and marijuana are both grown from the *Cannabis sativa L.* plant, they are different varieties that have been genetically bred and grown for different uses. Hemp can be distinguished from marijuana<sup>30</sup> by its lower concentrations of THC, and higher concentrations of cannabidiol (CBD).<sup>31</sup>

Hemp is an agricultural commodity grown and used worldwide to produce a variety of industrial and commercial products, including rope, textiles, clothing, shoes, food, paper, bioplastics, insulation, biofuel, cosmetic products, animal bedding, animal and bird feed, and human food and nutritional supplements.<sup>32</sup>

### *Agriculture Improvement Act of 2018*

Section 10113 of the Agriculture Improvement Act of 2018 (2018 Farm Bill) created the Hemp Farming Act to allow the cultivation of hemp. The 2018 Farm Bill removed hemp-derived products from Schedule I of the Controlled Substances Act. While the law legalized hemp as an agricultural product, the law did not legalize CBD generally.<sup>33</sup> CBD derived from hemp is considered legal if the hemp is grown by a licensed grower, produced in a manner that is consistent with the 2018 Farm Bill, and complies with other federal and state regulations.<sup>34</sup>

The 2018 Farm Bill defined “hemp” to mean the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.<sup>35</sup>

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the Secretary of the United States Department of Agriculture (Secretary) and apply for primary regulatory authority over the production of hemp in their state or tribal territory. A state or tribal plan must include:

- A procedure for tracking land upon which hemp will be cultivated, including a legal land description and global positioning coordinates;
- A procedure for maintaining records for at least three years and reporting to the Secretary;
- Testing procedures that use post-decarboxylation or other similarly reliable methods for determining THC concentration levels of hemp;
- Procedures for methods to effectively dispose of hemp plants, growing or not, and products made from hemp plants grown in violation of the 2018 Farm Bill;
- Annual inspection procedures;
- Violations and corrective actions;
- Enforcement procedures;
- A procedure for submitting information on land where hemp is cultivated to the Secretary not more than 30 days after the date on which the information is received by the state or tribe;

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<sup>29</sup> 7 U.S.C. s. 5940 (2014); 7 U.S.C. s. 1639o (2018); *see also* s. 581.217, F.S.

<sup>30</sup> Marijuana is identified in the United States drug laws as cannabis having high THC levels that are associated with psychotropic effects and is typically made from the flowering tops and leaves of the *Cannabis sativa L.* plant (sativa or indica varieties). The Controlled Substances Act was enacted as Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970. 84 s. 1236 (1970).

<sup>31</sup> National Conference of State Legislatures (NCSL), *State Industrial Hemp Statutes*, available at <http://www.ncsl.org/research/agriculture-and-rural-development/state-industrial-hemp-statutes.aspx> (last visited Jan. 29, 2019).

<sup>32</sup> Congressional Research Service (CRS), *Hemp as an Agricultural Commodity*, CRS Report 7-5700 (June 22, 2018), available at <https://fas.org/sgp/crs/misc/RL32725.pdf> (last visited Jan. 30, 2020).

<sup>33</sup> 7 U.S.C. s. 1639o (2018).

<sup>34</sup> John Hudak, *The Farm Bill, hemp legalization and the status of CBD: An Explainer*, Brookings Dec. 14, 2018, available online at <https://www.brookings.edu/blog/fixgov/2018/12/14/the-farm-bill-hemp-and-cbd-explainer/> (last visited Jan. 30, 2020).

<sup>35</sup> 7 U.S.C. s. 1639o (2018).

- Certification that the state or tribe has the resources and personnel to carry out the practices and procedures in the state or tribal plan; and
- Any other practice or procedure established by the state or tribe that is consistent with the 2018 Farm Bill.<sup>36</sup>

The 2018 Farm Bill requires the Secretary to approve or disapprove a state or tribal plan within 60 days of receipt. It further requires the Secretary to consult with the United States Attorney General when carrying out the requirements associated with state and tribal plans. The Secretary is authorized to provide technical assistance to states and tribes in the development of a state or tribal plan. The 2018 Farm Bill further authorizes the Secretary to conduct compliance audits of state and tribal plans. If noncompliance is determined, the Secretary is required to collaborate with the state or tribe to develop a corrective action plan in the case of a first instance of noncompliance. The Secretary is authorized to revoke the approval of a state or tribal plan in the case of a second or subsequent instance of noncompliance.<sup>37</sup>

The Secretary must establish a United States Department of Agriculture (USDA) plan to be used where a state or tribal plan is not approved. The 2018 Farm Bill directed the Secretary to promulgate regulations and guidelines to implement the 2018 Farm Bill requirements for hemp production as expeditiously as possible.<sup>38</sup>

#### *USDA Domestic Hemp Program Rules*

On October 31, 2019, the USDA published an interim final rule (USDA rule) to administer and oversee the domestic hemp program established by the 2018 Farm Bill.<sup>39</sup> The USDA rules provide specific details for both federally regulated hemp production and state-approved plans. The USDA rules include provisions for maintaining information on the land where hemp is produced, testing the levels of delta-9 THC, disposing of plants not meeting the definition of hemp, and ensuring compliance with the federal law.

