

CHAPTER 2020-135

Committee Substitute for Committee Substitute for House Bill No. 921

An act relating to the Department of Agriculture and Consumer Services; amending s. 316.520, F.S.; revising application of agricultural load securing requirements; amending s. 527.01, F.S.; defining the term “recreational vehicle”; amending s. 527.0201, F.S.; requiring the Department of Agriculture and Consumer Services to adopt rules specifying requirements for agents to administer certain competency examinations and establishing a competency examination for a license to engage in activities solely related to the service and repair of recreational vehicles; authorizing certain qualifiers and master qualifiers to engage in activities solely related to the service and repair of recreational vehicles; requiring verifiable LP gas experience or professional certification by an LP gas manufacturer in order to apply for certification as a master qualifier; amending s. 570.441, F.S.; extending the scheduled expiration for the Department of Agriculture and Consumer Services’ use of funds from the Pest Control Trust Fund for certain duties of the department; amending s. 581.217, F.S.; redefining the term “hemp extract”; providing that hemp extract that does not meet certain requirements will be considered adulterated or misbranded; prohibiting the sale of certain hemp extract products to individuals under a specified age; amending s. 590.02, F.S.; directing the Florida Forest Service to develop a training curriculum for wildland firefighters; providing requirements for such training; amending s. 597.003, F.S.; authorizing the Department of Agriculture and Consumer Services to revoke an aquaculture certificate of registration under certain conditions; amending s. 633.408, F.S.; providing wildland firefighter training and certification for certain firefighters and volunteer firefighters; providing an effective date.

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

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

316.520 Loads on vehicles.—

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

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

527.01 Definitions.—As used in this chapter:

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

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

527.0201 Qualifiers; master qualifiers; examinations.—

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

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

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

(c)1. The department shall by rule establish a separate written competency examination for a person applying for a license to engage in category I activities solely related to the service and repair of recreational vehicles. The category I recreational vehicle dealer/installer examination must include and ensure competency in the following activities as they relate to recreational vehicles:

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

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

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

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

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

master qualifier requirement shall be in addition to the requirements of subsection (1).

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

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

570.441 Pest Control Trust Fund.—

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

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

581.217 State hemp program.—

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

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

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

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

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

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

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

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

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

a.1. A scannable barcode or quick response code linked to the certificate of analysis of the hemp extract batch by an independent testing laboratory;

b.2. The batch number;

c.3. The Internet address of a website where batch information may be obtained;

d.4. The expiration date; and

e.5. The number of milligrams of each marketed cannabinoid per serving hemp extract; and

~~6.~~ A statement that the product contains a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

(b) Hemp extract distributed or sold in violation of this section shall be considered adulterated or misbranded pursuant to chapter 500, chapter 502, or chapter 580.

(c) Products that are intended for inhalation and contain hemp extract may not be sold in this state to a person who is under 21 years of age.

Section 6. Paragraph (e) of subsection (1) of section 590.02, Florida Statutes, is amended to read:

590.02 Florida Forest Service; powers, authority, and duties; liability; building structures; Withlacoochee Training Center.—

(1) The Florida Forest Service has the following powers, authority, and duties to:

(e) Develop a training curriculum for wildland forestry firefighters which must contain a minimum of 40 hours of structural firefighter training, a minimum of 40 hours of emergency medical training, the basic volunteer structural fire training course approved by the Florida State Fire College of the Division of State Fire Marshal and a minimum of 376 250 hours of wildfire training;

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

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

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

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

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

633.408 Firefighter and volunteer firefighter training and certification.

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

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

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

Approved by the Governor June 29, 2020.

Filed in Office Secretary of State June 29, 2020.