Happy New Year! Welcome to the 2020 Legislative Session! The Legislature officially kicks off the annual Legislative Session on January 14th. The next sixty days will be filled with ideas, testimony, debate and as always at the end there will winners and losers.

Every Session develops its own personality and top tier issues. This year water quality and teacher pay seem to be emerging as top contenders for big issues this Session. Of course, this is an election year so anything and everything is a potential contender.

The good news, Florida Pest Management Association has been actively monitoring and tracking legislation since September 2019. The member bill filing deadline is noon the opening day of Session, however committees can continue to file bills throughout Session. Presently, we have not seen any bills that negatively impact the industry. We will continue to be vigilant in monitoring committee meetings and the amendatory process for any and all issues relating to pest control.

If we do see an issue that needs your immediate attention, we will send out an “Action Alert”. Until the Legislative Session is completed in March, we must all remain on high alert. Again, anything can happen during Session.

Below for your review are a few appropriations and bills we have highlighted this Session for this report. As always, we also include the entire list of bills we track for potential amendments for your information.

Margaret “Missy” Timmins
President
Timmins Consulting, LLC
// PREEMPTION OF LOCAL OCCUPATIONAL LICENSING

**Senate Bill 1336 // Sen. Keith Perry // Referred to: Community Affairs; Innovation, Industry, and Technology; Rules**

**House Bill 3 // Rep. Michael Grant // Referred to: Business & Professions Subcommittee; State Affairs Committee; Commerce Committee**

**HOUSE/SENATE BILL RELATIONSHIP: IDENTICAL**

**Senate Bill 1336**: Preempting licensing of occupations to the state; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; authorizing counties and municipalities to issue certain journeyman licenses, etc.

**Most Recent Action**: Referred to Community Affairs; Innovation, Industry, and Technology; Rules

**House Bill 3**: The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law. Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors. Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform functions, provide services, and exercise any power for municipal purposes, except as otherwise provided by law.

General law directs a number of state agencies and licensing boards to regulate many professions and occupations. General law can also authorize or preempt local regulation of professions and occupations, which is typically done specifically and individually by subject matter, business type, or occupation.

The bill expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any licensing of occupations adopted prior to July 1, 2020, will continue to be effective until July 1, 2022, at which time it will expire. Any licensing of occupations authorized by general law is exempt from the preemption.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation, and specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

The bill also expressly authorizes counties and municipalities to issue journeyman licenses in the plumping, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system
trades, which is the current practice by counties and municipalities. Local journeyman licensing is exempt from the preemption in the bill.

The bill does not appear to have a fiscal impact on the state, but may have an indeterminate fiscal impact on local governments.

The bill has an effective date of July 1, 2020.

**Most Recent Action:** On Committee agenda - Business & Professions Subcommittee, 01/15/20, 1:00 pm

*Attached documents: SB 1336 (as filed); HB 3 (as filed) + staff analysis*

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**// HEAT ILLNESS PREVENTION**

*Senate Bill 882 // Sen. Victor Torres // Referred to: Agriculture; Health Policy; Rules*

*House Bill 513 // Rep. Carlos Smith // Referred to: Workforce Development & Tourism Subcommittee; Appropriations Committee; Commerce Committee*

**HOUSE/SENATE BILL RELATIONSHIP:** IDENTICAL

**Senate Bill 882:** Providing responsibilities of certain employers and employees; requiring certain employers to provide annual training for employees and supervisors; requiring the Department of Agriculture and Consumer Services, in conjunction with the Department of Health, to adopt specified rules, etc.

**Most Recent Action:** Referred to Agriculture; Health Policy; Rules

**House Bill 513:** Requires certain employers to provide drinking water, shade, & annual training to employees & supervisors; requires DACS & DOH to adopt specified rules.

**Most Recent Action:** Referred to Workforce Development & Tourism Subcommittee; Appropriations Committee; Commerce Committee

*Attached documents: SB 882 (as filed); HB 331 (as filed)*

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**// DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

*Senate Bill 1514 // Sen. Ben Albritton // Referred to: Agriculture; Innovation, Industry, and Technology; Appropriations*
// ISSUES

House Bill 921 // Rep. Chuck Brannan // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

HOUSE/SENATE BILL RELATIONSHIP: IDENTICAL

**Senate Bill 1514:** Revising the contents of a Department of Agriculture and Consumer Services report to the Governor and the Legislature to include the development of certain renewable and alternative energy technologies; requiring the department to promote the development of alternative fuel and alternative vehicle technologies; authorizing the department to consider the use of a fumigant as a pesticide for raw agricultural commodities; requiring operation permits for wholesalers of frozen dessert products, etc.

**Most Recent Action:** Referred to Agriculture; Innovation, Industry, and Technology; Appropriations

**House Bill 921:** Revises contents of renewable & alternative energy technologies report; authorizes certain use of fumigants; revises membership of Florida Food Safety & Food Defense Advisory Council; revises food permit late fee; requires operation permits for frozen dessert wholesalers; provides exemption from bulk milk hauler/sampler permit requirements; removes prohibitions for repasteurized milk & milkfat content testing; repeals Dairy Industry Technical Council; extends expiration for Pest Control Trust Fund use; revises agricultural water conservation program; directs Florida Forest Service to develop wildland fire training & certification.

**Most Recent Action:** Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

*Attached documents: SB 1514 (as filed); HB 921 (as filed)*

// ENVIRONMENTAL ENFORCEMENT

**Senate Bill 1450 // Sen. Joe Gruters // Referred to: Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations**

**House Bill 1091 // Rep. Randy Fine // Referred to: Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

HOUSE/SENATE BILL RELATIONSHIP: IDENTICAL

**Senate Bill 1450:** Increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state
water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively, etc.

**Most Recent Action:** Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**House Bill 1091:** Increases civil penalties for violations of certain provisions relating to beach & shore construction, Biscayne Bay Aquatic Preserve, aquatic preserves, state water resource plan, artesian wells, pollution, operating terminal facility without discharge prevention & response certificates, discharge contingency plans for vessels, Pollutant Discharge Prevention & Control Act, Clean Ocean Act, pollution of surface & ground waters, regulation of oil & gas resources, Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs & expenses for pollution releases, necessary permits, dumping litter, small quantity generators, abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, & coral reef protection; provides that certain conditions constitute separate offenses.

**Most Recent Action:** Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

*Attached documents: SB 1450 (as filed); HB 1091 (as filed)*

**// PEST MANAGEMENT APPROPRIATIONS**

**2020-2021 Governor’s Proposed Budget**

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<tr>
<td>1445</td>
<td>AID TO LOCAL GOVERNMENTS</td>
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<td>GRANTS AND AIDS - OPERATION CLEAN SWEEP</td>
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<td></td>
<td>FROM GENERAL INSPECTION TRUST FUND</td>
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</table>
The Governor released his proposed budget months ago for review. The Florida Senate and House are constitutionally mandated to pass a balanced budget every year. We expect to start seeing the budget proposals from each chamber around the third week of Session. We will keep you updated as this process unfolds.

