

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 377.601, F.S.;
4 providing that it is the policy of this state to
5 promote certain alternative fuels and vehicle
6 technologies; amending s. 377.703, F.S.; revising
7 duties of the department; deleting a requirement that
8 the department prepare an annual assessment of the
9 renewable energy production credit; repealing s.
10 377.810, F.S., relating to a natural gas fuel fleet
11 vehicle rebate program; amending s. 487.021, F.S.;
12 defining the term "raw agricultural commodities
13 fumigation"; amending s. 487.0435, F.S.; authorizing
14 the department to consider the use of a fumigant as a
15 pesticide for raw agricultural commodities fumigation
16 when specifying certain license classifications;
17 amending s. 500.03, F.S.; redefining and revising
18 terms; providing construction regarding hemp extract;
19 amending s. 500.032, F.S.; requiring the department to
20 administer and enforce certain provisions relating to
21 the storage of food; amending s. 500.033, F.S.;
22 revising the membership of the Florida Food Safety and
23 Food Defense Advisory Council; amending s. 500.12,
24 F.S.; revising the types of minor food outlets
25 required to obtain food permits from the department;

26 conforming provisions to changes made by the act;
27 providing construction; requiring food permits to be
28 annually renewed in accordance with department rule
29 beginning on a specified date; requiring late fees for
30 applications not received on or before the date set by
31 department rule; amending s. 500.121, F.S.; conforming
32 provisions to changes made by the act; amending s.
33 500.147, F.S.; requiring bottled water to be processed
34 in conformance with department rule; amending s.
35 500.148, F.S.; deleting provisions authorizing food
36 establishments to request from the department a report
37 certifying compliance with certain sanitation and
38 permitting requirements and rules; amending s.
39 501.603, F.S.; defining the term "substance abuse
40 marketing service provider"; amending s. 501.604,
41 F.S.; providing that substance abuse marketing service
42 providers are subject to the Florida Telemarketing
43 Act; amending s. 501.605, F.S.; conforming provisions
44 to changes made by the act; creating s. 501.6055,
45 F.S.; providing licensure requirements for substance
46 abuse marketing service providers; amending s.
47 501.606, F.S.; requiring substance abuse marketing
48 service providers to disclose specified information;
49 amending s. 501.608, F.S.; conforming provisions to
50 changes made by the act; amending s. 501.609, F.S.;

51 requiring substance abuse marketing service providers
52 to submit new or revised material to the department
53 within a specified timeframe; amending s. 501.612,
54 F.S.; conforming provisions to changes made by the
55 act; amending s. 501.616, F.S.; specifying unlawful
56 acts and practices for substance abuse marketing
57 service providers; amending s. 501.618, F.S.;
58 conforming provisions to changes made by the act;
59 amending s. 502.012, F.S.; revising and redefining
60 terms; amending s. 502.013, F.S.; revising the purpose
61 of certain provisions regarding milk and milk
62 products; amending s. 502.014, F.S.; revising the
63 authority of the department to permit and collect
64 samples of products for testing at certain facilities;
65 amending s. 502.042, F.S.; deleting a provision
66 requiring the department to periodically conduct
67 certain shelf-life studies and to sample certain milk
68 products; making technical changes; amending s.
69 502.053, F.S.; revising the milk facilities required
70 to apply for a permit to operate; requiring operating
71 permits for manufacturing plants that wholesale frozen
72 dessert products; deleting a requirement that frozen
73 dessert plant permitholders submit specified reports
74 to the department; conforming a provision to changes
75 made by the act; amending s. 502.181, F.S.; deleting

76 prohibitions against certain testing for milkfat
77 content and for repasteurizing milk; amending s.
78 502.231, F.S.; conforming a provision to changes made
79 by the act; repealing s. 502.301, F.S., relating to
80 the Dairy Industry Technical Council; amending s.
81 507.07, F.S.; providing violations for storing a
82 shipper's goods under certain circumstances; amending
83 ss. 531.38, 531.40, and 531.41, F.S.; clarifying
84 references to certain national weights and measures
85 organizations regarding certain standards used for
86 commercial purposes; amending s. 559.935, F.S.;
87 revising provisions of which a seller of travel is
88 exempt; creating s. 570.161, F.S.; authorizing the
89 department to require applicants and licensees to
90 submit active e-mail addresses for specified purposes;
91 providing that service by electronic or regular mail
92 constitutes adequate and sufficient notice;
93 authorizing the department to achieve service by
94 publishing notice on the department's website or in
95 the Florida Administrative Register under certain
96 circumstances; amending s. 576.011, F.S.; defining the
97 term "controlled release fertilizer"; redefining the
98 term "slow or controlled release fertilizer"; amending
99 s. 576.045, F.S.; extending the scheduled expiration
100 of certain provisions; amending s. 576.071, F.S.;

101 requiring the department to adopt rules regarding the
102 commercial value used in assessing deficient
103 fertilizer penalties; amending s. 580.031, F.S.;
104 defining the term "dosage form animal product";
105 amending s. 580.051, F.S.; providing label
106 requirements for dosage form animal products; amending
107 s. 581.217, F.S.; revising and redefining terms;
108 deleting provisions relating to the certification of
109 hemp seeds and cultivars; revising distribution and
110 sale requirements for hemp extract; revising
111 rulemaking requirements for the department; amending
112 s. 586.045, F.S.; revising the timeframe during which
113 the department is required to provide written notice
114 and forms to beekeepers for annual certificate of
115 registration renewals; repealing part I of ch. 593,
116 F.S., relating to the Florida Boll Weevil Eradication
117 Law; amending s. 595.404, F.S.; requiring the
118 department to adopt and implement an exemption waiver
119 process by rule for sponsors of certain school food
120 and other nutrition programs; amending s. 597.004,
121 F.S.; providing that certain aquaculture products are
122 conditional freshwater and marine species for the
123 purpose of certain Florida Fish and Wildlife
124 Conservation Commission rules; exempting the culture,
125 possession, transport, and sale of such products from

126 certain provisions and rules; amending s. 570.321,
 127 F.S.; conforming provisions to changes made by the
 128 act; reenacting ss. 373.016(4)(a), 373.223(3), and
 129 373.701(2)(a), F.S., relating to declarations of water
 130 policy and certain conditions for a permit, to
 131 incorporate the amendment made to s. 500.03, F.S., in
 132 references thereto; reenacting ss. 559.927(2),
 133 559.9335(1) and (2), and 559.9355(1)(f), F.S.,
 134 relating to the definition of the term "certifying
 135 party," violations, and administrative remedies,
 136 respectively, to incorporate the amendment made to s.
 137 559.935, F.S., in references thereto; providing
 138 effective dates.

139
 140 Be It Enacted by the Legislature of the State of Florida:

141
 142 Section 1. Present paragraphs (h) through (k) of
 143 subsection (2) of section 377.601, Florida Statutes, are
 144 redesignated as paragraphs (i) through (l), respectively, and a
 145 new paragraph (h) is added to that subsection, to read:

146 377.601 Legislative intent.—

147 (2) It is the policy of the State of Florida to:

148 (h) Promote the use of alternative fuels as defined in s.
 149 525.01 and the use of alternative vehicle technologies in this
 150 state.

151 Section 2. Paragraphs (f), (k), and (n) of subsection (2)
 152 of section 377.703, Florida Statutes, are amended to read:

153 377.703 Additional functions of the Department of
 154 Agriculture and Consumer Services.—

155 (2) DUTIES.—The department shall perform the following
 156 functions, unless as otherwise provided, consistent with the
 157 development of a state energy policy:

158 (f) The department shall submit an annual report to the
 159 Governor and the Legislature reflecting its activities and
 160 making recommendations for policies for improvement of the
 161 state's response to energy supply and demand and its effect on
 162 the health, safety, and welfare of the residents of this state.
 163 The report must include a report from the Florida Public Service
 164 Commission on electricity and natural gas and information on
 165 energy conservation programs conducted and underway in the past
 166 year and include recommendations for energy efficiency and
 167 conservation programs for this ~~the~~ state, including:

168 1. Formulation of specific recommendations for improvement
 169 in the efficiency of energy utilization in governmental,
 170 residential, commercial, industrial, and transportation sectors.

171 2. Collection and dissemination of information relating to
 172 energy efficiency and conservation, renewable energy,
 173 alternative fuels, and alternative vehicle technologies.

174 3. Development and conduct of educational and training
 175 programs relating to energy efficiency and conservation,

176 renewable energy, alternative fuels, and alternative vehicle
177 technologies.

178 4. An analysis of the ways in which state agencies are
179 seeking to implement s. 377.601(2), the state energy policy, and
180 recommendations for better fulfilling this policy.

181 (k) The department shall coordinate energy-related
182 programs of state government, including, but not limited to, the
183 programs provided in this section. To this end, the department
184 shall:

185 1. Provide assistance to other state agencies, counties,
186 municipalities, and regional planning agencies to further and
187 promote their energy planning activities.

188 2. Require, in cooperation with the Department of
189 Management Services, all state agencies to operate state-owned
190 and state-leased buildings in accordance with energy
191 conservation standards as adopted by the Department of
192 Management Services. Every 3 months, the Department of
193 Management Services shall furnish the department data on
194 agencies' energy consumption and emissions of greenhouse gases
195 in a format prescribed by the department.

196 3. Promote the development and use of renewable energy
197 resources, energy efficiency technologies, ~~and~~ conservation
198 measures, renewable energy, alternative fuels, and alternative
199 vehicle technologies.

200 4. Promote the recovery of energy from wastes, including,

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201 but not limited to, the use of waste heat, the use of
202 agricultural products as a source of energy, and recycling of
203 manufactured products. Such promotion must ~~shall~~ be conducted in
204 conjunction with, and after consultation with, the Department of
205 Environmental Protection and the Florida Public Service
206 Commission where electrical generation or natural gas is
207 involved, and any other relevant federal, state, or local
208 governmental agency having responsibility for resource recovery
209 programs.

210 ~~(n) On an annual basis, the department shall prepare an~~
211 ~~assessment of the renewable energy production credit authorized~~
212 ~~in s. 220.193, which the department shall submit to the~~
213 ~~President of the Senate, the Speaker of the House of~~
214 ~~Representatives, and the Executive Office of the Governor by~~
215 ~~February 1 of each year. The assessment shall include, at a~~
216 ~~minimum, the following information:~~

217 ~~1. The name of each taxpayer receiving an allocation under~~
218 ~~this section;~~

219 ~~2. The amount of credits allocated for that fiscal year~~
220 ~~for each taxpayer;~~

221 ~~3. The type and amount of renewable energy produced and~~
222 ~~sold, whether the facility producing that energy is a new or~~
223 ~~expanded facility, and the approximate date on which production~~
224 ~~began; and~~

225 ~~4. The aggregate amount of credits allocated for all~~

226 ~~taxpayers claiming credits under this section for the fiscal~~
 227 ~~year.~~

228 Section 3. Section 377.810, Florida Statutes, is repealed.

229 Section 4. Present subsections (57) through (67) of
 230 section 487.021, Florida Statutes, are redesignated as
 231 subsections (58) through (68), respectively, and a new
 232 subsection (57) is added to that section, to read:

233 487.021 Definitions.—For the purpose of this part:

234 (57) "Raw agricultural commodities fumigation" means the
 235 use of a fumigant pesticide, using an application method adopted
 236 by rule of the department, in a concentration sufficient to be
 237 lethal to a given organism to treat for pests in any fruit,
 238 vegetable, nut, legume, mushroom, or other post-harvest raw
 239 agricultural commodity customarily consumed by humans or
 240 animals.

241 Section 5. Subsection (7) is added to section 487.0435,
 242 Florida Statutes, to read:

243 487.0435 License classification.—The department shall
 244 issue certified applicator licenses in the following
 245 classifications: certified public applicator; certified private
 246 applicator; and certified commercial applicator. In addition,
 247 separate classifications and subclassifications may be specified
 248 by the department in rule as deemed necessary to carry out the
 249 provisions of this part. Each classification shall be subject to
 250 requirements or testing procedures to be set forth by rule of

251 the department and shall be restricted to the activities within
 252 the scope of the respective classification as established in
 253 statute or by rule. In specifying classifications, the
 254 department may consider, but is not limited to, the following:

255 (7) The use of a fumigant as a pesticide, solely in raw
 256 agricultural commodities fumigation.

257 Section 6. Paragraphs (d), (i), (n), (p), (q), (r), (v),
 258 and (bb) of subsection (1) and subsection (3) of section 500.03,
 259 Florida Statutes, are amended to read:

260 500.03 Definitions; construction; applicability.—

261 (1) For the purpose of this chapter, the term:

262 (d) "Bottled water" means water intended for human
 263 consumption and sealed in a bottle or other container with no
 264 added ingredients, except that it may contain safe and suitable
 265 antimicrobial agents a beverage, as described in 21 C.F.R. part
 266 ~~165 (2006), that is processed in compliance with 21 C.F.R. part~~
 267 ~~129 (2006).~~

268 ~~(i) "Convenience store" means a business that is engaged~~
 269 ~~primarily in the retail sale of groceries or motor fuels or~~
 270 ~~special fuels and may offer food services to the public.~~
 271 ~~Businesses providing motor fuel or special fuel to the public~~
 272 ~~which also offer groceries or food service are included in the~~
 273 ~~definition of a convenience store.~~

274 ~~(m)-(n)~~ "Food" includes:

275 1. Articles used for food or drink for human consumption;

- 276 2. Chewing gum;
- 277 3. Articles used for components of any such article;
- 278 4. Articles for which health claims are made, which claims
- 279 are approved by the Secretary of the United States Department of
- 280 Health and Human Services and which claims are made in
- 281 accordance with s. 343(r) of the federal act, and which are not
- 282 considered drugs solely because their labels or labeling contain
- 283 health claims; ~~and~~
- 284 5. Dietary supplements as defined in 21 U.S.C. s.
- 285 321(ff) (1) and (2); and-
- 286 6. Hemp extract as defined in s. 581.217.

287

288 The term includes any raw, cooked, or processed edible

289 substance; ice; any beverage; or any ingredient used, intended

290 for use, or sold for human consumption.