#### *State Hemp Program*

In 2019, the Legislature created the state hemp program (program) within the Department of Agriculture and Consumer Services (DACS) to regulate the cultivation of hemp in Florida.<sup>40</sup> Consistent with federal law, the program defines the term “hemp” as the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9 THC concentration that does not exceed 0.3 percent on a dry-weight basis.<sup>41</sup>

The program prohibits the cultivation of hemp without a license. As such, any person seeking to cultivate hemp must apply for a license with DACS and provide specified information concerning the legal land description and global positioning coordinates of the area where hemp will be cultivated.

The program provides that a licensee may only use hemp seeds and cultivars certified by a certifying agency or a university conducting an industrial hemp pilot project.

The program allows hemp extract to be distributed and sold in the state only if the product has a certificate of analysis that states the batch does not exceed the total delta-9 THC concentration for hemp and does not contain contaminants unsafe for human consumption. In addition, the packaging for a product containing hemp extract must include a scannable barcode or quick response code linked to the certificate of analysis by an independent testing laboratory, the batch number, the Internet address

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<sup>36</sup> 7 U.S.C. s. 1639p (2018).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> 7 C.F.R. s. 990(1) (2019). A copy of the USDA rules can be found online at: <https://www.ams.usda.gov/rules-regulations/hemp> (last visited Jan. 30, 2020).

<sup>40</sup> Chapter 2019-132, L.O.F.; codified as s. 581.217, F.S.

<sup>41</sup> Section 581.217(3)(d), F.S.

of a website where batch information may be obtained, the expiration date, the number of milligrams of hemp extract, and a statement that the product contains a total delta-9 THC concentration that does not exceed 0.3 percent on a dry-weight basis.

DACS must maintain a registry of land on which hemp is cultivated, including the global positioning coordinates and legal land description for each location where hemp has been grown within the past three calendar years and submit monthly to the Secretary a report that includes such location and the contact information for each licensee.

DACS must enforce the program and every state attorney, sheriff, police officer, and other appropriate county or municipal officer must enforce, or assist any agent of DACS in the enforcement of, the program and rules adopted by DACS. DACS or its agent may enter any public or private premises during regular business hours in the performance of its duties related to hemp cultivation and DACS must conduct random inspections, at least annually, of each licensee to ensure that only certified hemp seeds are being used and that hemp is being cultivated in compliance with the program.

The program required DACS, in consultation with the Department of Health and the Department of Business and Professional Regulation, to initiate rulemaking by August 1, 2019. The program requires DACS to seek approval of the state plan from the Secretary within 30 days after adopting rules.

On June 6, 2019, DACS initiated rulemaking by publishing a Notice of Rule Development in the Florida Administrative Register. The USDA rules were published after DACS initiated rulemaking and include requirements that may necessitate revisions to the DACS proposed hemp rules. Although rulemaking was timely initiated by DACS, the rules governing licensure and the regulation of the cultivation of hemp have not been finalized or adopted.<sup>42</sup> Because the rules have not been adopted, DACS has not submitted the state plan for federal approval and cannot issue licenses for the cultivation of hemp.

#### Effect of the Bill

The bill amends provisions related to the state hemp program.

The bill amends the definition for the term “hemp extract” to clarify that it does not include synthetic CBD or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration and to provide that it includes substances and compounds intended for ingestion or inhalation containing more than trace amounts of cannabinoids. Because of this change, the labeling requirements relating to the distribution and retail sale of hemp extract will not apply to certain foods that do not contain more than trace amounts of cannabinoids, such as hemp seeds.

The bill amends the packaging requirements for hemp extract to provide that the label must include the number of milligrams of each marketed cannabinoid per serving, rather than the number of milligrams of hemp extract. The bill also removes from the label the statement that the product does not contain more than 0.3 percent THC on a dry-weight basis. The bill provides that hemp extract sold or distributed in the state in violation of the hemp labeling requirements is considered adulterated or misbranded.

The bill also prohibits the sale of products that contain hemp extract intended for inhalation to persons under 21 years of age.

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<sup>42</sup> See Rule 5B-57.014 titled “Hemp Program.” The Notice of Proposed Rule was published on October 10, 2019, and a notice of correction was filed on October 11, 2019. Since then, the rule has not been changed or filed for adoption. A copy of the notices for the hemp program rule can be found online at: <https://www.flrules.org/gateway/ruleNo.asp?id=5B-57.014> (last visited Jan. 30, 2020).