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Thank you for allowing us to represent you in Tallahassee. Please let us know if you would like us to highlight a special bill in the report.
A bill to be entitled
An act relating to preemption of local occupational
licensing; creating s. 163.21, F.S.; defining terms;
preempting licensing of occupations to the state;
providing exceptions; prohibiting local governments
from imposing additional licensing requirements or
modifying licensing unless specified conditions are
met; specifying that certain local licensing that does
not meet specified criteria does not apply and may not
be enforced; amending s. 489.117, F.S.; specifying
that certain specialty contractors are not required to
register with the Construction Industry Licensing
Board; prohibiting local governments from requiring
certain specialty contractors to obtain a license
under specified circumstances; specifying job scopes
for which a local government may not require a
license; amending ss. 489.1455 and 489.5335, F.S.;
authorizing counties and municipalities to issue
certain journeyman licenses; providing an effective
date.

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

Section 1. Section 163.21, Florida Statutes, is created to
read:

163.21 Licensing of occupations preempted to state.—
(1) DEFINITIONS.—As used in this section:
(a) “Licensing” means any training, education, test,
certification, registration, procedure, or license that is
required for a person to perform an occupation in addition to any associated fee.

(b) “Local government” means a county, municipality, special district, or political subdivision of the state.

(c) “Occupation” means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

(2) PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.—The licensing of occupations is expressly preempted to the state and this section supersedes any local government licensing requirement of occupations with the exception of the following:

(a) Any local government that imposed licenses on occupations before July 1, 2020. However, any such local government licensing of occupations expires on July 1, 2022.

(b) Any local government licensing of occupations authorized by general law.

(3) EXISTING LICENSING LIMIT.—A local government that licenses occupations and retains such licensing as set forth in paragraph (2)(a) may not impose additional licensing requirements on that occupation or modify such licensing.

(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.

Section 2. Paragraph (a) of subsection (4) of section 489.117, Florida Statutes, is amended to read:

489.117 Registration; specialty contractors.—

(4)(a) A person holding a local license whose job scope does not substantially correspond to either the job scope of one
of the contractor categories defined in s. 489.105(3)(a)-(o), or
the job scope of one of the certified specialty contractor
categories established by board rule, is not required to
register with the board to perform contracting activities within
the scope of such specialty license. A local government, as
defined in s. 163.21(1), may not require a person to obtain a
license for a job scope which does not substantially correspond
to the job scope of one of the contractor categories defined in
s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1).
For purposes of this section, job scopes for which a local
government may not require a license include, but are not
limited to, painting, flooring, cabinetry, interior remodeling,
driveway or tennis court installation, decorative stone, tile,
marble, granite, or terrazzo installation, plastering,
stuccoing, caulking, canvas awning, and ornamental iron
installation.
Section 3. Section 489.1455, Florida Statutes, is amended
to read:
489.1455 Journeyman; reciprocity; standards.—
(1) Counties and municipalities are authorized to issue
journeyman licenses in the plumbing, pipe fitting, mechanical,
or HVAC trades.
(2)(1) An individual who holds a valid, active journeyman
license in the plumbing, pipe fitting plumbing/pipe fitting,
mechanical, or HVAC trades issued by any county or municipality
in this state may work as a journeyman in the trade in which he
or she is licensed in any county or municipality of this state
without taking an additional examination or paying an additional
license fee, if he or she:
(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years’ verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years’ verifiable practical experience in the trade for which he or she is licensed;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline or, pursuant to authorization by the certifying authority, provides proof of completion of such coursework within 6 months after such certification; and

(d) Has not had a license suspended or revoked within the last 5 years.

(3)(2) A local government may charge a registration fee for reciprocity, not to exceed $25.

Section 4. Section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the electrical and alarm system trades.

(2) An individual who holds a valid, active journeyman license in the electrical or alarm system trade issued by any county or municipality in this state may work as a journeyman in
the trade in which he or she is licensed in any other county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the electrical trade in which he or she is licensed;

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years’ verifiable practical experience in the electrical trade for which he or she is licensed, or demonstrates 6 years’ verifiable practical experience in the electrical trade for which he or she is licensed;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification; and

(d) Has not had a license suspended or revoked within the last 5 years.

(3)(2) A local government may charge a registration fee for reciprocity, not to exceed $25.

Section 5. This act shall take effect July 1, 2020.
A bill to be entitled
An act relating to preemption of local occupational
licensing; creating s. 163.21, F.S.; providing
definitions; preempting licensing of occupations to
the state; providing exceptions; prohibiting local
governments from imposing additional licensing
requirements or modifying licensing unless specified
conditions are met; specifying that certain local
licensing that does not meet specified criteria does
not apply and may not be enforced; amending s.
489.117, F.S.; specifying that certain specialty
contractors are not required to register with the
Construction Industry Licensing Board; prohibiting
local governments from requiring certain specialty
contractors to obtain a license under specified
circumstances; specifying job scopes for which a local
government may not require a license; amending ss.
489.1455 and 489.5335, F.S.; authorizing counties and
municipalities to issue certain journeyman licenses;
providing an effective date.

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

Section 1. Section 163.21, Florida Statutes, is created to
read:
163.21 Licensing of occupations preempted to state.—
(1) DEFINITIONS.—As used in this section:
(a) "Licensing" means any training, education, test, certification, registration, procedure, or license that is required for a person to perform an occupation in addition to any associated fee.
(b) "Local government" means a county, municipality, special district, or political subdivision of the state.
(c) "Occupation" means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.
(2) PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.—The licensing of occupations is expressly preempted to the state and this section supersedes any local government licensing requirement of occupations with the exception of the following:
(a) Any local government that imposed licenses on occupations before July 1, 2020. However, any such local government licensing of occupations expires on July 1, 2022.
(b) Any local government licensing of occupations authorized by general law.
(3) EXISTING LICENSING LIMIT.—A local government that licenses occupations and retains such licensing as set forth in paragraph (2)(a) may not impose additional licensing requirements on that occupation or modify such licensing.
(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an
occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.

Section 2. Paragraph (a) of subsection (4) of section 489.117, Florida Statutes, is amended to read:

489.117 Registration; specialty contractors.—

(4)(a) A person holding a local license whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty contractor categories established by board rule, is not required to register with the board to perform contracting activities within the scope of such specialty license. A local government, as defined in s. 163.21(1), may not require a person to obtain a license for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1).

For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning, and ornamental iron installation.

Section 3. Section 489.1455, Florida Statutes, is amended
to read:

489.1455  Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades.