291 ~~(o) (p)~~ "Food establishment" means a factory, ~~food outlet,~~

292 or other facility manufacturing, processing, packing, holding,

293 storing, or preparing food or selling food at wholesale or

294 retail. The term does not include a business or activity that is

295 regulated under s. 413.051, s. 500.80, chapter 509, or chapter

296 601. The term includes:

- 297 1. An establishment, or section of any establishment,
- 298 where food and food products are offered to the consumer and
- 299 intended for off-premises consumption;
- 300 2. A delicatessen that offers prepared food in bulk

301 quantities only; and

302 3. Tomato packinghouses and repackers but does not include
303 any other establishments that pack fruits and vegetables in
304 their raw or natural states, including those fruits or
305 vegetables that are washed, colored, or otherwise treated in
306 their unpeeled, natural form before they are marketed.

307 ~~(q) "Food outlet" means any grocery store; convenience~~
308 ~~store; minor food outlet; meat, poultry, or fish and related~~
309 ~~aquatic food market; fruit or vegetable market; food warehouse;~~
310 ~~refrigerated storage facility; freezer locker; salvage food~~
311 ~~facility; or any other similar place storing or offering food~~
312 ~~for sale.~~

313 ~~(r) "Food service establishment" means any place where~~
314 ~~food is prepared and intended for individual portion service,~~
315 ~~and includes the site at which individual portions are provided.~~
316 ~~The term includes any such place regardless of whether~~
317 ~~consumption is on or off the premises and regardless of whether~~
318 ~~there is a charge for the food. The term includes delicatessens~~
319 ~~that offer prepared food in individual service portions. The~~
320 ~~term does not include schools, institutions, fraternal~~
321 ~~organizations, private homes where food is prepared or served~~
322 ~~for individual family consumption, retail food stores, the~~
323 ~~location of food vending machines, cottage food operations, and~~
324 ~~supply vehicles, nor does the term include a research and~~
325 ~~development test kitchen limited to the use of employees and~~

326 ~~which is not open to the general public.~~

327 (s)~~(v)~~ "Minor food outlet" means any retail establishment
 328 that sells food ~~groceries~~ and may offer food service to the
 329 public, but neither business activity is a major retail function
 330 based on allocated space or gross sales.

331 ~~(bb) "Retail food store" means any establishment or~~
 332 ~~section of an establishment where food and food products are~~
 333 ~~offered to the consumer and intended for off-premises~~
 334 ~~consumption. The term includes delicatessens that offer prepared~~
 335 ~~food in bulk quantities only. The term does not include~~
 336 ~~establishments which handle only prepackaged, nonpotentially~~
 337 ~~hazardous foods; roadside markets that offer only fresh fruits~~
 338 ~~and fresh vegetables for sale; food service establishments; or~~
 339 ~~food and beverage vending machines.~~

340 (3) For the purpose of this chapter:7

341 (a) The selling of food includes the manufacture,
 342 production, processing, packing, exposure, offer, possession,
 343 and holding of any article of food for sale; the sale,
 344 dispensing, and giving of any article of food; and the supplying
 345 or applying of food in the conduct of any food establishment.

346 (b) Hemp extract is considered a food requiring time or
 347 temperature control for the safety and integrity of the product.

348 Section 7. Subsection (1) of section 500.032, Florida
 349 Statutes, is amended to read:

350 500.032 Declaration of policy and cooperation among

351 departments.—

352 (1) The department shall administer and enforce ~~is charged~~
 353 ~~with the administration and enforcement of~~ this chapter in order
 354 to prevent fraud, harm, adulteration, misbranding, or false
 355 advertising in the preparation, manufacture, storage, or sale of
 356 articles of food. The department shall ~~It is further charged to~~
 357 ~~enforce the provisions of~~ this chapter relating to the
 358 production, manufacture, storage, transportation, and sale of
 359 food, as well as articles entering into, and intended for use as
 360 ingredients in the preparation of, food.

361 Section 8. Subsection (1) of section 500.033, Florida
 362 Statutes, is amended to read:

363 500.033 Florida Food Safety and Food Defense Advisory
 364 Council.—

365 (1) There is created the Florida Food Safety and Food
 366 Defense Advisory Council for the purpose of serving as a forum
 367 for presenting, investigating, and evaluating issues of current
 368 importance to the assurance of a safe and secure food supply to
 369 the residents of this state ~~citizens of Florida~~. The Florida
 370 Food Safety and Food Defense Advisory Council shall consist of,
 371 but not be limited to, ÷ the Commissioner of Agriculture or his
 372 or her designee; the State Surgeon General or his or her
 373 designee; the Secretary of Business and Professional Regulation
 374 or his or her designee; ~~the person responsible for domestic~~
 375 ~~security with the Department of Law Enforcement;~~ members

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376 representing the production, processing, distribution, and sale
377 of foods; consumers or members of citizens groups;
378 representatives of food industry groups; scientists or other
379 experts in aspects of food safety from state universities;
380 representatives from local, state, and federal agencies that are
381 charged with responsibilities for food safety or food defense;
382 and, as ex officio members, the person responsible for domestic
383 security within the Department of Law Enforcement or his or her
384 designee, the chairs of the Agriculture Committees of the Senate
385 and the House of Representatives or their designees, ~~and~~ and the
386 chairs of the committees of the Senate and the House of
387 Representatives with jurisdictional oversight of home defense
388 issues or their designees. The Commissioner of Agriculture shall
389 appoint the remaining members. The council shall make periodic
390 reports to the Department of Agriculture and Consumer Services
391 concerning findings and recommendations in the area of food
392 safety and food defense.

393 Section 9. Paragraphs (a), (b), and (e) of subsection (1)
394 and subsections (2) and (5) of section 500.12, Florida Statutes,
395 are amended to read:

396 500.12 Food permits; building permits.—

397 (1)(a) A food permit from the department is required of
398 any person who operates a food establishment ~~or retail food~~
399 ~~store,~~ except:

400 1. Persons operating minor food outlets that sell food

401 that is commercially prepackaged, is not potentially hazardous,
 402 does not contain hemp extract as defined in s. 581.217, and is
 403 not time or temperature controlled for safety, if the shelf
 404 space for food ~~those~~ items does not exceed 12 total square
 405 ~~linear~~ feet and no other food is sold ~~by the minor food outlet.~~

406 2. Persons subject to continuous, onsite federal or state
 407 inspection.

408 3. Persons selling only legumes in the shell, either
 409 parched, roasted, or boiled.

410 4. Persons selling sugar cane or sorghum syrup that has
 411 been boiled and bottled on a premise located within this ~~the~~
 412 state. Such bottles must contain a label listing the producer's
 413 name and street address, all added ingredients, the net weight
 414 or volume of the product, and a statement that reads, "This
 415 product has not been produced in a facility permitted by the
 416 Florida Department of Agriculture and Consumer Services."

417 (b) Each food establishment ~~and retail food store~~
 418 regulated under this chapter must apply for and receive a food
 419 permit before operation begins. An application for a food permit
 420 from the department must be accompanied by a fee in an amount
 421 determined by department rule. The department shall adopt by
 422 rule a schedule of fees to be paid by each food establishment
 423 ~~and retail food store~~ as a condition of issuance or renewal of a
 424 food permit. Such fees may not exceed \$650 and must ~~shall~~ be
 425 used solely for the recovery of costs for the services provided,

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426 | except that the fee accompanying an application for a food
427 | permit for operating a bottled water plant may not exceed \$1,000
428 | and the fee accompanying an application for a food permit for
429 | operating a packaged ice plant may not exceed \$250. The fee for
430 | operating a bottled water plant or a packaged ice plant must
431 | ~~shall~~ be set by rule of the department. Food permits are not
432 | transferable from one person or physical location to another.
433 | Food permits must be renewed annually on or before January 1. If
434 | an application for renewal of a food permit is not received by
435 | the department within 30 days after its due date, a late fee not
436 | exceeding \$100 must be paid in addition to the food permit fee
437 | before the department may issue the food permit. The moneys
438 | collected must ~~shall~~ be deposited in the General Inspection
439 | Trust Fund.

440 | (e) The department is the exclusive regulatory and
441 | permitting authority for all ~~food outlets, retail food stores,~~
442 | ~~food establishments, convenience stores,~~ and minor food outlets
443 | in accordance with this section. Application for a food permit
444 | must be made on forms provided by the department, which forms
445 | must also contain provision for application for registrations
446 | and permits issued by other state agencies and for collection of
447 | the food permit fee and any other fees associated with
448 | registration, licensing, or applicable surcharges. The details
449 | of the application must ~~shall~~ be prescribed by department rule.

450 | (2) When any person applies for a building permit to

451 construct, convert, or remodel any food establishment, ~~food~~
452 ~~outlet, or retail food store,~~ the authority issuing such permit
453 shall make available to the applicant a printed statement,
454 provided by the department, regarding the applicable sanitation
455 requirements for such establishments. A building permitting
456 authority, or municipality or county under whose jurisdiction a
457 building permitting authority operates, may not be held liable
458 for a food establishment, ~~food outlet, or retail food store~~ that
459 does not comply with the applicable sanitation requirements due
460 to failure of the building permitting authority to provide the
461 information as provided in this subsection.

462 (a) The department shall furnish, for distribution, a
463 statement that includes the checklist to be used by the food
464 inspector in any preoperational inspections to assure that the
465 food establishment is constructed and equipped to meet the
466 applicable sanitary guidelines. Such preoperational inspection
467 is ~~shall be~~ a prerequisite for obtaining a food permit in
468 accordance with this section.

469 (b) The department may provide assistance, when requested
470 by the applicant, in the review of any construction or
471 remodeling plans for food establishments. The department may
472 charge a fee for such assistance which covers the cost of
473 providing the assistance and which must ~~shall~~ be deposited in
474 the General Inspection Trust Fund for use in funding the food
475 safety program.

476 (c) A building permitting authority or other subdivision
 477 of local government may not require the department to approve
 478 construction or remodeling plans for food establishments ~~and~~
 479 ~~retail food stores~~ as a condition of any permit or license at
 480 the local level.

481 (5) It is the intent of the Legislature to eliminate
 482 duplication of regulatory inspections of food. Regulatory and
 483 permitting authority over any food establishment is preempted to
 484 the department, except as provided in chapter 379.

485 (a) Food establishments ~~or retail food stores~~ that have
 486 ancillary food service activities are ~~shall be~~ permitted and
 487 inspected by the department.

488 (b) Food service establishments, as defined in s.
 489 381.0072, that have ancillary, prepackaged retail food sales are
 490 ~~shall be~~ regulated by the Department of Health.

491 (c) Public food service establishments, as defined in s.
 492 509.013, which have ancillary, prepackaged retail food sales are
 493 ~~shall be~~ licensed and inspected by the Department of Business
 494 and Professional Regulation.

495 (d) The department and the Department of Business and
 496 Professional Regulation shall cooperate to assure equivalency of
 497 inspection and enforcement and to share information on those
 498 establishments identified in paragraphs (a) and (c) and to
 499 address any other areas of potential duplication. The department
 500 and the Department of Business and Professional Regulation are

501 authorized to adopt rules to enforce statutory requirements
 502 under their purview regarding foods.

503 (e) Permitting by the department, in accordance with this
 504 chapter, of any establishment producing, manufacturing,
 505 transporting, selling, offering for sale, distributing, storing,
 506 or holding prepackaged hemp extract for human consumption is not
 507 a duplication of regulatory inspection pursuant to this section.

508 Section 10. Effective January 1, 2023, paragraph (b) of
 509 subsection (1) of section 500.12, Florida Statutes, as amended
 510 by this act, is amended to read:

511 500.12 Food permits; building permits.—

512 (1)

513 (b) Each food establishment regulated under this chapter
 514 must apply for and receive a food permit before operation
 515 begins. An application for a food permit from the department
 516 must be accompanied by a fee in an amount determined by
 517 department rule. The department shall adopt by rule a schedule
 518 of fees to be paid by each food establishment as a condition of
 519 issuance or renewal of a food permit. Such fees may not exceed
 520 \$650 and must be used solely for the recovery of costs for the
 521 services provided, except that the fee accompanying an
 522 application for a food permit for operating a bottled water
 523 plant may not exceed \$1,000 and the fee accompanying an
 524 application for a food permit for operating a packaged ice plant
 525 may not exceed \$250. The fee for operating a bottled water plant

526 or a packaged ice plant must be set by rule of the department.
 527 Food permits are not transferable from one person or physical
 528 location to another. Food permits must be renewed annually in
 529 accordance with rules adopted by the department ~~on or before~~
 530 ~~January 1~~. If an application for renewal of a food permit is not
 531 received by the department on or before ~~within 30 days after~~ its
 532 due date, a late fee not exceeding \$100 must be paid in addition
 533 to the food permit fee before the department may issue the food
 534 permit. The moneys collected must be deposited in the General
 535 Inspection Trust Fund.

536 Section 11. Subsection (1) of section 500.121, Florida
 537 Statutes, is amended to read:

538 500.121 Disciplinary procedures.—

539 (1) In addition to the suspension procedures provided in
 540 s. 500.12, if applicable, the department may impose an
 541 administrative fine in the Class II category pursuant to s.
 542 570.971 against any ~~retail food store,~~ food establishment, or
 543 cottage food operation that violates this chapter, which fine,
 544 when imposed and paid, must ~~shall~~ be deposited by the department
 545 into the General Inspection Trust Fund. The department may
 546 revoke or suspend the permit of any such ~~retail food store or~~
 547 food establishment if it is satisfied that the ~~retail food store~~
 548 ~~or~~ food establishment has:

549 (a) Violated this chapter.

550 (b) Violated or aided or abetted in the violation of any

551 law of this state governing or applicable to ~~retail food stores~~
 552 ~~or~~ food establishments or any lawful rules of the department.

553 (c) Knowingly committed, or been a party to, any material
 554 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
 555 or device whereby another person, lawfully relying upon the
 556 word, representation, or conduct of a ~~retail food store or~~ food
 557 establishment, acts to her or his injury or damage.

558 (d) Committed any act or conduct of the same or different
 559 character than that enumerated which constitutes fraudulent or
 560 dishonest dealing.

