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CS/CS/HB 921, Engrossed 3

2020 Legislature

1
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 316.520, F.S.; revising
4 application of agricultural load securing
5 requirements; amending s. 527.01, F.S.; defining the
6 term "recreational vehicle"; amending s. 527.0201,
7 F.S.; requiring the Department of Agriculture and
8 Consumer Services to adopt rules specifying
9 requirements for agents to administer certain
10 competency examinations and establishing a competency
11 examination for a license to engage in activities
12 solely related to the service and repair of
13 recreational vehicles; authorizing certain qualifiers
14 and master qualifiers to engage in activities solely
15 related to the service and repair of recreational
16 vehicles; requiring verifiable LP gas experience or
17 professional certification by an LP gas manufacturer
18 in order to apply for certification as a master
19 qualifier; amending s. 570.441, F.S.; extending the
20 scheduled expiration for the Department of Agriculture
21 and Consumer Services' use of funds from the Pest
22 Control Trust Fund for certain duties of the
23 department; amending s. 581.217, F.S.; redefining the
24 term "hemp extract"; providing that hemp extract that
25 does not meet certain requirements will be considered

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26 adulterated or misbranded; prohibiting the sale of
 27 certain hemp extract products to individuals under a
 28 specified age; amending s. 590.02, F.S.; directing the
 29 Florida Forest Service to develop a training
 30 curriculum for wildland firefighters; providing
 31 requirements for such training; amending s. 597.003,
 32 F.S.; authorizing the Department of Agriculture and
 33 Consumer Services to revoke an aquaculture certificate
 34 of registration under certain conditions; amending s.
 35 633.408, F.S.; providing wildland firefighter training
 36 and certification for certain firefighters and
 37 volunteer firefighters; providing an effective date.

38

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

40

41 Section 1. Subsection (4) of section 316.520, Florida
 42 Statutes, is amended to read:

43 316.520 Loads on vehicles.—

44 (4) The provision of subsection (2) requiring covering and
 45 securing the load with a close-fitting tarpaulin or other
 46 appropriate cover does not apply to vehicles carrying
 47 agricultural products locally from a harvest site or to or from
 48 a farm on roads where the posted speed limit is 65 miles per
 49 hour or less ~~and the distance driven on public roads is less~~
 50 ~~than 20 miles.~~

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51 Section 2. Subsection (18) is added to section 527.01,
52 Florida Statutes, to read:

53 527.01 Definitions.—As used in this chapter:

54 (18) "Recreational vehicle" means a motor vehicle that is
55 designed to provide temporary living quarters for recreational,
56 camping, or travel use and that has its own propulsion or is
57 mounted on or towed by another motor vehicle.

58 Section 3. Subsection (1) and paragraph (a) of subsection
59 (5) of section 527.0201, Florida Statutes, are amended to read:

60 527.0201 Qualifiers; master qualifiers; examinations.—

61 (1) In addition to the requirements of s. 527.02, a ~~any~~
62 person applying for a license to engage in category I, category
63 II, or category V activities must prove competency by passing a
64 written examination administered by the department or its agent
65 with a grade of 70 percent or above in each area tested. Each
66 applicant for examination shall submit a \$20 nonrefundable fee.

67 (a) The department shall by rule specify the general areas
68 of competency to be covered by each examination and the relative
69 weight to be assigned in grading each area tested.

70 (b) The department shall by rule specify the requirements
71 for agents qualified to administer the written competency
72 examinations required by this part.

73 (c)1. The department shall by rule establish a separate
74 written competency examination for a person applying for a
75 license to engage in category I activities solely related to the

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76 service and repair of recreational vehicles. The category I
 77 recreational vehicle dealer/installer examination must include
 78 and ensure competency in the following activities as they relate
 79 to recreational vehicles:

80 a. Operating a liquefied petroleum gas dispensing unit to
 81 serve liquid product to a consumer for industrial, commercial,
 82 or domestic use;

83 b. Selling or offering to sell, or leasing or offering to
 84 lease, apparatus, appliances, and equipment for the use of
 85 liquefied petroleum gas; and

86 c. Installing, servicing, or repairing recreational
 87 vehicle liquefied petroleum gas appliances and equipment.

88 2. A qualifier or master qualifier who has passed the
 89 category I recreational vehicle dealer/installer examination may
 90 engage in category I activities solely related to the service
 91 and repair of recreational vehicles.

92 (5) In addition to all other licensing requirements, each
 93 category I and category V licensee must, at the time of
 94 application for licensure, identify to the department one master
 95 qualifier who is a full-time employee at the licensed location.
 96 This person shall be a manager, owner, or otherwise primarily
 97 responsible for overseeing the operations of the licensed
 98 location and must provide documentation to the department as
 99 provided by rule. The master qualifier requirement shall be in
 100 addition to the requirements of subsection (1).

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101 (a) In order to apply for certification as a master
 102 qualifier, each applicant must have ~~been a registered qualifier~~
 103 ~~for~~ a minimum of 3 years of verifiable LP gas experience or hold
 104 a professional certification by an LP gas manufacturer as
 105 adopted by department rule immediately preceding submission of
 106 the application, must be employed by a licensed category I or
 107 category V licensee, or an applicant for such license, and must
 108 pass a master qualifier competency examination administered by
 109 the department or its agent. Master qualifier examinations shall
 110 be based on Florida's laws, rules, and adopted codes governing
 111 liquefied petroleum gas safety, general industry safety
 112 standards, and administrative procedures. The applicant must
 113 successfully pass the examination with a grade of 70 percent or
 114 above. Each applicant for master qualifier registration must
 115 submit to the department a nonrefundable \$30 examination fee
 116 before the examination.