(2) An individual who holds a valid, active journeyman license in the plumbing, pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed;

(c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s.
553.841, specific to the discipline or, pursuant to
authorization by the certifying authority, provides proof of
completion of such coursework within 6 months after such
certification; and
(d) Has not had a license suspended or revoked within the
last 5 years.
(3) (2) A local government may charge a registration fee
for reciprocity, not to exceed $25.
Section 4. Section 489.5335, Florida Statutes, is amended
to read:
489.5335  Journeyman; reciprocity; standards.—
(1) Counties and municipalities are authorized to issue
journeyman licenses in the electrical and alarm system trades.
(2) (1) An individual who holds a valid, active journeyman
license in the electrical or alarm system trade issued by any
county or municipality in this state may work as a journeyman in
the trade in which he or she is licensed in any other county or
municipality of this state without taking an additional
examination or paying an additional license fee, if he or she:
(a) Has scored at least 70 percent, or after October 1,
1997, at least 75 percent, on a proctored journeyman Block and
Associates examination or other proctored examination approved
by the board for the electrical trade in which he or she is
licensed;
(b) Has completed an apprenticeship program registered
with a registration agency defined in 29 C.F.R. s. 29.2 and
demonstrates 4 years' verifiable practical experience in the
electrical trade for which he or she is licensed, or
demonstrates 6 years' verifiable practical experience in the
electrical trade for which he or she is licensed;
(c) Has satisfactorily completed specialized and advanced
module coursework approved by the Florida Building Commission,
as part of the building code training program established in s.
553.841, specific to the discipline, or, pursuant to
authorization by the certifying authority, provides proof of
completion of such curriculum or coursework within 6 months
after such certification; and
(d) Has not had a license suspended or revoked within the
last 5 years.
(3) A local government may charge a registration fee
for reciprocity, not to exceed $25.
Section 5. This act shall take effect July 1, 2020.
The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law. Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors. Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform functions, provide services, and exercise any power for municipal purposes, except as otherwise provided by law.

General law directs a number of state agencies and licensing boards to regulate many professions and occupations. General law can also authorize or preempt local regulation of professions and occupations, which is typically done specifically and individually by subject matter, business type, or occupation.

The bill expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations. However, any licensing of occupations adopted prior to July 1, 2020, will continue to be effective until July 1, 2022, at which time it will expire. Any licensing of occupations authorized by general law is exempt from the preemption.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation, and specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

The bill also expressly authorizes counties and municipalities to issue journeyman licenses in the plumping, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. Local journeyman licensing is exempt from the preemption in the bill.

The bill does not appear to have a fiscal impact on the state, but may have an indeterminate fiscal impact on local governments.

The bill has an effective date of July 1, 2020.
FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Local Government Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law. Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors.

Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform functions, provide services, and exercise any power for municipal purposes, except as otherwise provided by law.

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.

A “dependent special district” is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district’s governing body are removable at will by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality. An “independent special district” is any district that is not a dependent special district.

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1 Art. VIII, s. 1(f), Fla. Const.
2 Art. VIII, s. 1(g), Fla. Const.
3 A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term “municipality” may be used interchangeably with the terms “town,” “city,” and “village.”
4 Art. VIII, s. 2(b), Fla. Const. See also s. 166.021(1), F.S.
5 Section 189.031(9), F.S.
6 Id.
7 S. 189.02(1), F.S.
8 S. 190.005(1), F.S. See, generally, s. 189.012(6), F.S.
10 S. 189.012(2), F.S.
11 S. 189.012(3), F.S.
Revenue Sources Authorized in the Florida Constitution

The Florida Constitution limits the ability of local governments to raise revenue for their operations. The Florida Constitution provides:

No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

 Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

However, not all local government revenue sources are taxes requiring general law authorization. When a county or municipal revenue source is imposed by ordinance, the question is whether the charge is a valid assessment or fee. As long as the charge is not deemed a tax, the imposition of the assessment or fee by ordinance is within the constitutional and statutory home rule powers of county and municipal governments. If the charge is not a valid assessment or fee, it is deemed a revenue source requiring general law authorization.

Revenue Sources Based on Home Rule Authority

Pursuant to home rule authority, local governments may impose proprietary fees, regulatory fees, and special assessments to pay the cost of providing a facility or service or regulating an activity. A regulatory fee should not exceed the regulated activity’s cost and is generally required to be applied solely to the regulated activity’s cost for which the fee is imposed.

Preemption

State preemption precludes a local government from exercising authority in a particular area, and requires consistency with the state constitution or state statute. A local government enactment may be found inconsistent with state law if (1) the Legislature has preempted a particular subject area to the state or (2) the local regulation conflicts with a state statute.

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred. Express preemption of a field by the Legislature must be accomplished by clear language stating that intent. When local ordinances have been enacted in the face of state preemption, the effect has been to find such ordinances null and void.

Implied preemption is a legal doctrine created to address those situations in which the courts may have been concerned by the legislature’s failure to expressly preempt areas which, for all intents and
purposes, seemed dominated by the state. Findings of implied preemption are for a very narrow class of areas in which the state has legislated perversely.22

Professions and Occupations

General law directs a number of state agencies and licensing boards to regulate certain professions and occupations. For example, the Department of Business and Professional Regulation (DBPR) currently regulates approximately 25 professions and occupations.23

General law determines whether local governments are able to regulate occupations and businesses, and to what degree.24 If state law preempts regulation for an occupation, then, generally, local governments may not regulate that occupation.25 For example, Florida law currently preempts local regulation with regard to the following:

- assessing local fees associated with providing proof of licensure as a contractor, or providing, recording, or filing evidence of worker’s compensation insurance coverage by a contractor;26
- assessing local fees and rules regarding low-voltage alarm system projects;27
- tobacco and nicotine products;28
- firearms, weapons, and ammunition;29
- employment benefits;30
- polystyrene products;31
- public lodging establishments and public food service establishments;32 and
- disposable plastic bags.33

Conversely, Florida law also specifically grants local jurisdictions the right to regulate businesses, occupations and professions in certain circumstances.34 For example, Florida law specifically authorizes regulations relating to:

- zoning and land use;
- the levy of “reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter”;35
- the levy of local business taxes;36
- building code inspection fees;37
- tattoo establishments;38
- massage practices;39
- child care facilities;40
- taxis and other vehicles for hire;41 and

22 Wolf and Bolinder, supra note 17.
23 S. 20.165, F.S.
24 Art. VIII, s. 1(f), Fla. Const.; Art. VII, s. 9(a), Fla. Const.; Art. VIII, s. 2(b), Fla. Const.; s. 166.021(1), F.S.
25 Id.; Wolf and Bolinger, supra note 17.
26 S. 553.80(7)(d), F.S.
27 S. 489.503(14), F.S.
28 S. 509.032, F.S.
29 S. 790.33(1), F.S.
30 S. 500.90, F.S.
31 S. 509.032, F.S.
32 S. 403.7033, F.S.
33 Supra note 25.
34 Note 25.
35 S. 166.221, F.S.
36 Ch. 205, F.S.
37 S. 166.222, F.S.
38 S. 381.00791, F.S.
39 S. 400.052, F.S.
40 S. 402.306, F.S.
41 S. 125.01(1)(m), F.S.