561 Section 12. Paragraph (a) of subsection (3) of section
 562 500.147, Florida Statutes, is amended to read:

563 500.147 Inspection of food establishments, food records,
 564 and vehicles.—

565 (3) For bottled water plants:

566 (a) Bottled water must be from an approved source. Bottled
 567 water must be processed in conformance with department rule 21
 568 ~~C.F.R. part 129 (2006), and must conform to 21 C.F.R. part 165~~
 569 ~~(2006)~~. A person operating a bottled water plant is ~~shall be~~
 570 responsible for all water sampling and analyses required by this
 571 chapter.

572 Section 13. Subsection (3) of section 500.148, Florida
 573 Statutes, is amended to read:

574 500.148 Reports and dissemination of information;
 575 confidentiality.—

576 ~~(3)(a) Upon request of a food establishment, the~~
 577 ~~department may issue a report certifying that the requesting~~
 578 ~~food establishment currently complies with the sanitation and~~
 579 ~~permitting requirements of this chapter and the rules adopted~~
 580 ~~thereunder. Such certification may be requested for the purpose~~
 581 ~~of exporting food to a foreign country.~~

582 ~~(b) The department may recover the cost associated with~~
 583 ~~carrying out the provisions of this subsection, the amount of~~
 584 ~~which shall be set by rule.~~

585 Section 14. Subsection (13) is added to section 501.603,
 586 Florida Statutes, to read:

587 501.603 Definitions.—As used in this part, unless the
 588 context otherwise requires, the term:

589 (13) "Substance abuse marketing service provider" means an
 590 entity that provides substance abuse advertising or marketing
 591 services to a service provider or an operator of a recovery
 592 residence as described in s. 397.55. The term includes, but is
 593 not limited to, owners, operators, officers, directors,
 594 partners, or other individuals engaged in the management
 595 activities of a business entity pursuant to this part.

596 Section 15. Section 501.604, Florida Statutes, is amended
 597 to read:

598 501.604 Exemptions.—~~The provisions of~~ This part, except
 599 ss. 501.608 and 501.616(6) and (7), does ~~de~~ not apply to any of
 600 the following persons:

601 (1) A person engaging in commercial telephone solicitation
602 where the solicitation is an isolated transaction and not done
603 in the course of a pattern of repeated transactions of like
604 nature.

605 (2) A person soliciting for religious, charitable,
606 political, or educational purposes. A person soliciting for
607 other noncommercial purposes is exempt only if that person is
608 soliciting for a nonprofit corporation and if that corporation
609 is properly registered as such with the Secretary of State and
610 is included within the exemption of s. 501(c)(3) or (6) of the
611 Internal Revenue Code.

612 (3) A person who does not make the major sales
613 presentation during the telephone solicitation and who does not
614 intend to, and does not actually, complete or obtain provisional
615 acceptance of a sale during the telephone solicitation, but who
616 makes the major sales presentation and completes the sale at a
617 later face-to-face meeting between the seller and the
618 prospective purchaser in accordance with the home solicitation
619 provisions in this chapter. However, if a seller, directly
620 following a telephone solicitation, causes an individual whose
621 primary purpose it is to go to the prospective purchaser to
622 collect the payment or deliver any item purchased, this
623 exemption does not apply.

624 (4) A licensed securities, commodities, or investment
625 broker, dealer, or investment adviser, when soliciting within

626 | the scope of his or her license, or a licensed associated person
 627 | of a securities, commodities, or investment broker, dealer, or
 628 | investment adviser, when soliciting within the scope of his or
 629 | her license. As used in this section, the term "licensed
 630 | securities, commodities, or investment broker, dealer, or
 631 | investment adviser" means a person subject to license or
 632 | registration as such by the Securities and Exchange Commission,
 633 | by the Financial Industry Regulatory Authority or other self-
 634 | regulatory organization as defined by the Securities Exchange
 635 | Act of 1934, 15 U.S.C. s. 781, or by an official or agency of
 636 | this state or of any state of the United States. As used in this
 637 | section, the term "licensed associated person of a securities,
 638 | commodities, or investment broker, dealer, or investment
 639 | adviser" means an associated person registered or licensed by
 640 | the Financial Industry Regulatory Authority or other self-
 641 | regulatory organization as defined by the Securities Exchange
 642 | Act of 1934, 15 U.S.C. s. 781, or by an official or agency of
 643 | this state or of any state of the United States.

644 | (5) A person primarily soliciting the sale of a newspaper
 645 | of general circulation.

646 | (6) A book, video, or record club or contractual plan or
 647 | arrangement:

648 | (a) Under which the seller provides the consumer with a
 649 | form which the consumer may use to instruct the seller not to
 650 | ship the offered merchandise.

651 (b) Which is regulated by the Federal Trade Commission
652 trade regulation concerning "use of negative option plans by
653 sellers in commerce."

654 (c) Which provides for the sale of books, records, or
655 videos which are not covered under paragraph (a) or paragraph
656 (b), including continuity plans, subscription arrangements,
657 standing order arrangements, supplements, and series
658 arrangements under which the seller periodically ships
659 merchandise to a consumer who has consented in advance to
660 receive such merchandise on a periodic basis.

661 (7) A supervised financial institution or parent,
662 subsidiary, or affiliate thereof operating within the scope of
663 supervised activity. As used in this section, the term
664 "supervised financial institution" means a commercial bank,
665 trust company, savings and loan association, mutual savings
666 bank, credit union, industrial loan company, consumer finance
667 lender, commercial finance lender, or insurer, provided that the
668 institution is subject to supervision by an official or agency
669 of this state, of any state, or of the United States. For the
670 purposes of this exemption, the term "affiliate" means a person
671 who directly, or indirectly through one or more intermediaries,
672 controls or is controlled by, or is under common control with, a
673 supervised financial institution.

674 (8) Any licensed insurance broker, agent, customer
675 representative, or solicitor when soliciting within the scope of

676 his or her license. As used in this section, the term "licensed
677 insurance broker, agent, customer representative, or solicitor"
678 means any insurance broker, agent, customer representative, or
679 solicitor licensed by an official or agency of this state or of
680 any state of the United States.

681 (9) A person soliciting the sale of services provided by a
682 cable television system operating under authority of a franchise
683 or permit.

684 (10) A business-to-business sale where:

685 (a) The commercial telephone seller has been lawfully
686 operating continuously for at least 3 years under the same
687 business name and has at least 50 percent of its dollar volume
688 consisting of repeat sales to existing businesses;

689 (b) The purchaser business intends to resell or offer for
690 purposes of advertisement or as a promotional item the property
691 or goods purchased; or

692 (c) The purchaser business intends to use the property or
693 goods purchased in a recycling, reuse, remanufacturing, or
694 manufacturing process.

695 (11) A person who solicits sales by periodically
696 publishing and delivering a catalog of the seller's merchandise
697 to prospective purchasers, if the catalog:

698 (a) Contains a written description or illustration of each
699 item offered for sale.

700 (b) Includes the business address or home office address

701 of the seller.

702 (c) Includes at least 20 pages of written material and
703 illustrations and is distributed in more than one state.

704 (d) Has an annual circulation by mailing of not less than
705 150,000.

706 (12) A person who solicits contracts for the maintenance
707 or repair of goods previously purchased from the person making
708 the solicitation or on whose behalf the solicitation is made.

709 (13) A commercial telephone seller licensed pursuant to
710 chapter 516 or part III of chapter 520. For purposes of this
711 exemption, the seller must solicit to sell a consumer good or
712 service within the scope of his or her license and the completed
713 transaction must be subject to ~~the provisions of~~ chapter 516 or
714 part III of chapter 520.

715 (14) A telephone company subject to chapter 364, or
716 affiliate thereof or its agents, or a telecommunications
717 business that is regulated by the Florida Public Service
718 Commission, or a Federal Communications Commission licensed
719 cellular telephone company or other bona fide radio
720 telecommunication services provider. For the purposes of this
721 exemption, the term "affiliate" means a person who directly, or
722 indirectly through one or more intermediaries, controls or is
723 controlled by, or is under common control with, a telephone
724 company subject to chapter 364.

725 (15) A person ~~who is~~ licensed pursuant to chapter 497 ~~and~~

726 | who is soliciting within the scope of the license.

727 | (16) An issuer or a subsidiary of an issuer that has a
728 | class of securities which is subject to s. 12 of the Securities
729 | Exchange Act of 1934, 15 U.S.C. s. 781, and which is either
730 | registered or exempt from registration under paragraph (A),
731 | paragraph (B), paragraph (C), paragraph (E), paragraph (F),
732 | paragraph (G), or paragraph (H) of subsection (g)(2) of that
733 | section.

734 | (17) A business soliciting exclusively the sale of
735 | telephone answering services provided that the telephone
736 | answering services will be supplied by the solicitor.

737 | (18) A person soliciting a transaction regulated by the
738 | Commodity Futures Trading Commission if the person is registered
739 | or temporarily licensed for this activity with the Commodity
740 | Futures Trading Commission under the Commodity Exchange Act, 7
741 | U.S.C. ss. 1 et seq., and the registration or license has not
742 | expired or been suspended or revoked.

743 | (19) A person soliciting the sale of food or produce as
744 | defined in chapter 500 or chapter 504 if the solicitation
745 | neither intends to result in, or actually results in, a sale
746 | which costs the purchaser in excess of \$500.

747 | (20) A person ~~who is~~ registered pursuant to part XI of
748 | chapter 559 ~~and~~ who is soliciting within the scope of the
749 | registration.

750 | (21) A person soliciting business from prospective

751 consumers who have an existing business relationship with or who
752 have previously purchased from the business enterprise for which
753 the solicitor is calling, if the solicitor is operating under
754 the same exact business name.

755 (22) A person who has been operating, for at least 1 year,
756 a retail business establishment under the same name as that used
757 in connection with telemarketing, and both of the following
758 occur on a continuing basis:

759 (a) Either products are displayed and offered for sale or
760 services are offered for sale and provided at the business
761 establishment.

762 (b) A majority of the seller's business involves the buyer
763 obtaining such products or services at the seller's location.

764 (23) A person who is a registered developer or exchange
765 company pursuant to chapter 721 ~~and who is~~ soliciting within the
766 scope of the chapter.

767 (24) Any person who has been lawfully providing
768 telemarketing sales services continuously for at least 5 years
769 under the same ownership and control and who derives 75 percent
770 of its gross telemarketing sales revenues from contracts with
771 persons exempted in this section.

772 (25) A person licensed pursuant to chapter 475 ~~and~~ who is
773 soliciting within the scope of the chapter.

774 (26) A publisher, or an agent of a publisher by written
775 agreement, who solicits the sale of his or her periodical or

776 magazine of general, paid circulation. The term "paid
 777 circulation" does ~~shall~~ not include magazines that are only
 778 circulated as part of a membership package or ~~that are~~ given as
 779 a free gift or prize from the publisher or agent of the
 780 publisher by written agreement.

781 (27) A person who is a licensed operator or an
 782 identification cardholder, as defined in chapter 482, ~~and who is~~
 783 soliciting within the scope of the chapter.

784 (28) A licensee, or an affiliate of a licensee, regulated
 785 under chapter 560, the Money Transmitters' Code, for foreign
 786 currency exchange services.

787
 788 The exemptions provided by this section do not apply to
 789 substance abuse marketing service providers.

790 Section 16. Section 501.605, Florida Statutes, is amended
 791 to read:

792 501.605 Licensure of commercial telephone sellers ~~and~~
 793 ~~entities providing substance abuse marketing services.-~~

794 (1) Before doing business in this state, a commercial
 795 telephone seller ~~or an entity providing substance abuse~~
 796 ~~marketing services in accordance with s. 397.55~~ shall obtain a
 797 license from the department. Doing business in this state
 798 includes either telephone solicitation from a location in
 799 Florida or solicitation from other states or nations of
 800 purchasers located in Florida.

801 (2) An applicant for a license as a commercial telephone
802 seller ~~or as an entity providing substance abuse marketing~~
803 ~~services~~ must submit to the department, in such form as it
804 prescribes, a written application for the license. The
805 application must state all of ~~set forth~~ the following
806 information:

807 (a) The true name, date of birth, driver license number or
808 other valid form of identification, and home address of the
809 applicant, including each name under which he or she intends to
810 do business.

811 (b) Each business or occupation engaged in by the
812 applicant during the 3 years immediately preceding the date of
813 the application, and the location thereof.

814 (c) The previous experience of the applicant as a
815 commercial telephone seller or salesperson ~~or as an entity~~
816 ~~providing substance abuse marketing services~~.

817 (d) Whether the applicant has previously been arrested
818 for, convicted of, or is under indictment or information for, a
819 felony and, if so, the nature of the felony. Conviction includes
820 a finding of guilt where adjudication has been withheld.

821 (e) Whether the applicant has previously been convicted
822 of, or is under indictment or information for, racketeering or
823 any offense involving fraud, theft, embezzlement, fraudulent
824 conversion, or misappropriation of property. Conviction includes
825 a finding of guilt where adjudication has been withheld.

826 (f) Whether there has ever been a judicial or
827 administrative finding that the applicant has previously been
828 convicted of acting as a salesperson without a license, or
829 whether such a license has previously been refused, revoked, or
830 suspended in any jurisdiction.

831 (g) Whether the applicant has worked for, or been
832 affiliated with, a company that has had entered against it an
833 injunction, a temporary restraining order, or a final judgment
834 or order, including a stipulated judgment or order, an assurance
835 of voluntary compliance, or any similar document, in any civil
836 or administrative action involving racketeering, fraud, theft,
837 embezzlement, fraudulent conversion, or misappropriation of
838 property or the use of any untrue, deceptive, or misleading
839 representation or the use of any unfair, unlawful, or deceptive
840 trade practice.

841 (h) Whether the applicant has had entered against him or
842 her an injunction, a temporary restraining order, or a final
843 judgment or order, including a stipulated judgment or order, an
844 assurance of voluntary compliance, or any similar document, in
845 any civil or administrative action involving racketeering,
846 fraud, theft, embezzlement, fraudulent conversion, or
847 misappropriation of property or the use of any untrue,
848 deceptive, or misleading representation or the use of any
849 unfair, unlawful, or deceptive trade practice; and whether ~~or~~
850 ~~not~~ there is any litigation pending against the applicant.

851 (i) The name of any parent or affiliated entity that:

852 1. Will engage in a business transaction with the
853 purchaser relating to any sale solicited by the applicant; or

854 2. Accepts responsibility or is otherwise held out by the
855 applicant as being responsible for any statement or act of the
856 applicant relating to any sale solicited by the applicant.