## Forest Service Firefighters

### Background

Each year, thousands of acres of wildland and many homes are destroyed by wildfires that can erupt at any time of the year from a variety of causes, including arson, lightning, and debris burning.<sup>43</sup> The Florida Forest Service (FFS) within DACS works to protect and manage the forest resources of Florida by providing fire protection for forests and natural areas as well as firefighting assistance to municipal and volunteer fire departments.<sup>44</sup>

To become licensed, FFS firefighters must complete a fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 250 hours of wildfire training.<sup>45</sup> The fire training course consists of two parts and equates to 398<sup>46</sup> hours, collectively referred to as the “Minimum Standards Course.”<sup>47</sup> When an FFS firefighter completes the training program and has passed an examination as required by the Division of State Fire Marshal, FFS firefighters are granted a Forestry Certificate of Compliance and are entitled to the same rights, privileges, and benefits provided by law to firefighters.<sup>48</sup>

### Effect of the Bill

The bill revises the requirements for the training curriculum for FFS firefighters to require the curriculum to include a minimum of 40 hours of structural firefighter training and a minimum of 40 hours of emergency medical training and to increase the minimum number of hours of wildfire training required from 250 hours to 376 hours.

The bill changes the title of the certificate of compliance for FFS firefighters from “Forestry Certificate of Compliance” to “Wildland Firefighter Certificate of Compliance.”

## Aquaculture

### Background

DACS serves as the state’s lead aquaculture agency and works to coordinate the development and regulation of aquaculture to protect and conserve Florida’s natural resources. There are an estimated 1,500 species of fish, plants, mollusks, crustaceans, and reptiles grown in the aquaculture industry in Florida.<sup>49</sup>

In order to raise aquatic species for commercial sale, entities must acquire an aquaculture certificate of registration from DACS.<sup>50</sup> The certificate authorizes the certificate holder to plant, harvest, and sell aquaculture products; entitles the holder to the same benefits provided to other agricultural producers, including tax benefits; and reduces the number of permits the holder must obtain from other agencies.<sup>51</sup>

Applicants for the certificate must submit their name, company name, complete mailing address, legal property description of all aquaculture facilities, the actual physical street address for each aquaculture facility, a description of production facilities, a description of the aquaculture products to be produced,

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<sup>43</sup> Florida Division of Emergency Management, *Wildfires*, available at <https://www.floridadisaster.org/hazards/wildfire/> (last visited Feb. 20, 2020).

<sup>44</sup> FFS, *Florida Forest Service Career Opportunities*, available at <https://www.fdacs.gov/Divisions-Offices/Florida-Forest-Service/Career-Opportunities> (last visited Feb. 20, 2020).

<sup>45</sup> Section 590.02(1)(e), F.S.

<sup>46</sup> Part I is 206 hours and Part II is an additional 192 hours; r. 69A-37.055(1), F.A.C.

<sup>47</sup> *Id.*

<sup>48</sup> Sections 633.408(8)(a) and (b), F.S.

<sup>49</sup> DACS, *Division of Aquaculture*, available at <https://www.fdacs.gov/Divisions-Offices/Aquaculture> (last visited Feb. 26, 2020).

<sup>50</sup> DACS, *Aquaculture Certificate of Registration*, available at <https://www.fdacs.gov/Agriculture-Industry/Aquaculture/Aquaculture-Certificate-of-Registration> (last visited Feb. 26, 2020).

<sup>51</sup> *Id.*

an annual registration fee of \$100, documentation of compliance with DACS rules, and, for some applicants, a certificate of training.<sup>52</sup> Each applicant is also required to comply with DACS-approved best management practices to ensure proper effluent treatment.<sup>53</sup> Upon approval, DACS issues the applicant an aquaculture certificate of registration for a period of one year, which must be renewed each June 30 with the accompanying fee.<sup>54</sup>

#### Effect of the Bill

The bill authorizes DACS to revoke an aquaculture certificate of registration if DACS determines that aquaculture is not the primary purpose of the certified entity's operation.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

The bill may have an indeterminate positive fiscal impact on DACS as a result of extending DACS's authority to use funds from the Trust Fund to carry out the duties of its Division of Agricultural Environmental Services until June 30, 2024.

The bill may have an indeterminate negative fiscal impact on FFS associated with the costs of implementing more training hours for FFS firefighters; however, these costs can likely be absorbed within existing resources.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill clarifies the definition of "hemp extract" to provide that it does not include synthetic CBD or seeds or seed-derived ingredients generally recognized as safe by the United States Food and Drug Administration and must contain more than trace amounts of cannabinoids. As such, the required labeling provisions will not apply to certain food products currently sold and consumed that do not contain more than trace amounts of cannabinoids, such as hemp seeds.

### **D. FISCAL COMMENTS:**

None.

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<sup>52</sup> Section 597.004(1), F.S.; r. 5L-3.005(1)(i), F.A.C.

<sup>53</sup> Section 597.004(2), F.S.; r. 5L-3.005, F.A.C.

<sup>54</sup> Section 597.004(6)(a), F.S.