STORAGE NAME: N0003.BPS
DATE: 1/13/2020
• waste and sewage collection.\(^{42}\)

**Construction Professional Licenses**

Chapter 489, F.S., relates to “contracting,” with part I addressing the licensure and regulation of construction contracting, and part II addressing the licensure and regulation of electrical and alarm system contracting.

Construction contractors are either certified or registered by the Construction Industry Licensing Board (CILB) housed within DBPR. The CILB consists of 18 members who are appointed by the Governor and confirmed by the Senate. The CILB meets to approve or deny applications for licensure, review disciplinary cases, and conduct informal hearings relating to discipline.\(^{43}\)

"Certified contractors" are individuals who pass the state competency examination and obtain a certificate of competency issued by DBPR. Certified contractors are able to obtain a certificate of competency for a specific license category and are permitted to practice in that category in any jurisdiction in the state.\(^{44}\)

“Certified specialty contractors” are contractors whose scope of work is limited to a particular phase of construction, such as drywall or demolition. Certified specialty contractor licenses are created by the CILB through rulemaking. Certified specialty contractors are permitted to practice in any jurisdiction in the state.

“Registered contractors” are individuals that have taken and passed a local competency examination and can practice the specific category of contracting for which he or she is approved, only in the local jurisdiction for which the license is issued.\(^{45}\)

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\(^{42}\) S. 125.01(1)(k), F.S.

\(^{43}\) S. 489.107, F.S.

\(^{44}\) S. 489.105, F.S.

\(^{45}\) S. 489.103, F.S.
The CILB licenses the following types of contractors:

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<tr>
<th>Statutory Licenses</th>
<th>Specialty Licenses</th>
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<td>• Building</td>
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<td>• Pool/Spa- Classes A, B, and C</td>
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<td>• Precision Tank Tester</td>
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</tbody>
</table>

Current law provides that local jurisdictions may approve or deny applications for licensure as a registered contractor, review disciplinary cases, and conduct informal hearings relating to discipline of registered contractors licensed in their jurisdiction. Local jurisdictions are not barred from issuing and requiring construction licenses that are outside the scope of practice for a certified contractor or certified specialty contractor, such as painting and fence erection licenses. Local governments may only collect licensing fees that cover the cost of regulation.

Locally registered contractors that are required to hold a contracting license to practice their profession in accordance with state law must register with DBPR after obtaining a local license. However, persons holding a local construction license whose job scope does not substantially correspond to the job scope of a certified contractor or a certified specialty contractor are not required to register with DBPR.

Electrical contractors, alarm system contractors, and electrical specialty contractors are certified or registered under the ECLB. Certified contractors can practice statewide and are licensed and regulated by ECLB. Registered contractors are licensed and regulated by a local jurisdiction and may only practice within that locality.

Electrical contractors are contractors who have the ability to work on electrical wiring, fixtures, appliances, apparatus, raceways, and conduits which generate, transmit, transform, or utilize electrical energy in any form. The scope of an electrical contractor’s license includes alarm system work.

Alarm system contractors are contractors who are able to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems. An “alarm system” is defined as “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”

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46 S. 489.105(a)-(q), F.S.; Rr. 61G4-15.015-040, F.A.C.
47 Ss. 489.117, 489.131 F.S.
48 EDR, supra note 12, at 9.
49 Ss. 489.105, & 489.117(4), F.S.
50 See generally s. 489.505, F.S.
51 Ss. 489.505(12), & 489.537(7), F.S.
52 S. 489.505(1)-(2), F.S.
Electrical certified specialty contractors are contractors whose scope of work is limited to a particular phase of electrical contracting, such as electrical signs. The ECLB creates electrical certified specialty contractor licenses through rulemaking. Certified electrical specialty contractors can practice statewide. The ECLB has created the following certified specialty contractor licenses:

- Lighting maintenance specialty contractor;
- Sign specialty electrical contractor;
- Residential electrical contractor;
- Limited energy systems specialty contractor; and
- Utility line electrical contractor.\(^5^3\)

**Journeyman**

A journeyman is a skilled worker in a building trade or craft. There is no state requirement for licensure as a journeyman, but the construction and electrical contractor practice acts account for the fact that counties and municipalities issue journeyman licenses. A person with a journeyman license must always work under the supervision of a licensed contractor, but the state does not regulate journeymen activities or issue journeymen licenses.\(^5^4\)

However, ch. 489, F.S., allows tradesman to be licensed as a journeyman in one local jurisdiction and work in multiple jurisdictions without having to take another examination or pay an additional licensing fee to qualify to work in the other jurisdictions (county or municipality). Specifically, s. 489.1455(1) of part I, F.S., specifies:

- An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee.

The statutory criteria for licensure reciprocity between local jurisdictions for journeymen include:\(^5^5\)

- scoring at least 75 percent on an approved proctored examination for that construction trade;
- completing a registered apprenticeship program and demonstrating verifiable practical experience in the particular trade;
- completing coursework approved by the Florida Building Commission specific to the discipline; and
- not having a license suspended or revoked within the last 5 years.

**Effect of the Bill**

The bill defines the following terms:

- “Local government” means a county, municipality, special district, or political subdivision of the state.
- “Occupation” means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.
- “Licensing” means any training, education, test, certification, registration, procedure, or license that is required for a person to perform an occupation along with any associated fee.

The bill expressly preempts occupational licensing to the state. This preemption supersedes any local government licensing requirement of occupations unless:

- the licensing of occupations by local governments is authorized by general law; or
- the local licensing scheme for an occupation was imposed before July 1, 2020. However, any such local licensing scheme expires on July 1, 2022.

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\(^{53}\) S. 489.505(19), & 489.511(4), F.S.; Rule 61G6-7.001, F.A.C.

\(^{54}\) Ss. 489.103, 489.1455, 489.503, & 489.5335, F.S.

\(^{55}\) S. 489.1455, F.S. A similar reciprocity option applies to journeyman in the electrical trades. S. 489.5335, F.S.
The bill prohibits local governments that license an occupation that qualifies for the exemption until July 1, 2022, from imposing additional licensing requirements on that occupation and from modifying such licensing.

The bill provides that any local licensing of an occupation not authorized under the provisions of the bill or otherwise authorized by general law does not apply and may not be enforced.

The bill provides that the preemption applies to licensing that is outside the scope of state contractor licensing provisions. Specifically, it provides that a county or municipality may not require a license for a person whose job scope does not substantially correspond to a contractor category licensed by the CILB. The bill specifically precludes counties and municipalities from requiring a license for certain job scopes, including, but not limited to, painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.

The bill also expressly authorizes counties and municipalities to issue journeyman licenses in the plumping, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities. Therefore, local journeyman licensing is exempt from the preemption in the bill.