857 (j) The complete street address of each location,
858 designating the principal location, from which the applicant
859 will be doing business. The street address may not be a mail
860 drop.

861 (k) A list of all telephone numbers to be used by the
862 applicant, with the address where each telephone using these
863 numbers will be located.

864 (l) The true name, current home address, date of birth,
865 and all other names by which known, or previously known, of
866 each:

867 1. Principal officer, director, trustee, shareholder,
868 owner, or partner of the applicant, and of each other person
869 responsible for the management of the business of the applicant.

870 2. Office manager or other person principally responsible
871 for a location from which the applicant will do business.

872 3. Salesperson or other person to be employed by the
873 applicant.

874
875 The application must ~~shall~~ be accompanied by a copy of any÷

876 | script, outline, or presentation the applicant will require or
 877 | suggest a salesperson to use when soliciting, or, if no such
 878 | document is used, a statement to that effect; sales information
 879 | or literature to be provided by the applicant to a salesperson;
 880 | and sales information or literature to be provided by the
 881 | applicant to a purchaser in connection with any solicitation.

882 | (3) When an application states ~~sets forth~~ information
 883 | regarding an applicant as described in paragraphs (2) (d) - (h),
 884 | the applicant must:

885 | (a) Identify the court or administrative agency rendering
 886 | the conviction, judgment, or order against the person or pending
 887 | litigation.

888 | (b) Provide the docket number of the matter; the date of
 889 | the conviction, judgment, or order; and the name of the
 890 | governmental agency, if any, that brought the action resulting
 891 | in the conviction, judgment, or order. The applicant must also
 892 | include litigation.

893 | (4) If the applicant is other than a natural person, or if
 894 | any parent or affiliated entity is identified pursuant to
 895 | paragraph (2) (i), the applicant must, for itself and for any
 896 | such entity, identify its place of organization and:

897 | (a) In the case of a partnership, provide a copy of any
 898 | written partnership agreement; or

899 | (b) In the case of a corporation, provide a copy of its
 900 | articles of incorporation and bylaws.

901 (5) An application filed pursuant to this part must be
 902 verified and accompanied by:

903 (a) A bond, letter of credit, or certificate of deposit
 904 satisfying the requirements of s. 501.611. ~~An entity providing~~
 905 ~~substance abuse marketing services in accordance with s. 397.55~~
 906 ~~is exempt from this requirement.~~

907 (b) A fee for licensing in the amount of \$1,500. The fee
 908 must ~~shall~~ be deposited into the General Inspection Trust Fund.
 909 The department shall waive the initial license fee for an
 910 honorably discharged veteran of the United States Armed Forces,
 911 the spouse or surviving spouse of such a veteran, a current
 912 member of the United States Armed Forces who has served on
 913 active duty, the spouse of such a member, the surviving spouse
 914 of a member of the United States Armed Forces if such member
 915 died while serving on active duty, or a business entity that has
 916 a majority ownership held by such a veteran or spouse or
 917 surviving spouse if the department receives an application, in a
 918 format prescribed by the department. The application format must
 919 include the applicant's signature, under penalty of perjury, and
 920 supporting documentation. To qualify for the waiver:

921 1. A veteran must provide to the department a copy of his
 922 or her DD Form 214, as issued by the United States Department of
 923 Defense, or another acceptable form of identification as
 924 specified by the Department of Veterans' Affairs;

925 2. The spouse or surviving spouse of a veteran must

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926 provide to the department a copy of the veteran's DD Form 214,
927 as issued by the United States Department of Defense, or another
928 acceptable form of identification as specified by the Department
929 of Veterans' Affairs, and a copy of a valid marriage license or
930 certificate verifying that he or she was lawfully married to the
931 veteran at the time of discharge; or

932 3. A business entity must provide to the department proof
933 that a veteran or the spouse or surviving spouse of a veteran
934 holds a majority ownership in the business, a copy of the
935 veteran's DD Form 214, as issued by the United States Department
936 of Defense, or another acceptable form of identification as
937 specified by the Department of Veterans' Affairs, and, if
938 applicable, a copy of a valid marriage license or certificate
939 verifying that the spouse or surviving spouse of the veteran was
940 lawfully married to the veteran at the time of discharge.

941 (6) The department shall issue a license number to all
942 commercial telephone sellers.

943 (7) It is a violation of this part for a commercial
944 telephone seller ~~or an entity providing substance abuse~~
945 ~~marketing services~~ to:

946 (a) Fail to maintain a valid license.

947 (b) Advertise that one is licensed as a commercial seller
948 ~~or as an entity providing substance abuse marketing services~~ or
949 represent that such licensing constitutes approval or
950 endorsement by any government or governmental office or agency.

951 (c) Provide inaccurate or incomplete information to the
 952 department when making a license application.

953 (d) Misrepresent that a person is registered or that such
 954 a person has a valid license number.

955 Section 17. Section 501.6055, Florida Statutes, is created
 956 to read:

957 501.6055 Licensure of substance abuse marketing service
 958 providers.-

959 (1) Before doing business in this state, a substance abuse
 960 marketing service provider must obtain a license from the
 961 department. As used in this subsection, the term "doing business
 962 in this state" includes providing substance abuse marketing
 963 services to a service provider or operator of a recovery
 964 residence with locations in Florida, by making telephone calls
 965 from a location in Florida, making telephone calls from other
 966 states or nations to consumers located in Florida, or using
 967 advertisements to invite telephone calls from Florida consumers.

968 (2) An applicant for a license as a substance abuse
 969 marketing service provider must submit to the department a
 970 written application, in a form prescribed by the department, for
 971 the license. The application must include all of the following
 972 information:

973 (a) The true name, date of birth, driver license number or
 974 other valid form of identification, and home address of the
 975 applicant, including each name under which he or she intends to

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976 do business.

977 (b) Each business or occupation engaged in by the
978 applicant during the 3 years immediately preceding the date of
979 the application, and the location thereof.

980 (c) The previous experience of the applicant as a
981 substance abuse marketing service provider.

982 (d) Whether the applicant has previously been arrested for
983 or convicted of, or is under indictment or information for, a
984 felony and, if so, the nature of the felony. Conviction includes
985 a finding of guilt where adjudication has been withheld.

986 (e) Whether the applicant has previously been convicted
987 of, or is under indictment or information for, racketeering or
988 any offense involving fraud, theft, embezzlement, fraudulent
989 conversion, or misappropriation of property. Conviction includes
990 a finding of guilt where adjudication has been withheld.

991 (f) Whether there has ever been a judicial or
992 administrative finding in any jurisdiction that the applicant
993 has previously been convicted of acting as a substance abuse
994 marketing service provider without a license, or whether such a
995 license has previously been refused, revoked, or suspended.

996 (g) Whether the applicant has worked for, or been
997 affiliated with, a company that has had entered against it an
998 injunction, a temporary restraining order, or a final judgment
999 or order, including a stipulated judgment or order, an assurance
1000 of voluntary compliance, or any similar document, in any civil

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1001 or administrative action involving racketeering, fraud, theft,
1002 embezzlement, fraudulent conversion, or misappropriation of
1003 property or the use of any untrue, deceptive, or misleading
1004 representation or the use of any unfair, unlawful, or deceptive
1005 trade practice.

1006 (h) Whether the applicant has had entered against him or
1007 her an injunction, a temporary restraining order, or a final
1008 judgment or order, including a stipulated judgment or order, an
1009 assurance of voluntary compliance, or any similar document, in
1010 any civil or administrative action involving racketeering,
1011 fraud, theft, embezzlement, fraudulent conversion, or
1012 misappropriation of property or the use of any untrue,
1013 deceptive, or misleading representation or the use of any
1014 unfair, unlawful, or deceptive trade practice; and whether there
1015 is any litigation pending against the applicant.

1016 (i) The name of any parent or affiliated entity that:

1017 1. Will engage in a business transaction with the
1018 individual seeking substance abuse services through the
1019 applicant; or

1020 2. Accepts responsibility or is otherwise held out by the
1021 applicant as being responsible for any statement or act of the
1022 applicant relating to any service offered by the applicant.

1023 (j) The complete street address of each location,
1024 designating the principal location, from which the applicant
1025 will be doing business. The street address may not be a post

1026 office box.

1027 (k) A list of all telephone numbers to be used by the
 1028 applicant, with the address where each telephone using these
 1029 numbers will be located.

1030 (l) The true name, current home address, date of birth,
 1031 and all other names by which known, or previously known, of
 1032 each:

1033 1. Applicant, or if the applicant is not an individual,
 1034 the principal officer, director, trustee, shareholder, owner, or
 1035 partner of the applicant, and of each other person responsible
 1036 for the management of the business of the applicant.

1037 2. Office manager or other person principally responsible
 1038 for a location from which the applicant will do business.

1039 3. Persons to be employed by the applicant to make or
 1040 answer telephone calls in connection with the marketing of
 1041 substance abuse services.

1042
 1043 The application must be accompanied by a copy of any script,
 1044 outline, or presentation the applicant will require or suggest a
 1045 person to use when making or answering telephone calls in the
 1046 conduct of business as a substance abuse marketing service
 1047 provider, or, if no such document is used, a statement to that
 1048 effect; literature to be provided by the applicant to a person
 1049 employed to make or answer calls on behalf of the substance
 1050 abuse marketing service provider; and literature to be provided

1051 by the applicant to an individual who requests assistance with
1052 substance abuse services.

1053 (3) When an application states information regarding an
1054 applicant as described in paragraphs (2) (d)-(h), the applicant
1055 must:

1056 (a) Identify the court or administrative agency rendering
1057 the conviction, judgment, or order against the applicant or
1058 where there is pending litigation; and

1059 (b) Provide the docket number of the matter; the date of
1060 the conviction, judgment, or order; and the name of the
1061 governmental agency, if any, that brought the action resulting
1062 in the conviction, judgment, or order.

1063 (4) If the applicant is other than a natural person, or if
1064 any parent or affiliated entity is identified pursuant to
1065 paragraph (2) (i), the applicant must, for itself and for any
1066 such entity, identify its place of organization and:

1067 (a) In the case of a partnership, provide a copy of any
1068 written partnership agreement; or

1069 (b) In the case of a corporation, provide a copy of its
1070 articles of incorporation and bylaws.

1071 (5) The applicant must submit a fee for licensing in the
1072 amount of \$1,500. The fee must be deposited into the General
1073 Inspection Trust Fund. The department shall waive the initial
1074 license fee for an honorably discharged veteran of the United
1075 States Armed Forces, the spouse or surviving spouse of such a

1076 veteran, a current member of the United States Armed Forces who
 1077 has served on active duty, the spouse of such a member, the
 1078 surviving spouse of a member of the United States Armed Forces
 1079 if such member died while serving on active duty, or a business
 1080 entity that has a majority ownership held by such a veteran or
 1081 spouse or surviving spouse if the department receives an
 1082 application, in a format prescribed by the department. The
 1083 application form must include the applicant's signature, under
 1084 penalty of perjury, and supporting documentation. To qualify for
 1085 the waiver:

1086 (a) A veteran must provide to the department a copy of his
 1087 or her DD Form 214, as issued by the United States Department of
 1088 Defense, or another acceptable form of identification as
 1089 specified by the Department of Veterans' Affairs;

1090 (b) The spouse or surviving spouse of a veteran must
 1091 provide to the department a copy of the veteran's DD Form 214,
 1092 as issued by the United States Department of Defense, or another
 1093 acceptable form of identification as specified by the Department
 1094 of Veterans' Affairs, and a copy of a valid marriage license or
 1095 certificate verifying that he or she was lawfully married to the
 1096 veteran at the time of discharge; or

1097 (c) A business entity must provide to the department proof
 1098 that a veteran or the spouse or surviving spouse of a veteran
 1099 holds a majority ownership in the business, a copy of the
 1100 veteran's DD Form 214, as issued by the United States Department

1101 of Defense, or another acceptable form of identification as
 1102 specified by the Department of Veterans' Affairs, and, if
 1103 applicable, a copy of a valid marriage license or certificate
 1104 verifying that the spouse or surviving spouse of the veteran was
 1105 lawfully married to the veteran at the time of discharge.

1106 (6) The department shall issue a license number to all
 1107 substance abuse marketing service providers.

1108 (7) It is a violation of this part for a substance abuse
 1109 marketing service provider to:

1110 (a) Fail to maintain a valid license.

1111 (b) Advertise that one is licensed as a substance abuse
 1112 marketing service provider or represent that such licensing
 1113 constitutes approval or endorsement by any government or
 1114 governmental office or agency.

1115 (c) Provide inaccurate or incomplete information to the
 1116 department when making a license application.

1117 (d) Misrepresent that a person is registered or that such
 1118 a person has a valid license number.

1119 Section 18. Section 501.606, Florida Statutes, is amended
 1120 to read:

1121 501.606 Disclosures required of commercial telephone
 1122 sellers and ~~entities providing~~ substance abuse marketing service
 1123 providers services.—

1124 (1) With respect to any person identified pursuant to s.
 1125 501.605 (2) (a), (2) (i), or (2) (1) or s. 501.6055 (2) (a), (2) (i),

1126 | or (2)(1) s. 501.605, an applicant for a license as a commercial
 1127 | telephone seller or ~~as an entity providing~~ substance abuse
 1128 | marketing service provider services must state in his or her
 1129 | application the identity of any affiliated commercial seller, ~~or~~
 1130 | salesperson, or substance abuse marketing service provider who:

1131 | (a) Has been convicted of, or is under indictment or
 1132 | information for, racketeering or any offense involving fraud,
 1133 | theft, embezzlement, fraudulent conversion, or misappropriation
 1134 | of property. Conviction includes a finding of guilt where
 1135 | adjudication has been withheld;

1136 | (b) Is involved in pending litigation or has had entered
 1137 | against him or her an injunction, a temporary restraining order,
 1138 | or a final judgment or order, including a stipulated judgment or
 1139 | order, an assurance of voluntary compliance, or any similar
 1140 | document, in any civil or administrative action involving
 1141 | racketeering, fraud, theft, embezzlement, fraudulent conversion,
 1142 | or misappropriation of property or the use of any untrue,
 1143 | deceptive, or misleading representation or the use of any
 1144 | unfair, unlawful, or deceptive trade practice;

1145 | (c) Is, or ever has been, subject to any litigation,
 1146 | injunction, temporary restraining order, or final judgment or
 1147 | order, including a stipulated judgment or order, an assurance of
 1148 | voluntary compliance, or any similar document or any restrictive
 1149 | court order relating to a business activity as the result of any
 1150 | action brought by a governmental agency, including any action

1151 affecting any license to do business or practice an occupation
 1152 or trade;

1153 (d) Has at any time during the previous 7 years filed for
 1154 bankruptcy, been adjudged bankrupt, or been reorganized because
 1155 of insolvency; or

1156 (e) Has been a principal, director, officer, or trustee
 1157 of, or a general or limited partner in, or had responsibilities
 1158 as a manager in, any corporation, partnership, joint venture, or
 1159 other entity that filed for bankruptcy, was adjudged bankrupt,
 1160 or was reorganized because of insolvency within 1 year after the
 1161 person held that position. The disclosures required in paragraph

1162 (d) are ~~shall be~~ applicable insofar as they relate to the
 1163 commercial telephone seller or substance abuse marketing service
 1164 provider applicant, as well as any affiliated commercial seller,
 1165 affiliate or salesperson, or substance abuse marketing service
 1166 provider.