117 Section 4. Subsection (4) of section 570.441, Florida
 118 Statutes, is amended to read

119 570.441 Pest Control Trust Fund.—

120 (4) In addition to the uses authorized under subsection
 121 (2), moneys collected or received by the department under
 122 chapter 482 may be used to carry out the provisions of s.
 123 570.44. This subsection expires June 30, 2024 ~~2020~~.

124 Section 5. Paragraph (e) of subsection (3) and subsection
 125 (7) of section 581.217, Florida Statutes, are amended to read:

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126 581.217 State hemp program.—

127 (3) DEFINITIONS.—As used in this section, the term:

128 (e) "Hemp extract" means a substance or compound intended
 129 for ingestion, containing more than trace amounts of
 130 cannabinoid, or for inhalation which ~~that~~ is derived from or
 131 contains hemp and which ~~that~~ does not contain other controlled
 132 substances. The term does not include synthetic CBD or seeds or
 133 seed-derived ingredients that are generally recognized as safe
 134 by the United States Food and Drug Administration.

135 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—

136 (a) Hemp extract may only be distributed and sold in the
 137 state if the product:

138 1.(a) Has a certificate of analysis prepared by an
 139 independent testing laboratory that states:

140 a.1. The hemp extract is the product of a batch tested by
 141 the independent testing laboratory;

142 b.2. The batch contained a total delta-9-
 143 tetrahydrocannabinol concentration that did not exceed 0.3
 144 percent ~~on a dry-weight basis~~ pursuant to the testing of a
 145 random sample of the batch; and

146 c.3. The batch does not contain contaminants unsafe for
 147 human consumption.

148 2.(b) Is distributed or sold in a container ~~packaging~~ that
 149 includes:

150 a.1. A scannable barcode or quick response code linked to

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151 the certificate of analysis of the hemp extract batch by an
 152 independent testing laboratory;
 153 ~~b.2.~~ The batch number;
 154 ~~c.3.~~ The Internet address of a website where batch
 155 information may be obtained;
 156 ~~d.4.~~ The expiration date; and
 157 ~~e.5.~~ The number of milligrams of each marketed cannabinoid
 158 per serving hemp extract; and
 159 ~~6. A statement that the product contains a total delta-9-~~
 160 ~~tetrahydrocannabinol concentration that does not exceed 0.3~~
 161 ~~percent on a dry weight basis.~~
 162 (b) Hemp extract distributed or sold in violation of this
 163 section shall be considered adulterated or misbranded pursuant
 164 to chapter 500, chapter 502, or chapter 580.
 165 (c) Products that are intended for inhalation and contain
 166 hemp extract may not be sold in this state to a person who is
 167 under 21 years of age.
 168 Section 6. Paragraph (e) of subsection (1) of section
 169 590.02, Florida Statutes, is amended to read:
 170 590.02 Florida Forest Service; powers, authority, and
 171 duties; liability; building structures; Withlacoochee Training
 172 Center.—
 173 (1) The Florida Forest Service has the following powers,
 174 authority, and duties to:
 175 (e) Develop a training curriculum for wildland forestry

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176 firefighters which must contain a minimum of 40 hours of
 177 structural firefighter training, a minimum of 40 hours of
 178 emergency medical training, ~~the basic volunteer structural fire~~
 179 ~~training course approved by the Florida State Fire College of~~
 180 ~~the Division of State Fire Marshal~~ and a minimum of 376 ~~250~~
 181 hours of wildfire training;

182 Section 7. Paragraph (a) of subsection (1) of section
 183 597.003, Florida Statutes, is amended to read:

184 597.003 Powers and duties of Department of Agriculture and
 185 Consumer Services.—

186 (1) The department is hereby designated as the lead agency
 187 in encouraging the development of aquaculture in the state and
 188 shall have and exercise the following functions, powers, and
 189 duties with regard to aquaculture:

190 (a) Issue or deny aquaculture certificates that identify
 191 aquaculture producers and aquaculture products, and collect all
 192 related fees. The department may revoke an aquaculture
 193 certificate of registration issued pursuant to s. 597.004 upon a
 194 finding that aquaculture is not the primary purpose of the
 195 certified entity's operation.

196 Section 8. Subsection (8) of section 633.408, Florida
 197 Statutes, is amended to read:

198 633.408 Firefighter and volunteer firefighter training and
 199 certification.—

200 (8) (a) Pursuant to s. 590.02(1)(e), the division shall

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201 | establish a structural fire training program of not less than 40
202 | ~~206~~ hours. The division shall issue to a person satisfactorily
203 | complying with this training program and who has successfully
204 | passed an examination as prescribed by the division and who has
205 | met the requirements of s. 590.02(1)(e), a Wildland Firefighter
206 | ~~Forestry~~ Certificate of Compliance.

207 | (b) An individual who holds a current and valid Wildland
208 | Firefighter ~~Forestry~~ Certificate of Compliance is entitled to
209 | the same rights, privileges, and benefits provided for by law as
210 | a firefighter.

211 | Section 9. This act shall take effect July 1, 2020.