B. SECTION DIRECTORY:
Section 1 creates s. 163.21, F.S., relating to licensing of occupations preempted to the state.
Section 2 amends s. 489.117, F.S., relating to registration; specialty contractors.
Section 3 amends s. 489.1455, F.S., relating to journeyman; reciprocity; standards.
Section 4 amends s. 489.5335, F.S., relating to journeyman; reciprocity; standards.
Section 5 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:
   1. Revenues:
      None.
   2. Expenditures:
      None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:
   1. Revenues:
      None.
   2. Expenditures:
      None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
   The bill will have an indeterminate positive impact on the private sector. Workers may have to pay less in licensing and examination fees in some local jurisdictions. There may be an increase in the number of people in the workforce practicing their chosen professions.
D. FISCAL COMMENTS:
The fiscal impact of the bill on local governments is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
   Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:
   None.

B. RULE-MAKING AUTHORITY:
The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:
   None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES
A bill to be entitled
An act relating to heat illness prevention; creating
s. 448.111, F.S.; providing applicability; defining
terms; providing responsibilities of certain employers
and employees; providing an exception; requiring
certain employers to provide annual training for
employees and supervisors; requiring the Department of
Agriculture and Consumer Services, in conjunction with
the Department of Health, to adopt specified rules;
providing an effective date.

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

Section 1. Section 448.111, Florida Statutes, is created to read:
448.111 Heat illness prevention.—
(1) APPLICABILITY.—
(a) This section applies to employers in industries where
employees regularly perform work in an outdoor environment,
including, but not limited to, agriculture, construction, and
landscaping.
(b) This section does not apply to an employee who is
required to work in an outdoor environment for fewer than 15
minutes per hour for every hour in the employee’s entire
workday.
(c) This section is supplemental to all related industry-
specific standards. When the requirements under this section
offer greater protection than related industry-specific
standards, an employer shall comply with the requirements of

CODING: Words stricken are deletions; words underlined are additions.
this section.

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

(a) “Acclimatization” means temporary adaptation of a person to work in the heat that occurs when a person is gradually exposed to heat over a 2-week period at a 20-percent increase in heat exposure per day.

(b) “Drinking water” means potable water. The term includes electrolyte-replenishing beverages that do not contain caffeine.

(c) “Employee” means a person who performs services for and under the control and direction of an employer for wages or other remuneration. The term includes an independent contractor and a farm labor contractor as defined in s. 450.28.

(d) “Employer” means an individual, firm, partnership, institution, corporation, association, or entity listed in s. 121.021(10) that employs individuals.

(e) “Environmental risk factors for heat illness” means working conditions that create the possibility of heat illness, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat from sources such as the ground, air movement, workload severity and duration, and protective clothing and equipment worn by an employee.

(f) “Heat illness” means a medical condition resulting from the body’s inability to cope with a particular heat level. The term includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

(g) “Outdoor environment” means a location where work activities are conducted outside. The term includes locations such as sheds, tents, greenhouses, or other structures where work activities are conducted inside but the temperature is not
managed by devices that reduce heat exposure and aid in cooling such as air conditioning systems.

(h) “Personal risk factors for heat illness” means factors specific to an individual, including his or her age; health; pregnancy; degree of acclimatization; water, alcohol, or caffeine consumption; use of prescription medications; or other physiological responses to heat.

(i) “Recovery period” means a cool-down period to reduce an employee’s heat exposure and aid the employee in cooling down and avoiding the signs or symptoms of heat illness.

(j) “Shade” means an area that is not in direct sunlight.

(k) “Supervisor” has the same meaning as in s. 448.101.

(3) RESPONSIBILITIES.—

(a) An employer of employees who regularly work in an outdoor environment shall implement an outdoor heat exposure safety program that has been approved by the Department of Agriculture and Consumer Services and the Department of Health and that must, at a minimum:

1. Train and inform supervisors and employees about heat illness, how to protect themselves and coworkers, how to recognize signs and symptoms of heat illness in themselves and coworkers, and appropriate first-aid measures that can be used before medical attention arrives in the event of a serious heat-related illness event.

2. Provide preventative and first-aid measures, such as loosening clothing, loosening or removing heat-retaining protective clothing and equipment, accessing shade, applying cool or cold water to the body, and drinking cool or cold water, to address the signs or symptoms of heat illness.
3. Implement the following high-heat procedures, to the extent practicable, when an employer, manager, supervisor, or contractor determines that the outdoor heat index equals or exceeds 90 degrees Fahrenheit:

   a. Ensure that effective communication by voice, observation, or electronic means is initiated and maintained so that an employee may contact an employer, manager, supervisor, contractor, or emergency medical services provider if necessary.

   b. Provide a sufficient amount of cool or cold drinking water at a location that is quickly and easily accessible from the area where employees work to accommodate all employees throughout the workday and remind employees throughout the workday to consume such water.

   c. Ensure that each employee takes a 10-minute recovery period every 2 hours that the employee is working in an outdoor environment under high-heat conditions. The recovery period may be concurrent with a meal period required by law if the timing of the recovery period coincides with a required meal period.

   d. Conduct a preshift meeting each workday to review the high-heat procedures.

   (b) An employee who regularly works, or who is in the process of acclimatization, in an outdoor environment shall participate in the training that is provided by the employer under subsection (6). An employee is responsible for monitoring his or her own personal risk factors for heat illness.

   (4) DRINKING WATER.—An employer shall ensure that a sufficient quantity of cool or cold, clean drinking water is at all times readily accessible and free of charge to employees who work in an outdoor environment. Such drinking water shall be
located as close as practicable to the areas where employees work. If drinking water is not plumbed or otherwise continuously supplied, an employer shall supply a sufficient quantity of drinking water at the beginning of the workday so each employee has at least 1 quart of drinking water per hour for every hour in the employee’s entire workday. An employer may supply a smaller quantity of drinking water at the beginning of the workday if the employer has adequate procedures in place to allow the employee access to drinking water as needed so the employee has at least 1 quart of drinking water per hour for every hour in the employee’s entire workday.

(5) ACCESS TO SHADE.—

(a) When the supervisor determines that the outdoor heat index equals or exceeds 80 degrees Fahrenheit, the employer must maintain one or more areas with shade that are open to the air or offer ventilation or cooling at all times in the area where employees are working. The amount of shade present must be able to accommodate the total number of employees participating in a recovery period at one time without the employees having to be in physical contact with each other.

(b) An employee who exhibits mild to moderate signs or symptoms of heat illness shall be relieved from duty, provided with access to shade for at least 15 minutes or until such signs or symptoms of heat illness have abated, and monitored to determine whether medical attention is necessary. If such signs or symptoms do not abate within such time period, an employer shall seek medical attention in a timely manner for the employee. If an employee exhibits serious signs or symptoms of heat illness, an employer must seek medical attention
immediately for the employee and provide first-aid measures.

(c) If an employer can demonstrate that it is unsafe or not feasible to provide an area with shade, the employer may provide alternative cooling measures as long as the employer can demonstrate that such measures are at least as effective as an area with shade in reducing heat exposure.