1167 (2)(a) For any person described in subsection (1), the
 1168 applicant must:

1169 1. Identify the court or administrative agency rendering
 1170 the conviction, judgment, or order against the person or pending
 1171 litigation.

1172 2. Provide the docket number of the matter, the date of
 1173 the conviction, judgment, or order, and the name of the
 1174 governmental agency, if any, that brought the action resulting
 1175 in the conviction, judgment, or order.

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1176 (b) For any person described in paragraph (1)(e), the
1177 applicant must provide the name and address of the person filing
1178 for bankruptcy, adjudged bankrupt, or reorganized because of
1179 insolvency, the date of the action, the court which exercised
1180 jurisdiction, and the docket number of the matter.

1181 (3) Each commercial telephone seller and substance abuse
1182 marketing service provider shall disclose to the department the
1183 name, address, and account number of each institution where
1184 banking or similar monetary transactions are done by the
1185 commercial telephone seller or substance abuse marketing service
1186 provider.

1187 Section 19. Subsections (3) and (4) of section 501.608,
1188 Florida Statutes, are amended to read:

1189 501.608 License or affidavit of exemption; occupational
1190 license.—

1191 (3) Failure to obtain or display a license or a receipt of
1192 filing of an affidavit of exemption is sufficient grounds for
1193 the department to issue an immediate cease and desist order,
1194 which shall act as an immediate final order under s.

1195 120.569(2)(n). The order must ~~shall~~ remain in effect until the
1196 commercial telephone seller, the ~~entity providing~~ substance
1197 abuse marketing service provider ~~services~~, or a person claiming
1198 to be exempt shows the authorities that he or she is properly
1199 licensed or exempt. The department may order the business to
1200 cease operations and shall order the phones to be shut off.

1201 Failure of a salesperson to display a license or a receipt of
 1202 filing of an affidavit of exemption may result in the
 1203 salesperson being summarily ordered by the department to leave
 1204 the office until he or she can produce a license or a receipt of
 1205 filing of an affidavit of exemption for the department.

1206 (4) Any person applying for or renewing a local
 1207 occupational license to engage in business as a commercial
 1208 telephone seller or ~~as an entity providing~~ substance abuse
 1209 marketing service provider ~~services~~ must exhibit an active
 1210 license or a copy of the affidavit of exemption before the local
 1211 occupational license may be issued or reissued.

1212 Section 20. Subsection (3) of section 501.609, Florida
 1213 Statutes, is amended to read:

1214 501.609 License renewal.—

1215 (3) If any change is made to any script, outline,
 1216 presentation, sales information, or literature used by a
 1217 licensee in connection with any solicitation or any services
 1218 provided by a substance abuse marketing service provider, the
 1219 new or revised material must be submitted by the licensee to the
 1220 department within 10 days after ~~of~~ the change.

1221 Section 21. Subsection (1) of section 501.612, Florida
 1222 Statutes, is amended to read:

1223 501.612 Grounds for departmental action against licensure
 1224 applicants or licensees.—

1225 (1) The department may enter an order directing that one

1226 or more of the actions set forth in subsection (2) be taken if
 1227 the department finds that a commercial telephone seller, or
 1228 salesperson, ~~or an entity providing~~ substance abuse marketing
 1229 service provider services, or any person applying for licensure
 1230 as a commercial telephone seller, or salesperson, ~~or an entity~~
 1231 ~~providing~~ substance abuse marketing service provider services,
 1232 including, but not limited to, owners, operators, officers,
 1233 directors, partners, or other individuals engaged in the
 1234 management activities of a business entity:

1235 (a) Has, regardless of adjudication, been convicted or
 1236 found guilty of, or has entered a plea of guilty or a plea of
 1237 nolo contendere to, racketeering or any offense involving fraud,
 1238 theft, embezzlement, fraudulent conversion, or misappropriation
 1239 of property, or any other crime involving moral turpitude;

1240 (b) Has, regardless of adjudication, been convicted or
 1241 found guilty of, or has entered a plea of guilty or a plea of
 1242 nolo contendere to, any felony;

1243 (c) Has had entered against him or her or any business for
 1244 which he or she has worked or been affiliated, an injunction, a
 1245 temporary restraining order, or a final judgment or order,
 1246 including a stipulated judgment or order, an assurance of
 1247 voluntary compliance, or any similar document, in any civil or
 1248 administrative action involving racketeering, fraud, theft,
 1249 embezzlement, fraudulent conversion, or misappropriation of
 1250 property or the use of any untrue or misleading representation

1251 in an attempt to sell or dispose of real or personal property or
 1252 the use of any unfair, unlawful, or deceptive trade practice;

1253 (d) Is subject to or has worked or been affiliated with
 1254 any company which is, or ever has been, subject to any
 1255 injunction, temporary restraining order, or final judgment or
 1256 order, including a stipulated judgment or order, an assurance of
 1257 voluntary compliance, or any similar document, or any
 1258 restrictive court order relating to a business activity as the
 1259 result of any action brought by a governmental agency, including
 1260 any action affecting any license to do business or practice an
 1261 occupation or trade;

1262 (e) Has at any time during the previous 7 years filed for
 1263 bankruptcy, been adjudged bankrupt, or been reorganized because
 1264 of insolvency;

1265 (f) Has been a principal, director, officer, or trustee
 1266 of, or a general or limited partner in, or had responsibilities
 1267 as a manager in, any corporation, partnership, joint venture, or
 1268 other entity that filed the bankruptcy, was adjudged bankrupt,
 1269 or was reorganized because of insolvency within 1 year after the
 1270 person held that position;

1271 (g) Has been previously convicted of or found to have been
 1272 acting as a salesperson, ~~or~~ commercial telephone seller, or ~~an~~
 1273 ~~entity providing~~ substance abuse marketing service provider
 1274 ~~services~~ without a license or whose licensure has previously
 1275 been refused, revoked, or suspended in any jurisdiction;

1276 (h) Falsifies or willfully omits any material information
 1277 asked for in any application, document, or record required to be
 1278 submitted or retained under this part;

1279 (i) Makes a material false statement in response to any
 1280 request or investigation by the department or the state
 1281 attorney;

1282 (j) Refuses or fails, after notice, to produce any
 1283 document or record or disclose any information required to be
 1284 produced or disclosed under this part or the rules of the
 1285 department;

1286 (k) Is not of good moral character; or

1287 (l) Otherwise violates or is operating in violation of ~~any~~
 1288 ~~of the provisions of~~ this part or of the rules adopted or orders
 1289 issued thereunder.

1290 Section 22. Subsections (4) and (5) of section 501.616,
 1291 Florida Statutes, are amended to read:

1292 501.616 Unlawful acts and practices.—

1293 (4) A commercial telephone seller, ~~or~~ salesperson, or
 1294 substance abuse marketing service provider must be licensed.

1295 (5) A salesperson, ~~or~~ commercial telephone seller, or
 1296 substance abuse marketing service provider may not otherwise
 1297 violate this part.

1298 Section 23. Section 501.618, Florida Statutes, is amended
 1299 to read:

1300 501.618 General civil remedies.—

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1301 (1) The department may bring:

1302 (a)~~(1)~~ An action to obtain a declaratory judgment that an

1303 act or practice violates ~~the provisions of~~ this part.

1304 (b)~~(2)~~ An action to enjoin a person who has violated, is

1305 violating, or is otherwise likely to violate ~~the provisions of~~

1306 this part.

1307 (c)~~(3)~~ An action on behalf of one or more purchasers for

1308 the actual damages caused by an act or practice performed in

1309 violation of ~~the provisions of~~ this part. Such an action may

1310 include, but is not limited to, an action to recover against a

1311 bond, letter of credit, or certificate of deposit as otherwise

1312 provided in this part.

1313 (2) Upon motion of the enforcing authority in any action

1314 brought under this section, the court may make appropriate

1315 orders, including appointment of a general or special magistrate

1316 or receiver or sequestration of assets, to reimburse consumers

1317 found to have been damaged, to carry out a consumer transaction

1318 in accordance with the consumer's reasonable expectations, or to

1319 grant other appropriate relief. The court may assess the

1320 expenses of a general or special magistrate or receiver against

1321 a commercial telephone seller or ~~an entity providing~~ substance

1322 abuse marketing service provider ~~services~~. Any injunctive order,

1323 whether temporary or permanent, issued by the court is ~~shall be~~

1324 effective throughout this ~~the~~ state unless otherwise provided in

1325 the order.

1326 Section 24. Section 502.012, Florida Statutes, is amended
1327 to read:

1328 502.012 Definitions.—As used in this chapter, the term:

1329 (1) "Bulk milk hauler/sampler" means a person who collects
1330 official samples and transports raw milk from a farm or raw milk
1331 products to or from a milk plant, receiving station, or transfer
1332 station and is permitted to sample the milk products by any
1333 state regulatory agency charged in implementing the United
1334 States Food and Drug Administration's Grade "A" program.

1335 (2) "Bulk milk pickup tanker" means a vehicle, including
1336 the truck and tank, ~~and those appurtenances necessary for its~~
1337 use necessary attachments, which is used by a milk hauler to
1338 transport bulk raw milk for pasteurization, ultra-
1339 pasteurization, aseptic processing and packaging, or retort
1340 processing after packaging from a dairy farm to a milk plant,
1341 receiving station, or transfer station.

1342 (3)~~(2)~~ "Dairy farm" means any place or premises where one
1343 or more lactating animals, including cows, goats, sheep, water
1344 buffalo, or other hooved mammals, or camels, are kept for
1345 milking purposes, and from which a part or all of the milk is
1346 provided, sold, or offered for sale.

1347 (4)~~(3)~~ "Department" means the Department of Agriculture
1348 and Consumer Services.

1349 (5)~~(4)~~ "Frozen dessert" means a specific standardized
1350 frozen dessert described in 21 C.F.R. part 135, excluding part

1351 ~~135.160 and any other food defined by rule of the department~~
1352 ~~that resembles such standardized frozen dessert but does not~~
1353 ~~conform to the specific description of such standardized frozen~~
1354 ~~dessert in 21 C.F.R. part 135. The term includes, but is not~~
1355 ~~limited to, a quiescently frozen confection, a quiescently~~
1356 ~~frozen dairy confection, a frozen dietary dairy dessert, and a~~
1357 ~~frozen dietary dessert.~~

1358 ~~(5) "Frozen desserts manufacturer" means a person who~~
1359 ~~manufactures, processes, converts, partially freezes, or freezes~~
1360 ~~any mix or frozen dessert for distribution or sale.~~

1361 (6) "Frozen desserts plant" means any place that
1362 pasteurizes dairy products or receives raw milk for the purpose
1363 of manufacturing or processing frozen desserts ~~location or~~
1364 ~~premises at which frozen desserts or mix are manufactured,~~
1365 ~~processed, or frozen for distribution or sale at wholesale.~~

1366 (7) "Frozen desserts retail establishment" means any
1367 ~~location or premises, including a retail store, stand, hotel,~~
1368 ~~boardinghouse, restaurant, vehicle, or mobile unit, at which~~
1369 ~~frozen desserts are frozen, partially frozen, or dispensed for~~
1370 ~~sale at retail.~~

1371 ~~(8) "Frozen dietary dairy dessert" or "frozen dietary~~
1372 ~~dessert" means a food for any special dietary use, prepared by~~
1373 ~~freezing, with or without agitation, and composed of a~~
1374 ~~pasteurized mix that may contain fat, protein, carbohydrates,~~
1375 ~~natural or artificial sweeteners, flavoring, stabilizers,~~

1376 ~~emulsifiers, vitamins, and minerals.~~

1377 ~~(9)~~ "Grade 'A' pasteurized milk ordinance" means the
 1378 document entitled "Grade 'A' Pasteurized Milk Ordinance, United
 1379 States Department of Health and Human Services, Public Health
 1380 Service, Food and Drug Administration," including all associated
 1381 appendices, as adopted by department rule.

1382 ~~(8)-(10)~~ "Imitation milk and imitation milk products" means
 1383 those foods that have the physical characteristics, such as
 1384 taste, flavor, body, texture, or appearance, of milk or milk
 1385 products as defined in this chapter and the Grade "A"
 1386 pasteurized milk ordinance but do not come within the definition
 1387 of "milk" or "milk products" and are nutritionally inferior to
 1388 the product imitated.

1389 ~~(9)-(11)~~ "Milk" means the lacteal secretion, practically
 1390 free from colostrum, obtained by the complete milking of one or
 1391 more healthy cows, goats, sheep, water buffalo, or other hooved
 1392 mammals or camels.

1393 ~~(10)-(12)~~ "Milk distributor" means any person who offers
 1394 for sale or sells to another person any milk or milk product.

1395 ~~(15)-(13)~~ "Milk products" means products made with milk
 1396 that is processed in some manner, including being whipped,
 1397 acidified, cultured, concentrated, lactose-reduced, or sodium-
 1398 reduced or aseptically processed, or having the addition or
 1399 subtraction of milkfat, the addition of safe and suitable
 1400 microbial organisms, or the addition of safe and suitable

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1401 optional ingredients for protein, vitamin, or mineral
1402 fortification. The term does ~~"milk products"~~ do not include
1403 products such as evaporated milk, condensed milk, eggnog in a
1404 rigid metal container, dietary products, infant formula, or ice
1405 cream and other desserts.