(6) TRAINING.—An employer shall provide annual training that has been approved by the Department of Agriculture and Consumer Services and the Department of Health for all employees and supervisors in the languages understood by a majority of the employees and supervisors. Such training shall be made available through the Department of Agriculture and Consumer Services and the Department of Health. Training information shall be written in English and translated into all languages understood by the employees and supervisors. Supervisors shall make such written materials available upon request.

(a) Training on the following topics shall be provided to all employees who work in an outdoor environment:

1. The environmental risk factors for heat illness.
2. General awareness of personal risk factors for heat illness.
3. The importance of loosening clothing and loosening or removing heat-retaining protective clothing and equipment, such as nonbreathable chemical-resistant clothing and equipment, during all recovery and rest periods, breaks, and meal periods.
4. The importance of frequent consumption of cool or cold drinking water.
5. The concept, importance, and methods of acclimatization.
6. The common signs and symptoms of heat illness,
including, but not limited to, neurological impairment, confusion, or agitation.

7. The importance of immediately reporting to the employer, directly or through a supervisor, signs or symptoms of heat illness in the employee or a coworker, and the importance of immediately receiving medical attention if the employee or coworker exhibits any signs or symptoms of heat illness.

8. The employer’s outdoor heat exposure safety program and related high-heat procedures.

(b) Training on all of the following topics shall be provided to all supervisors before they are authorized to supervise employees who work in an outdoor environment:

1. Information that must be provided to employees.

2. Procedures that must be followed to implement this section.

3. Procedures that must be followed when an employee exhibits or reports any signs or symptoms of heat illness.

4. Procedures that must be followed when transporting an employee who exhibits or reports any signs or symptoms of heat illness to an emergency medical services provider in a timely manner.

(7) RULEMAKING.—The Department of Agriculture and Consumer Services, in conjunction with the Department of Health, shall adopt rules to implement this section, including, but not limited to, approved training programs, approved trainers, and a certification process to acknowledge an employer’s compliance with training requirements.

Section 2. This act shall take effect October 1, 2020.
A bill to be entitled
An act relating to heat illness prevention; creating
s. 448.111, F.S.; providing applicability; providing
definitions; providing responsibilities of certain
employers and employees; providing an exception;
requiring certain employers to provide annual training
for employees and supervisors; requiring the
Department of Agriculture and Consumer Services, in
conjunction with the Department of Health, to adopt
specified rules; providing an effective date.

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

Section 1. Section 448.111, Florida Statutes, is created
to read:

448.111 Heat illness prevention.—
(1) APPLICABILITY.—
(a) This section applies to employers in industries where
employees regularly perform work in an outdoor environment,
including, but not limited to, agriculture, construction, and
landscaping.
(b) This section does not apply to an employee who is
required to work in an outdoor environment for fewer than 15
minutes per hour for every hour in the employee's entire
workday.
(c) This section is supplemental to all related industry-specific standards. When the requirements under this section offer greater protection than related industry-specific standards, an employer shall comply with the requirements of this section.

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

(a) "Acclimatization" means temporary adaptation of a person to work in the heat that occurs when a person is gradually exposed to heat over a 2-week period at a 20-percent increase in heat exposure per day.

(b) "Drinking water" means potable water. The term includes electrolyte-replenishing beverages that do not contain caffeine.

(c) "Employee" means a person who performs services for and under the control and direction of an employer for wages or other remuneration. The term includes an independent contractor and a farm labor contractor as defined in s. 450.28.

(d) "Employer" means an individual, firm, partnership, institution, corporation, association, or entity listed in s. 121.021(10) that employs individuals.

(e) "Environmental risk factors for heat illness" means working conditions that create the possibility of heat illness, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat from sources such as the ground, air movement, workload severity and duration, and
protective clothing and equipment worn by an employee.

(f) "Heat illness" means a medical condition resulting from the body's inability to cope with a particular heat level. The term includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

(g) "Outdoor environment" means a location where work activities are conducted outside. The term includes locations such as sheds, tents, greenhouses, or other structures where work activities are conducted inside but the temperature is not managed by devices that reduce heat exposure and aid in cooling such as air conditioning systems.

(h) "Personal risk factors for heat illness" means factors specific to an individual, including his or her age; health; pregnancy; degree of acclimatization; water, alcohol, or caffeine consumption; use of prescription medications; or other physiological responses to heat.

(i) "Recovery period" means a cool-down period to reduce an employee's heat exposure and aid the employee in cooling down and avoiding the signs or symptoms of heat illness.

(j) "Shade" means an area that is not in direct sunlight.

(k) "Supervisor" has the same meaning as in s. 448.101.

(3) RESPONSIBILITIES.—

(a) An employer of employees who regularly work in an outdoor environment shall implement an outdoor heat exposure safety program that has been approved by the Department of
Agriculture and Consumer Services and the Department of Health and that must, at a minimum:

1. Train and inform supervisors and employees about heat illness, how to protect themselves and coworkers, how to recognize signs and symptoms of heat illness in themselves and coworkers, and appropriate first-aid measures that can be used before medical attention arrives in the event of a serious heat-related illness event.

2. Provide preventative and first-aid measures, such as loosening clothing, loosening or removing heat-retaining protective clothing and equipment, accessing shade, applying cool or cold water to the body, and drinking cool or cold water, to address the signs or symptoms of heat illness.

3. Implement the following high-heat procedures, to the extent practicable, when an employer, manager, supervisor, or contractor determines that the outdoor heat index equals or exceeds 90 degrees Fahrenheit:
   a. Ensure that effective communication by voice, observation, or electronic means is initiated and maintained so that an employee may contact an employer, manager, supervisor, contractor, or emergency medical services provider if necessary.
   b. Provide a sufficient amount of cool or cold drinking water at a location that is quickly and easily accessible from the area where employees work to accommodate all employees throughout the workday and remind employees throughout the
workday to consume such water.

c. Ensure that each employee takes a 10-minute recovery period every 2 hours that the employee is working in an outdoor environment under high-heat conditions. The recovery period may be concurrent with a meal period required by law if the timing of the recovery period coincides with a required meal period.

d. Conduct a preshift meeting each workday to review the high-heat procedures.

(b) An employee who regularly works, or who is in the process of acclimatization, in an outdoor environment shall participate in the training that is provided by the employer under subsection (6). An employee is responsible for monitoring his or her own personal risk factors for heat illness.

(4) DRINKING WATER.—An employer shall ensure that a sufficient quantity of cool or cold, clean drinking water is at all times readily accessible and free of charge to employees who work in an outdoor environment. Such drinking water shall be located as close as practicable to the areas where employees work. If drinking water is not plumbed or otherwise continuously supplied, an employer shall supply a sufficient quantity of drinking water at the beginning of the workday so each employee has at least 1 quart of drinking water per hour for every hour in the employee's entire workday. An employer may supply a smaller quantity of drinking water at the beginning of the workday if the employer has adequate procedures in place to
allow the employee access to drinking water as needed so the
employee has at least 1 quart of drinking water per hour for
every hour in the employee's entire workday.

(5) ACCESS TO SHADE.—

(a) When the supervisor determines that the outdoor heat
index equals or exceeds 80 degrees Fahrenheit, the employer must
maintain one or more areas with shade that are open to the air
or offer ventilation or cooling at all times in the area where
employees are working. The amount of shade present must be able
to accommodate the total number of employees participating in a
recovery period at one time without the employees having to be
in physical contact with each other.

(b) An employee who exhibits mild to moderate signs or
symptoms of heat illness shall be relieved from duty, provided
with access to shade for at least 15 minutes or until such signs
or symptoms of heat illness have abated, and monitored to
determine whether medical attention is necessary. If such signs
or symptoms do not abate within such time period, an employer
shall seek medical attention in a timely manner for the
employee. If an employee exhibits serious signs or symptoms of
heat illness, an employer must seek medical attention
immediately for the employee and provide first-aid measures.

(c) If an employer can demonstrate that it is unsafe or
not feasible to provide an area with shade, the employer may
provide alternative cooling measures as long as the employer can
demonstrate that such measures are at least as effective as an area with shade in reducing heat exposure.

(6) TRAINING.—An employer shall provide annual training that has been approved by the Department of Agriculture and Consumer Services and the Department of Health for all employees and supervisors in the languages understood by a majority of the employees and supervisors. Such training shall be made available through the Department of Agriculture and Consumer Services and the Department of Health. Training information shall be written in English and translated into all languages understood by the employees and supervisors. Supervisors shall make such written materials available upon request.

(a) Training on the following topics shall be provided to all employees who work in an outdoor environment:

1. The environmental risk factors for heat illness.

2. General awareness of personal risk factors for heat illness.

3. The importance of loosening clothing and loosening or removing heat-retaining protective clothing and equipment, such as nonbreathable chemical-resistant clothing and equipment, during all recovery and rest periods, breaks, and meal periods.

4. The importance of frequent consumption of cool or cold drinking water.

5. The concept, importance, and methods of acclimatization.
6. The common signs and symptoms of heat illness, including, but not limited to, neurological impairment, confusion, or agitation.

7. The importance of immediately reporting to the employer, directly or through a supervisor, signs or symptoms of heat illness in the employee or a coworker, and the importance of immediately receiving medical attention if the employee or coworker exhibits any signs or symptoms of heat illness.

8. The employer's outdoor heat exposure safety program and related high-heat procedures.

(b) Training on all of the following topics shall be provided to all supervisors before they are authorized to supervise employees who work in an outdoor environment:

1. Information that must be provided to employees.

2. Procedures that must be followed to implement this section.

3. Procedures that must be followed when an employee exhibits or reports any signs or symptoms of heat illness.

4. Procedures that must be followed when transporting an employee who exhibits or reports any signs or symptoms of heat illness to an emergency medical services provider in a timely manner.

(7) RULEMAKING.—The Department of Agriculture and Consumer Services, in conjunction with the Department of Health, shall adopt rules to implement this section, including, but not
limited to, approved training programs, approved trainers, and a certification process to acknowledge an employer's compliance with training requirements.

Section 2. This act shall take effect October 1, 2020.
A bill to be entitled
An act relating to the Department of Agriculture and
Consumer Services; amending s. 377.703, F.S.; revising
the contents of a Department of Agriculture and
Consumer Services report to the Governor and the
Legislature to include the development of certain
renewable and alternative energy technologies;
requiring the department to promote the development of
alternative fuel and alternative vehicle technologies;
requiring the Division of Emergency Management to
consult with the department to include specified
provisions in a certain report; deleting a requirement
that the department prepare a separate, specified
renewable energy report; amending s. 487.021, F.S.;
defining the term “raw agricultural commodities
fumigation”; amending s. 487.0435, F.S.; authorizing
the department to consider the use of a fumigant as a
pesticide for raw agricultural commodities; amending
s. 500.03, F.S.; revising definitions; amending s.
500.033, F.S.; revising the membership of the Florida
Food Safety and Food Defense Advisory Council;
amending s. 500.12, F.S.; conforming provisions to
changes made by the act; revising the date by which a
late fee is imposed for nonpayment of an applicable
permit; amending s. 500.121, F.S.; conforming
provisions to changes made by the act; amending s.
500.147, F.S.; updating a reference to certain bottled
water provisions; amending s. 502.012, F.S.; defining
and redefining terms; amending s. 502.014, F.S.;
revising the authority of the department to conduct
onsite inspections of certain facilities and to
collect samples of products at such facilities for
testing; amending s. 502.053, F.S.; requiring
operation permits for wholesalers of frozen dessert
products; deleting a requirement that a frozen dessert
plant permitholder submit specified reports to the
department; providing an exemption from bulk milk
hauler/sampler permit requirements; amending s.
502.181, F.S.; revising the prohibitions against
certain testing for milkfat content and for
repasteurizing milk; amending s. 502.231, F.S.;
conforming a provision to changes made by the act;
repealing s. 502.301, F.S., relating to the Dairy
Industry Technical Council; amending s. 570.441, F.S.;
extending the expiration for the use of funds from the
Pest Control Trust Fund; amending s. 570.93, F.S.;
revising requirements for the agricultural water
conservation program; amending s. 590.02, F.S.;
directing the Florida Forest Service to develop a
training curriculum for wildland firefighting;
providing requirements for such training; amending s.
595.404, F.S.; authorizing the department to adopt and
implement an exemption, variance, and waiver process
for school food and other nutrition programs; amending
s. 633.408, F.S.; providing wildland firefighter
training and certification for certain firefighters
and volunteer firefighters; reenacting ss.
373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S.,
relating to a declaration of policy, conditions for a permit, and a declaration of policy, respectively, to incorporate the amendment made to s. 500.033, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (f), (k), (m), and (n) of subsection (2) of section 377.703, Florida Statutes, are amended to read:

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

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

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

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

2. Collection and dissemination of information relating to energy efficiency and conservation.
3. Development and conduct of educational and training programs relating to energy efficiency and conservation, renewable energy, alternative fuels, and alternative vehicle technologies.

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

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

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

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

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures, and alternative fuel and alternative vehicle technologies.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in
conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by severe hurricanes, and the potential for such impacts caused by other natural disasters, the Division of Emergency Management, in consultation with the department, shall include in its energy emergency contingency plan and provide to the Florida Building Commission for inclusion in the Florida Energy Efficiency Code for Building Construction specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(n) On an annual basis, the department shall prepare an assessment of the utilization of the renewable energy technologies investment tax credit authorized in s. 220.192 and the renewable energy production credit authorized in s. 220.193, which the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by February 1 of each year. The assessment shall include, at a minimum, the following information:

1. For the renewable energy technologies investment tax
credit authorized in s. 220.192:
   a. The name of each taxpayer receiving an allocation under this section;
   b. The amount of the credits allocated for that fiscal year for each taxpayer; and
   c. The type of technology and a description of each investment for which each taxpayer receives an allocation.
2. For the renewable energy production credit authorized in s. 220.193:
   a. The name of each taxpayer receiving an allocation under this section;
   b. The amount of credits allocated for that fiscal year for each taxpayer;
   e. The type and amount of renewable energy produced and sold, whether the facility producing that energy is a new or expanded facility, and the approximate date on which production began; and
   d. The aggregate amount of credits allocated for all taxpayers claiming credits under this section for the fiscal year.