1406 ~~(18)-(14)~~ "Milkfat" or "butterfat" means the fat contained
1407 in milk.

1408 ~~(11)-(15)~~ "Milk hauler" means any person who transports raw
1409 milk or raw milk products to or from a milk plant, receiving
1410 station, or transfer station.

1411 ~~(12)-(16)~~ "Milk plant" means any place, premises, or
1412 establishment where milk or milk products are collected,
1413 handled, processed, stored, pasteurized, ultra-pasteurized,
1414 aseptically processed and packaged, retort processed after
1415 packaging, condensed, dried, packaged, bottled, or prepared for
1416 distribution.

1417 ~~(13)-(17)~~ "Milk plant operator" means any person
1418 responsible for receiving, processing, pasteurizing, or
1419 packaging milk and milk products, or performing any other
1420 related operation.

1421 ~~(14)-(18)~~ "Milk producer" means any person who operates a
1422 dairy farm and provides, sells, or offers for sale milk to a
1423 milk plant, receiving station, or transfer station.

1424 ~~(16)-(19)~~ "Milk tank truck" means either a bulk milk pickup
1425 tanker or a milk transport tank.

1426 (17)~~(20)~~ "Milk transport tank" means a vehicle, including
 1427 the truck and tank, used by a bulk milk hauler/sampler or a milk
 1428 hauler to transport bulk shipments of milk from a milk plant,
 1429 receiving station, or transfer station to another milk plant,
 1430 receiving station, or transfer station.

1431 ~~(21) "Quiescently frozen confection" means a clean and~~
 1432 ~~wholesome frozen, sweetened, flavored product that, while being~~
 1433 ~~frozen, was not stirred or agitated (generally known as~~
 1434 ~~quiescent freezing). The confection may be acidulated with food-~~
 1435 ~~grade acid, may contain milk solids or water, or may be made~~
 1436 ~~with or without added harmless pure or imitation flavoring and~~
 1437 ~~with or without harmless coloring. The finished product must not~~
 1438 ~~contain more than 0.5 percent by weight of stabilizer composed~~
 1439 ~~of wholesome, edible material and must not contain less than 17~~
 1440 ~~percent by weight of total food solids. In the production of the~~
 1441 ~~confection, processing or mixing before quiescent freezing that~~
 1442 ~~develops in the finished confection mix any physical expansion~~
 1443 ~~in excess of 10 percent may not be used.~~

1444 ~~(22) "Quiescently frozen dairy confection" means a clean~~
 1445 ~~and wholesome frozen product made from water, milk products, and~~
 1446 ~~sugar, with added harmless pure or imitation flavoring, with or~~
 1447 ~~without added harmless coloring, with or without added~~
 1448 ~~stabilizer, or with or without added emulsifier, that, while~~
 1449 ~~being frozen, was not stirred or agitated (generally known as~~
 1450 ~~quiescent freezing). The confection must not contain less than~~

1451 ~~13 percent by weight of total milk solids, less than 33 percent~~
1452 ~~by weight of total food solids, more than 0.5 percent by weight~~
1453 ~~of stabilizer, or more than 0.2 percent by weight of emulsifier.~~
1454 ~~Stabilizer and emulsifier must be composed of wholesome, edible~~
1455 ~~material. In the production of a quiescently frozen dairy~~
1456 ~~confection, processing or mixing before quiescently freezing~~
1457 ~~that develops in the finished confection mix any physical~~
1458 ~~expansion in excess of 10 percent may not be used.~~

1459 ~~(19)-(23)~~ "Raw milk" means unpasteurized ~~unprocessed~~ milk.

1460 ~~(20)-(24)~~ "Receiving station" means any place, premises, or
1461 establishment where raw milk is received, collected, handled,
1462 stored, or cooled and ~~is~~ prepared for further transporting.

1463 ~~(21)~~ "Reconstituted milk or milk products" or "recombined
1464 milk or milk products" means milk or milk products that result
1465 from reconstituting or recombining milk constituents with
1466 potable water.

1467 ~~(22)~~ "Retail" means the sale of goods to the public for
1468 use or consumption rather than for resale.

1469 ~~(23)-(25)~~ "Substitute milk and substitute milk products"
1470 means those foods that have the physical characteristics, such
1471 as taste, flavor, body, texture, or appearance, of milk or milk
1472 products as defined in this chapter and the Grade "A"
1473 pasteurized milk ordinance but do not come within the definition
1474 of "milk" or "milk products" and are nutritionally equivalent to
1475 the product for which they are substitutes.

1476 ~~(24)-(26)~~ "Transfer station" means any place, premises, or
 1477 establishment where milk or milk products are transferred
 1478 directly from one milk tank truck to another.

1479 (25) "Ultra-pasteurization" means thermally processing a
 1480 milk or milk product at or above 280 degrees Fahrenheit for at
 1481 least 2 seconds, before or after packaging, so as to produce a
 1482 milk or milk product that has an extended shelf life under
 1483 refrigerated conditions.

1484 ~~(26)-(27)~~ "Washing station" means any place, premises, or
 1485 establishment where milk tank trucks are cleaned and sanitized.

1486 (27) "Wholesale" means the selling of goods in quantity to
 1487 be retailed by others.

1488 Section 25. Paragraph (d) of subsection (1) of section
 1489 502.013, Florida Statutes, is amended to read:

1490 502.013 Purpose; intent.—

1491 (1) PURPOSE.—The purpose of this chapter is to:

1492 ~~(d) Ensure the normal flow of fresh wholesome milk and~~
 1493 ~~milk products from the farmer to the consumer by uniform~~
 1494 ~~regulation of the shelf life of milk and milk products in this~~
 1495 ~~state.~~

1496 Section 26. Paragraph (a) of subsection (2) of section
 1497 502.014, Florida Statutes, is amended to read:

1498 502.014 Powers and duties.—

1499 (2) (a) The department shall permit, conduct ~~onsite~~
 1500 inspections of, and collect samples for testing from all

1501 facilities engaged in the production, processing, holding, or
 1502 transfer of milk and milk products ~~dairy farms, milk plants, and~~
 1503 ~~frozen dessert plants and collect test samples of milk, milk~~
 1504 ~~products, and frozen desserts as required by this chapter.~~

1505 Section 27. Section 502.042, Florida Statutes, is amended
 1506 to read:

1507 502.042 Labeling of shelf life.—To ensure consumers full
 1508 disclosure of the date beyond which milk or milk products may no
 1509 longer be offered for sale, all dairy processors must ~~shall~~
 1510 establish, and legibly label ~~as prescribed by rule of the~~
 1511 ~~department,~~ the maximum shelf-life period during which milk and
 1512 milk products may be offered for sale. For purposes of this
 1513 requirement, the term ~~to~~ "legibly label" means to label the
 1514 package or container with conspicuous and easily readable
 1515 boldfaced print or type in distinct contrast to the background,
 1516 by color. ~~The department shall periodically conduct shelf-life~~
 1517 ~~studies to review the keeping quality of milk and milk products~~
 1518 ~~and shall sample periodically the products of the dairy~~
 1519 ~~processors to determine if the shelf-life dating used by the~~
 1520 ~~processors complies with the minimum standards of quality.~~

1521 Section 28. Paragraphs (a) and (b) of subsection (1),
 1522 paragraph (d) of subsection (3), and paragraph (c) of subsection
 1523 (4) of section 502.053, Florida Statutes, are amended to read:

1524 502.053 Permits and fees; requirements; exemptions;
 1525 temporary permits.—

1526 (1) PERMITS.—
 1527 (a) Each facility subject to this chapter operating Grade
 1528 ~~"A" milk plant, whether located in the state or outside the~~
 1529 ~~state, and each manufacturing milk plant, milk producer, milk~~
 1530 ~~hauler, milk hauling service, washing station operator, milk~~
 1531 ~~plant operator, milk distributor, single-service container~~
 1532 ~~manufacturer, receiving station, and transfer station in this~~
 1533 ~~the state must ~~shall~~ apply to the department for a permit to~~
 1534 ~~operate. The application must ~~shall~~ be on forms developed by the~~
 1535 ~~department.~~
 1536 (b) Each frozen dessert plant, ~~whether located in the~~
 1537 ~~state or outside the state,~~ that manufactures frozen desserts or
 1538 other products defined in this chapter and offers these products
 1539 wholesale ~~for sale~~ in this state must apply to the department
 1540 for a permit to operate. The application must be submitted on a
 1541 form ~~forms~~ prescribed by the department. All frozen dessert
 1542 permits expire on June 30 of each year.
 1543 (3) REQUIREMENTS.—
 1544 ~~(d) Each frozen dessert plant permitholder must report~~
 1545 ~~monthly, quarterly, semiannually, or annually, as required by~~
 1546 ~~the department, the number of gallons of frozen dessert or~~
 1547 ~~frozen dessert mix sold or manufactured by the permitholder in~~
 1548 ~~this state.~~
 1549 (4) EXEMPTIONS.—
 1550 ~~(c) Frozen desserts retail establishments as defined in s.~~

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1551 ~~502.012 are exempt from this chapter.~~

1552 Section 29. Subsections (1) and (4) of section 502.181,
1553 Florida Statutes, are amended to read:

1554 502.181 Prohibited acts.—It is unlawful for any person in
1555 this state to:

1556 (1) Engage in the business of producing, hauling,
1557 transferring, receiving, processing, packaging, or distributing
1558 milk, milk products, or frozen desserts or operating a washing
1559 station, manufacturing single-service containers, or
1560 manufacturing imitation or substitute milk or milk products, ~~or~~
1561 ~~testing for milkfat content,~~ without first obtaining a permit ~~or~~
1562 ~~license~~ from the department.

1563 ~~(4) Repasteurize milk.~~

1564 Section 30. Paragraph (b) of subsection (1) of section
1565 502.231, Florida Statutes, is amended to read:

1566 502.231 Penalty and injunction.—

1567 (1) The department may enter an order imposing one or more
1568 of the following penalties against any person who violates any
1569 provision of this chapter:

1570 (b) Imposition of an administrative fine:

1571 1. In the Class II category pursuant to s. 570.971 for
1572 each violation in the case of a frozen dessert licensee; or

1573 2. ~~Ten percent of the license fee or \$100, whichever is~~
1574 ~~greater, for failure to report the information described in s.~~
1575 ~~502.053(3)(d); or~~

1576 ~~3.~~ In the Class I category pursuant to s. 570.971 for each
 1577 occurrence for any other violation.

1578
 1579 When imposing a fine under this paragraph, the department must
 1580 consider the degree and extent of harm caused by the violation,
 1581 the cost of rectifying the damage, the benefit to the violator,
 1582 whether the violation was committed willfully, and the
 1583 violator's compliance record.

1584 Section 31. Section 502.301, Florida Statutes, is
 1585 repealed.

1586 Section 32. Subsection (10) is added to section 507.07,
 1587 Florida Statutes, to read:

1588 507.07 Violations.—It is a violation of this chapter:

1589 (10) To place a shipper's goods in a self-service storage
 1590 unit or self-contained storage unit owned by anyone other than
 1591 the mover unless those goods are stored in the name of the
 1592 shipper and the shipper contracts directly with the owner of the
 1593 self-service storage unit or self-contained storage unit.

1594 Section 33. Section 531.38, Florida Statutes, is amended
 1595 to read:

1596 531.38 Systems of weights and measures.—The system of
 1597 weights and measures in customary use in the United States and
 1598 the metric system of weights and measures are jointly
 1599 recognized, and either one or both of these systems shall be
 1600 used for all commercial purposes in this state. The definitions

1601 of basic units of weight and measure, the tables of weight and
 1602 measure, and weight and measure equivalents as published by the
 1603 National Institute of Standards and Technology and National
 1604 Conference on Weights and Measures are recognized and shall
 1605 govern weighing and measuring equipment and transactions in this
 1606 ~~the~~ state.

1607 Section 34. Section 531.40, Florida Statutes, is amended
 1608 to read:

1609 531.40 Technical requirements for commercial devices.—The
 1610 specifications, tolerances, and other technical requirements for
 1611 commercial weighing and measuring devices, as determined by
 1612 regulations adopted by the department, which regulations ~~shall~~
 1613 afford the greatest degree of protection to the public, must
 1614 ~~shall~~ conform to those adopted by the National Institute of
 1615 Standards and Technology and National Conference on Weights and
 1616 Measures to the extent possible. The department, notwithstanding
 1617 ~~the provisions of chapter 120, may shall have the power to~~ adopt
 1618 by reference in a regulation or regulations adopted by it the
 1619 specifications, tolerances, and technical requirements approved
 1620 by the National Conference on Weights and Measures and published
 1621 in Handbook 44 of the National Institute of Standards and
 1622 Technology and National Conference on Weights and Measures. The
 1623 department may, from time to time, adopt such regulations as ~~may~~
 1624 ~~be~~ necessary to conform the state standards to those of the
 1625 National Institute of Standards and Technology, which may be

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1626 adopted by reference to supplements to, or revisions of, the
1627 National Institute of Standards and Technology and National
1628 Conference on Weights and Measures, Handbook 44.

1629 Section 35. Subsection (13) of section 531.41, Florida
1630 Statutes, is amended to read:

1631 531.41 Powers and duties of the department.—The department
1632 shall:

1633 (13) Weigh, measure, or inspect packaged commodities kept
1634 or offered or exposed for sale, sold, or in the process of
1635 delivery, to determine whether they contain the amounts
1636 represented and whether they are kept or offered or exposed for
1637 sale in accordance with this chapter or the rules adopted
1638 pursuant thereto. In carrying out ~~the provisions of this~~
1639 subsection, the department may employ recognized sampling
1640 procedures ~~that are~~ designated in the National Institute of
1641 Standards and Technology and National Conference on Weights and
1642 Measures Handbook 133, "Checking the Net Contents of Packaged
1643 Goods."

1644
1645 The provisions of this chapter and rules adopted thereunder
1646 notwithstanding, scales routinely used by providers of weight
1647 control services shall not be considered commercial weights and
1648 measures when used to determine human weight or to compute
1649 charges or payments for services rendered by such providers on
1650 the basis of said weight, measure, or count.

1651 Section 36. Subsection (2) and paragraph (d) of subsection
 1652 (3) of section 559.935, Florida Statutes, are amended to read:

1653 559.935 Exemptions.—

1654 (2) Sections 559.928, 559.929, 559.9295, 559.931, and
 1655 559.932 ~~do shall~~ not apply to a seller÷

1656 ~~(a) Sellers~~ of travel directly issuing airline tickets if
 1657 the seller of travel has ~~who have~~ contracted with the Airlines
 1658 Reporting Corporation for the most recent consecutive 3 years or
 1659 more under the same ownership and control and if the seller of
 1660 travel does, ~~who do~~ not offer any other prearranged travel or
 1661 tourist-related services ~~vacation certificates,~~ and who annually
 1662 certify their business activities under s. 559.9285(1)(a).

1663 ~~(b) Sellers of travel offering vacation certificates who~~
 1664 ~~have contracted with the Airlines Reporting Corporation for the~~
 1665 ~~most recent consecutive 5 years or more under the same ownership~~
 1666 ~~and control and who annually certify their business activities~~
 1667 ~~under s. 559.9285(1)(a). This exemption does not apply to~~
 1668 ~~sellers of travel certifying their business activities under s.~~
 1669 ~~559.9285(1)(b) or (c).~~

1670 (3) Sections 559.928, 559.929, 559.9295, 559.931, and
 1671 559.932 also do not apply to a seller of travel that is an
 1672 affiliate of an entity exempt pursuant to subsection (2) subject
 1673 to the following conditions:

1674 (d) This subsection does not apply to:

1675 1. An affiliate that independently qualifies for another

1676 exemption under this section.

1677 2. An affiliate that sells, or offers for sale, any
 1678 prearranged travel or tourist-related services other than
 1679 directly issuing airline tickets ~~vacation certificates.~~

1680 ~~3. An affiliate that certifies its business activities~~
 1681 ~~under s. 559.9285(1)(b) or (c).~~

1682 Section 37. Section 570.161, Florida Statutes, is created
 1683 to read:

1684 570.161 E-mail address of record.—

1685 (1) The department may require an applicant or a licensee
 1686 to submit an active e-mail address, which has the same meaning
 1687 as electronic mail address as defined in s. 668.602, for the
 1688 purposes of receiving official communications and notices
 1689 required by law from the department. The applicant or licensee
 1690 must notify the department of any change to his or her e-mail
 1691 address.

1692 (2) Except as required by s. 120.60, service by e-mail or
 1693 regular mail constitutes adequate and sufficient notice from the
 1694 department for official communications and notices required by
 1695 law.

1696 (3) Notwithstanding any other provision of law, when an
 1697 official communication or notice required by law is served
 1698 through one of the methods provided in subsection (2) and the
 1699 department receives notification that the attempt at service
 1700 failed, the department may achieve service by publishing a

1701 notice to the recipient on the department's website or in the
 1702 Florida Administrative Register.

1703 Section 38. Present subsections (7) through (42) of
 1704 section 576.011, Florida Statutes, are redesignated as
 1705 subsections (8) through (43), respectively, a new subsection (7)
 1706 is added to that section, and present subsection (34) is
 1707 amended, to read:

1708 576.011 Definitions.—When used in this chapter, the term:
 1709 (7) "Controlled release fertilizer" means a slow release
 1710 fertilizer engineered to provide nutrients over time at a
 1711 predictable rate under specified conditions.

1712 ~~(35)-(34) "Slow or controlled release fertilizer" means a~~
 1713 ~~fertilizer in a form that releases, or converts to a plant-~~
 1714 ~~available form, plant nutrients at a slower rate relative to an~~
 1715 ~~appropriate reference soluble product containing a plant~~
 1716 ~~nutrient in a form which delays its availability for plant~~
 1717 ~~uptake and use after application, or which extends its~~
 1718 ~~availability to the plant significantly longer than a reference~~
 1719 ~~"rapidly available nutrient fertilizer," such as ammonium~~
 1720 ~~nitrate or urea, ammonium phosphate, or potassium chloride.~~

1721 Section 39. Subsection (8) of section 576.045, Florida
 1722 Statutes, is amended to read:

1723 576.045 Nitrogen and phosphorus; findings and intent;
 1724 fees; purpose; best management practices; waiver of liability;
 1725 compliance; rules; exclusions; expiration.—

1726 (8) EXPIRATION OF PROVISIONS.—Subsections (1), (2), (3),
 1727 (4), and (6) expire on December 31, 2032 ~~2022~~. Subsections (5)
 1728 and (7) expire on December 31, 2027.

1729 Section 40. Section 576.071, Florida Statutes, is amended
 1730 to read:

1731 576.071 Commercial value.—The department shall adopt rules
 1732 to determine the commercial value used in assessing deficient
 1733 fertilizer penalties ~~The commercial value used in assessing~~
 1734 ~~penalties for any deficiency shall be determined by surveying~~
 1735 ~~the fertilizer industry in the state using annualized plant~~
 1736 ~~nutrient values contained in one or more generally recognized~~
 1737 ~~journals.~~

1738 Section 41. Present subsections (9) through (24) of
 1739 section 580.031, Florida Statutes, are redesignated as
 1740 subsections (10) through (25), respectively, and a new
 1741 subsection (9) is added to that section, to read:

1742 580.031 Definitions of words and terms.—As used in this
 1743 chapter, the term:

1744 (9) "Dosage form animal product" means a feedstuff that
 1745 includes any product intended to affect the structure or
 1746 function of the animal's body other than by providing nutrition
 1747 to the animal. The term includes oils, tinctures, capsules,
 1748 tablets, liquids, and chewables. The term does not include a
 1749 drug, a mineral or vitamin supplement, a product represented as
 1750 a primary meal for the intended animal species, any other

1751 product intended as a treat, or a dental product providing
 1752 mechanical or abrasive action or both.

1753
 1754 Except as provided by law or rule, all terms used in connection
 1755 with commercial feed or feedstuff have the meanings ascribed to
 1756 them by the Association of American Feed Control Officials.

1757 Section 42. Subsection (1) of section 580.051, Florida
 1758 Statutes, is amended to read:

1759 580.051 Labels; requirements; penalty.—

1760 (1) Any commercial feed or feedstuff distributed in this
 1761 state, except a customer-formula feed and feed distributed
 1762 through an integrated poultry operation or by a cooperative to
 1763 its members, must ~~shall~~ be accompanied by a legible label
 1764 bearing all information required by the federal Food and Drug
 1765 Administration and the following information:

- 1766 (a) An accurate statement of the net weight.
- 1767 (b) The name and principal address of the registrant.
- 1768 (c) The brand name and product name, if any, under which
 1769 the commercial feed is distributed. The word "medicated" must
 1770 ~~shall~~ be incorporated as part of the brand or product name if
 1771 the commercial feed contains a drug.

1772 1. The department may require feeding directions and
 1773 precautionary statements to be placed on the label for the safe
 1774 and effective use of medicated and other feed as deemed
 1775 necessary.

1776 2. Labels on medicated feed must ~~shall~~ include all of the
 1777 following:

1778 a. Any feeding directions prescribed by the department to
 1779 ensure safe usage.

1780 b. The stated purpose of the medication contained in the
 1781 feed as stated in the claim statement.

1782 c. The established name of each active drug ingredient.

1783 d. The level of each drug used in the final mixture
 1784 expressed in metric units as well as the required avoirdupois.

1785 (d) The date of manufacture or expiration date of
 1786 commercial feed sold at retail as the department may by rule
 1787 require.

1788 (e) The guaranteed analysis stated in terms that advise
 1789 the consumer of the composition of the feed or feedstuff or
 1790 support claims made in the labeling. In all cases, the elements
 1791 or compounds listed in the analysis must be determinable by
 1792 laboratory methods approved by the department.

1793 1. The guaranteed analysis, listing the minimum percentage
 1794 of crude protein, minimum percentage of crude fat, and maximum
 1795 percentage of crude fiber and, when more than 10 percent mineral
 1796 ingredients are present, the minimum or maximum percentages of
 1797 mineral elements or compounds as provided by rule.

1798 2. Vitamin ingredients, when guaranteed, must ~~shall~~ be
 1799 shown in amounts and terms provided by rule. For mineral feed,
 1800 the list must ~~shall~~ include the ~~following~~: maximum or minimum

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1801 percentages of calcium (Ca), phosphorus (P), salt (NaCl), iron
1802 (Fe), copper (Cu), cobalt (Co), magnesium (Mg), manganese (Mn),
1803 potassium (K), selenium (Se), zinc (Zn), and fluorine (F) if
1804 ingredients used as sources of any of these constituents are
1805 declared. All mixtures that contain mineral or vitamin
1806 ingredients generally regarded as dietary factors essential for
1807 the normal nutrition of animals and that are sold or represented
1808 for the primary purpose of supplying these minerals or vitamins
1809 as additions to rations in which these same mineral or vitamin
1810 factors may be deficient must ~~shall~~ be classified as mineral or
1811 vitamin supplements. Products sold solely as mineral or vitamin
1812 supplements and guaranteed as specified in this section need not
1813 show guarantees for protein, fat, and fiber.

1814 3. Other nutritional substances or elements determinable
1815 by laboratory methods may be guaranteed by permission of, or
1816 must ~~shall~~ be guaranteed at the request of, the department as
1817 may be provided by rule.

1818 4. Products sold solely as a dosage form animal product
1819 and guaranteed as specified in this section need not show a
1820 guaranteed analysis.

1821 (f) The common or usual name of each ingredient used in
1822 the manufacture of the commercial feed; however, for all
1823 commercial feed except horse feed, the department by rule may
1824 permit the use of collective terms for a group of ingredients
1825 which perform a similar nutritional function.

1826 (g) A label on a dosage form animal product must comply
 1827 with paragraphs (a)-(d) and (f) and include all of the
 1828 following:

1829 1. The amount of each active ingredient per serving.

1830 2. The stated purpose of the product in supporting the
 1831 structure or function of the animal.

1832 3. Precautionary statements and warnings required to
 1833 ensure the safe and effective use of the dosage form animal
 1834 product.

1835 4. Recommended dosage by animal weight.

1836 5. The statement "Not for human consumption."

1837 Section 43. Subsections (3), (6), (7), (11), (12), and
 1838 (13) of section 581.217, Florida Statutes, are amended to read:
 1839 581.217 State hemp program.—

1840 (3) DEFINITIONS.—As used in this section, the term:

1841 (a) ~~"Certifying agency" has the same meaning as in s.~~
 1842 ~~578.011(8).~~

1843 ~~(b)~~ "Contaminants unsafe for human consumption" includes,
 1844 but is not limited to, any microbe, fungus, yeast, mildew,
 1845 herbicide, pesticide, fungicide, residual solvent, metal, or
 1846 other contaminant found in any amount originating from hemp,
 1847 hemp extract, or a device intended to deliver hemp or hemp
 1848 extract, whether by ingestion or inhalation, which ~~that~~ exceeds
 1849 any of the accepted limitations as determined by rules adopted
 1850 by the Department of Health in accordance with s. 381.986, or

1851 other limitation pursuant to the laws of this state, whichever
 1852 amount is less.

1853 (b)-(e) "Cultivate" means planting, watering, growing, or
 1854 harvesting hemp.

1855 (c) "Device" means an apparatus that may be used to inhale
 1856 hemp or hemp extract.

1857 (d) "Hemp" means the plant *Cannabis sativa* L. and any part
 1858 of that plant, including the seeds thereof, and all derivatives,
 1859 extracts, cannabinoids, isomers, acids, salts, and salts of
 1860 isomers thereof, whether growing or not, which ~~that~~ has a total
 1861 delta-9-tetrahydrocannabinol concentration that does not exceed
 1862 0.3 percent on a dry-weight basis.

1863 (e) "Hemp extract" means a substance or compound intended
 1864 for ingestion, containing more than trace amounts of
 1865 cannabinoids that do not exceed 0.3 percent total delta-9-
 1866 tetrahydrocannabinol on a wet weight basis ~~cannabinoid~~, or for
 1867 inhalation, whether by device or other means, which is derived
 1868 from or contains hemp, and which does not contain other
 1869 controlled substances. The term includes snuff, chewing gum, and
 1870 smokeless products derived from or containing hemp, but does not
 1871 include cannabinoids that have been synthesized ~~synthetic CBD~~ or
 1872 seeds or seed-derived ingredients ~~that are~~ generally recognized
 1873 as safe by the United States Food and Drug Administration.

1874 (f) "Independent testing laboratory" means a laboratory
 1875 that:

1876 1. Does not have a direct or indirect interest in the
 1877 entity whose product is being tested;

1878 2. Does not have a direct or indirect interest in a
 1879 facility that cultivates, processes, distributes, dispenses, or
 1880 sells hemp or hemp extract in the state or in another
 1881 jurisdiction or cultivates, processes, distributes, dispenses,
 1882 or sells marijuana, as defined in s. 381.986; and

1883 3. Is accredited by a third-party accrediting body as a
 1884 competent testing laboratory pursuant to ISO/IEC 17025 of the
 1885 International Organization for Standardization.

1886 (6) ~~HEMP SEED.—A licensee may only use hemp seeds and~~
 1887 ~~cultivars certified by a certifying agency or a university~~
 1888 ~~conducting an industrial hemp pilot project pursuant to s.~~
 1889 ~~1004.4473.~~

1890 ~~(7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—~~

1891 (a) Hemp extract may only be distributed and sold in this
 1892 ~~the~~ state if the product:

1893 1. Has a certificate of analysis prepared by an
 1894 independent testing laboratory that states:

1895 a. The hemp extract is the product of a batch tested by
 1896 the independent testing laboratory;

1897 b. The batch contained a total delta-9-
 1898 tetrahydrocannabinol concentration that did not exceed 0.3
 1899 percent pursuant to the testing of a random sample of the batch;
 1900 and

1901 c. The batch does not contain contaminants unsafe for
 1902 human consumption;~~-~~

1903 d. The batch was processed in a facility holding a current
 1904 and valid permit issued by a human health or food safety
 1905 regulatory entity having authority over the facility; and

1906 e. The batch was processed in a facility meeting the human
 1907 health or food safety sanitization requirements for the
 1908 inspecting jurisdiction. A facility must demonstrate that it has
 1909 met such requirements by verifying compliance through a report
 1910 issued by an inspecting jurisdiction having authority over human
 1911 health or food safety sanitization.

1912 2. Is distributed or sold in a container that includes:

1913 a. A scannable barcode or quick response code linked to
 1914 the certificate of analysis of the hemp extract batch by an
 1915 independent testing laboratory;

1916 b. The batch number;

1917 c. The Internet address of a website where batch
 1918 information may be obtained;

1919 d. The expiration date; and

1920 e. The number of milligrams of each marketed cannabinoid
 1921 per serving.

1922 3. Is distributed or sold in a container that is:

1923 a. Suitable to contain products for human consumption; and
 1924 b. Made from materials designed to minimize exposure to
 1925 light.

1926 (b) A hemp extract product intended for human ingestion or
 1927 inhalation distributed or sold in this state is subject to the
 1928 requirements of ~~in violation of this section shall be considered~~
 1929 ~~adulterated or misbranded pursuant to~~ chapter 500, chapter 502,
 1930 or chapter 580, whichever is applicable.

1931 (c) A hemp extract product ~~products that are~~ intended for
 1932 ingestion or inhalation and contain hemp extract may not be sold
 1933 in this state to a person ~~who is~~ under 21 years of age.

1934 (d) A hemp extract product may only be distributed or sold
 1935 in this state to a food establishment permitted in accordance
 1936 with chapter 500 or chapter 502, except that an individual may
 1937 purchase a hemp extract product for his or her personal
 1938 consumption.

1939 (e) A hemp extract product must be maintained at a
 1940 temperature that will avoid degradation of any cannabinoids.

1941 ~~(10)-(11)~~ ENFORCEMENT.—

1942 (a) The department shall enforce this section.

1943 (b) Every state attorney, sheriff, police officer, and
 1944 other appropriate county or municipal officer shall enforce, or
 1945 assist any agent of the department in enforcing, this section
 1946 and rules adopted by the department.

1947 (c) The department, or its agent, is authorized to enter
 1948 any public or private premises during regular business hours in
 1949 the performance of its duties relating to hemp cultivation.

1950 (d) The department shall conduct random inspections, at

1951 least annually, of each licensee to ensure ~~that only certified~~
 1952 ~~hemp seeds are being used and~~ that hemp is being cultivated in
 1953 compliance with this section.

1954 (11) ~~(12)~~ RULES.—The department shall adopt rules necessary
 1955 ~~By August 1, 2019, the department, in consultation with the~~
 1956 ~~Department of Health and the Department of Business and~~
 1957 ~~Professional Regulation, shall initiate rulemaking to administer~~
 1958 the state hemp program. The rules must provide, at a minimum,
 1959 for:

1960 (a) A procedure that uses post-decarboxylation or other
 1961 similarly reliable methods for testing the delta-9-
 1962 tetrahydrocannabinol concentration of cultivated hemp.

1963 (b) A procedure for the effective disposal of plants,
 1964 whether growing or not, that are cultivated in violation of this
 1965 section or department rules, and products derived from those
 1966 plants.

1967 (12) ~~(13)~~ APPLICABILITY.—Notwithstanding any other law:

1968 (a) This section does not authorize a licensee to violate
 1969 any federal or state law or regulation.

1970 (b) This section does not apply to a pilot project
 1971 developed in accordance with 7 U.S.C. 5940 and s. 1004.4473.

1972 (c) A licensee who negligently violates this section or
 1973 department rules is not subject to any criminal or civil
 1974 enforcement action by the state or a local government other than
 1975 the enforcement of violations of this section as authorized

1976 | under subsection (9) ~~(10)~~.

1977 | Section 44. Subsection (4) of section 586.045, Florida
1978 | Statutes, is amended to read:

1979 | 586.045 Certificates of registration and inspection.—

1980 | (4) The department shall provide to each person subject to
1981 | this section written notice and renewal forms 30 ~~60~~ days before
1982 | ~~prior to~~ the annual renewal date informing the person of the
1983 | certificate of registration renewal date and the application
1984 | fee.

1985 | Section 45. Part I of chapter 593, Florida Statutes,
1986 | consisting of ss. 593.101-593.117, Florida Statutes, is
1987 | repealed.

1988 | Section 46. Subsection (16) is added to section 595.404,
1989 | Florida Statutes, to read:

1990 | 595.404 School food and other nutrition programs; powers
1991 | and duties of the department.—The department has the following
1992 | powers and duties:

1993 | (16) To adopt and implement an exemption waiver process by
1994 | rule, as required by federal regulations, for sponsors under the
1995 | programs implemented pursuant to this chapter, notwithstanding
1996 | ss. 120.542.

1997 | Section 47. Subsection (5) of section 597.004, Florida
1998 | Statutes, is amended to read:

1999 | 597.004 Aquaculture certificate of registration.—

2000 | (5) CULTURE, POSSESSION, TRANSPORT, AND SALE OF

2001 AQUACULTURE PRODUCTS.—

2002 (a) Aquaculture products, except shellfish, snook, and any
 2003 fish of the genus *Micropterus*, excluding *Micropterus salmoides*
 2004 *floridanus*, and prohibited and conditional ~~restricted~~ freshwater
 2005 and marine species as identified in nonnative aquatic species by
 2006 rules of the Fish and Wildlife Conservation Commission, may be
 2007 sold by an aquaculture producer certified pursuant to this
 2008 section or by a dealer licensed pursuant to part VII of chapter
 2009 379 without restriction so long as the product origin can be
 2010 identified.

2011 (b) Except as provided in paragraph (a), the culture,
 2012 possession, transport, and sale of aquaculture products is
 2013 exempt from all Florida Fish and Wildlife Conservation
 2014 Commission statutes and rules.

2015 (c) Aquaculture shellfish must be sold and handled in
 2016 accordance with s. 597.020.

2017 Section 48. Subsection (2) of section 570.321, Florida
 2018 Statutes, is amended to read:

2019 570.321 Plant Industry Trust Fund.—

2020 (2) Funds to be credited to and uses of the trust fund
 2021 must shall be administered in accordance with ss. 581.031,
 2022 581.141, 581.211, 581.212, 586.045, 586.15, and 586.16, ~~593.114,~~
 2023 ~~and 593.117.~~

2024 Section 49. For the purpose of incorporating the amendment
 2025 made by this act to section 500.03, Florida Statutes, in a

2026 reference thereto, paragraph (a) of subsection (4) of section
 2027 373.016, Florida Statutes, is reenacted to read:

2028 373.016 Declaration of policy.—

2029 (4)(a) Because water constitutes a public resource
 2030 benefiting the entire state, it is the policy of the Legislature
 2031 that the waters in the state be managed on a state and regional
 2032 basis. Consistent with this directive, the Legislature
 2033 recognizes the need to allocate water throughout the state so as
 2034 to meet all reasonable-beneficial uses. However, the Legislature
 2035 acknowledges that such allocations have in the past adversely
 2036 affected the water resources of certain areas in this state. To
 2037 protect such water resources and to meet the current and future
 2038 needs of those areas with abundant water, the Legislature
 2039 directs the department and the water management districts to
 2040 encourage the use of water from sources nearest the area of use
 2041 or application whenever practicable. Such sources shall include
 2042 all naturally occurring water sources and all alternative water
 2043 sources, including, but not limited to, desalination,
 2044 conservation, reuse of nonpotable reclaimed water and
 2045 stormwater, and aquifer storage and recovery. Reuse of potable
 2046 reclaimed water and stormwater shall not be subject to the
 2047 evaluation described in s. 373.223(3)(a)-(g). However, this
 2048 directive to encourage the use of water, whenever practicable,
 2049 from sources nearest the area of use or application shall not
 2050 apply to the transport and direct and indirect use of water

2051 within the area encompassed by the Central and Southern Florida
 2052 Flood Control Project, nor shall it apply anywhere in the state
 2053 to the transport and use of water supplied exclusively for
 2054 bottled water as defined in s. 500.03(1)(d), nor shall it apply
 2055 to the transport and use of reclaimed water for electrical power
 2056 production by an electric utility as defined in s. 366.02(2).

2057 Section 50. For the purpose of incorporating the amendment
 2058 made by this act to section 500.03, Florida Statutes, in a
 2059 reference thereto, subsection (3) of section 373.223, Florida
 2060 Statutes, is reenacted to read:

2061 373.223 Conditions for a permit.—

2062 (3) Except for the transport and use of water supplied by
 2063 the Central and Southern Florida Flood Control Project, and
 2064 anywhere in the state when the transport and use of water is
 2065 supplied exclusively for bottled water as defined in s.
 2066 500.03(1)(d), any water use permit applications pending as of
 2067 April 1, 1998, with the Northwest Florida Water Management
 2068 District and self-suppliers of water for which the proposed
 2069 water source and area of use or application are located on
 2070 contiguous private properties, when evaluating whether a
 2071 potential transport and use of ground or surface water across
 2072 county boundaries is consistent with the public interest,
 2073 pursuant to paragraph (1)(c), the governing board or department
 2074 shall consider:

2075 (a) The proximity of the proposed water source to the area

2076 | of use or application.

2077 | (b) All impoundments, streams, groundwater sources, or
 2078 | watercourses that are geographically closer to the area of use
 2079 | or application than the proposed source, and that are
 2080 | technically and economically feasible for the proposed transport
 2081 | and use.

2082 | (c) All economically and technically feasible alternatives
 2083 | to the proposed source, including, but not limited to,
 2084 | desalination, conservation, reuse of nonpotable reclaimed water
 2085 | and stormwater, and aquifer storage and recovery.

2086 | (d) The potential environmental impacts that may result
 2087 | from the transport and use of water from the proposed source,
 2088 | and the potential environmental impacts that may result from use
 2089 | of the other water sources identified in paragraphs (b) and (c).

2090 | (e) Whether existing and reasonably anticipated sources of
 2091 | water and conservation efforts are adequate to supply water for
 2092 | existing legal uses and reasonably anticipated future needs of
 2093 | the water supply planning region in which the proposed water
 2094 | source is located.

2095 | (f) Consultations with local governments affected by the
 2096 | proposed transport and use.

2097 | (g) The value of the existing capital investment in water-
 2098 | related infrastructure made by the applicant.

2099 |
 2100 | Where districtwide water supply assessments and regional water

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2101 supply plans have been prepared pursuant to ss. 373.036 and
2102 373.709, the governing board or the department shall use the
2103 applicable plans and assessments as the basis for its
2104 consideration of the applicable factors in this subsection.

2105 Section 51. For the purpose of incorporating the amendment
2106 made by this act to section 500.03, Florida Statutes, in a
2107 reference thereto, paragraph (a) of subsection (2) of section
2108 373.701, Florida Statutes, is reenacted to read:

2109 373.701 Declaration of policy.—It is declared to be the
2110 policy of the Legislature:

2111 (2)(a) Because water constitutes a public resource
2112 benefiting the entire state, it is the policy of the Legislature
2113 that the waters in the state be managed on a state and regional
2114 basis. Consistent with this directive, the Legislature
2115 recognizes the need to allocate water throughout the state so as
2116 to meet all reasonable-beneficial uses. However, the Legislature
2117 acknowledges that such allocations have in the past adversely
2118 affected the water resources of certain areas in this state. To
2119 protect such water resources and to meet the current and future
2120 needs of those areas with abundant water, the Legislature
2121 directs the department and the water management districts to
2122 encourage the use of water from sources nearest the area of use
2123 or application whenever practicable. Such sources shall include
2124 all naturally occurring water sources and all alternative water
2125 sources, including, but not limited to, desalination,

2126 conservation, reuse of nonpotable reclaimed water and
 2127 stormwater, and aquifer storage and recovery. Reuse of potable
 2128 reclaimed water and stormwater shall not be subject to the
 2129 evaluation described in s. 373.223(3)(a)-(g). However, this
 2130 directive to encourage the use of water, whenever practicable,
 2131 from sources nearest the area of use or application shall not
 2132 apply to the transport and direct and indirect use of water
 2133 within the area encompassed by the Central and Southern Florida
 2134 Flood Control Project, nor shall it apply anywhere in the state
 2135 to the transport and use of water supplied exclusively for
 2136 bottled water as defined in s. 500.03(1)(d), nor shall it apply
 2137 to the transport and use of reclaimed water for electrical power
 2138 production by an electric utility as defined in s. 366.02(2).

2139 Section 52. For the purpose of incorporating the amendment
 2140 made by this act to section 559.935, Florida Statutes, in a
 2141 reference thereto, subsection (2) of section 559.927, Florida
 2142 Statutes, is reenacted to read:

2143 559.927 Definitions.—For the purposes of this part, the
 2144 term:

2145 (2) "Certifying party" means a seller of travel
 2146 registering under s. 559.928 or a seller of travel who is exempt
 2147 under s. 559.935(2) or (3).

2148 Section 53. For the purpose of incorporating the amendment
 2149 made by this act to section 559.935, Florida Statutes, in
 2150 references thereto, subsections (1) and (2) of section 559.9335,

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2022

2151 Florida Statutes, are reenacted to read:

2152 559.9335 Violations.—It is a violation of this part for
2153 any seller of travel, independent agent, assignee, or other
2154 person:

2155 (1) To conduct business as a seller of travel without
2156 registering annually with the department unless exempt pursuant
2157 to s. 559.935.

2158 (2) To conduct business as a seller of travel without an
2159 annual purchase of a performance bond in the amount set by the
2160 department unless exempt pursuant to s. 559.935.

2161 Section 54. For the purpose of incorporating the amendment
2162 made by this act to section 559.935, Florida Statutes, in a
2163 reference thereto, paragraph (f) of subsection (1) of section
2164 559.9355, Florida Statutes, is reenacted to read:

2165 559.9355 Administrative remedies; penalties.—

2166 (1) The department may enter an order doing one or more of
2167 the following if the department finds that a person has violated
2168 or is operating in violation of this part or the rules or orders
2169 issued thereunder:

2170 (f) Canceling an exemption granted under s. 559.935.

2171 Section 55. Except as otherwise expressly provided in this
2172 act, this act shall take effect July 1, 2022.