Section 2. Present subsections (57) through (67) of section 487.021, Florida Statutes, are redesignated as subsections (58) through (68), respectively, and a new subsection (57) is added to that section, to read:

487.021 Definitions.—For the purpose of this part:

(57) “Raw agricultural commodities fumigation” means the use of a fumigant pesticide, in a sufficient concentration to be lethal to a given organism, to treat for pests in any fruits, vegetables, nuts, legumes, mushrooms, or other non-animal matter
customarily consumed by humans or animals. The term includes the
process of fumigating raw agricultural commodities under a
tarpaulin or in a structure such as a storage facility, barn,
silo, warehouse, or shipping container which is not inhabited by
human beings, agricultural livestock, or domestic pets and is
not connected by construction elements containing voids, pipes,
conduits, drains, or ducts to a structure inhabited by human
beings, agricultural livestock, or domestic pets which could
allow for transfer of fumigant between the structures.

Section 3. Subsection (7) is added to section 487.0435,
Florida Statutes, to read:

487.0435 License classification.—The department shall issue
certified applicator licenses in the following classifications:
certified public applicator; certified private applicator; and
certified commercial applicator. In addition, separate
classifications and subclassifications may be specified by the
department in rule as deemed necessary to carry out the
provisions of this part. Each classification shall be subject to
requirements or testing procedures to be set forth by rule of
the department and shall be restricted to the activities within
the scope of the respective classification as established in
statute or by rule. In specifying classifications, the
department may consider, but is not limited to, the following:

(7) The use of a fumigant as a pesticide, solely in raw
agricultural commodities fumigation, as defined in s. 487.021.

Section 4. Paragraphs (d), (i), (p), (q), (r), (v), and
(bb) of subsection (1) of section 500.03, Florida Statutes, are
amended to read:

500.03 Definitions; construction; applicability.—
(1) For the purpose of this chapter, the term:


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

(o) “Food establishment” means a factory, food outlet, or other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term includes any establishment or section of an establishment where food and food products are offered to the consumer and are intended for off-premises consumption and delicatessens that offer prepared food in bulk quantities only. The term does not include a business or activity that is regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed; and markets that offer only fresh fruit and fresh vegetables for sale.

(q) “Food outlet” means any grocery store; convenience store; minor food outlet; meat, poultry, or fish and related aquatic food market; fruit or vegetable market; food warehouse;
refrigerated storage facility; freezer locker; salvage food facility; or any other similar place storing or offering food for sale.

(r) “Food service establishment” means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, cottage food operations, and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.

(s)(v) “Minor food outlet” means any food retail establishment that sells food groceries and may offer food service to the public, but where neither business activity is a major retail function of the establishment, based on allocated space or gross sales.

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

Section 5. Subsection (1) of section 500.033, Florida
Statutes, is amended to read:

500.033 Florida Food Safety and Food Defense Advisory
Council.—

(1) There is created the Florida Food Safety and Food
Defense Advisory Council for the purpose of serving as a forum
for presenting, investigating, and evaluating issues of current
importance to the assurance of a safe and secure food supply to
the citizens of Florida. The Florida Food Safety and Food
Defense Advisory Council shall consist of, but not be limited
to: the Commissioner of Agriculture or his or her designee; the
State Surgeon General or his or her designee; the Secretary of
Business and Professional Regulation or his or her designee; the
person responsible for domestic security with the Department of
Law Enforcement; members representing the production,
processing, distribution, and sale of foods; consumers or
members of citizens groups; representatives of food industry
groups; scientists or other experts in aspects of food safety
from state universities; representatives from local, state, and
federal agencies that are charged with responsibilities for food
safety or food defense; and as ex officio members, the chairs of
the Agriculture Committees of the Senate and the House of
Representatives or their designees, and the chairs of the
committees of the Senate and the House of Representatives with
jurisdictional oversight of home defense issues or their
designees, and the person responsible for domestic security
within the Department of Law Enforcement or his or her designee.
The Commissioner of Agriculture shall appoint the remaining members. The council shall make periodic reports to the Department of Agriculture and Consumer Services concerning findings and recommendations in the area of food safety and food defense.

Section 6. Paragraphs (a), (b), and (e) of subsection (1) and subsection (2) of section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.—
(1)(a) A food permit from the department is required of any person who operates a food establishment or retail food store, except:

1. Persons operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the minor food outlet.

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

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

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

(b) Each food establishment and retail food store regulated

CODING: Words stricken are deletions; words underlined are additions.
under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment and retail food store as a condition of issuance or renewal of a food permit. Such fees may not exceed $650 and shall be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant shall be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed annually on or before January 1. If an application for renewal of a food permit fee is not received in full by the department on or before January 1 within 30 days after its due date, a late fee not exceeding $100 must be paid in addition to the applicable food permit fee before the department may issue the food permit. The moneys collected shall be deposited in the General Inspection Trust Fund.

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

(2) When any person applies for a building permit to
construct, convert, or remodel any food establishment, food
outlet, or retail food store, the authority issuing such permit
shall make available to the applicant a printed statement,
provided by the department, regarding the applicable sanitation
requirements for such establishments. A building permitting
authority, or municipality or county under whose jurisdiction a
building permitting authority operates, may not be held liable
for a food establishment, food outlet, or retail food store that
does not comply with the applicable sanitation requirements due
to failure of the building permitting authority to provide the
information as provided in this subsection.

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

(b) The department may provide assistance, when requested
by the applicant, in the review of any construction or
remodeling plans for food establishments. The department may
charge a fee for such assistance which covers the cost of
providing the assistance and which shall be deposited in the
General Inspection Trust Fund for use in funding the food safety
program.
(c) A building permitting authority or other subdivision of local government may not require the department to approve construction or remodeling plans for food establishments and retail food stores as a condition of any permit or license at the local level.

Section 7. Subsection (1) of section 500.121, Florida Statutes, is amended to read:

500.121 Disciplinary procedures.—

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

(a) Violated this chapter.

(b) Violated or aided or abetted in the violation of any law of this state governing or applicable to retail food stores or food establishments or any lawful rules of the department.

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

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

Section 8. Paragraph (a) of subsection (3) of section 500.147, Florida Statutes, is amended to read:

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

(3) For bottled water plants:

(a) Bottled water must be from an approved source. Bottled water must be processed in conformance with 21 C.F.R. part 129 (2019) (2006), and must conform to 21 C.F.R. part 165 (2019) (2006). A person operating a bottled water plant shall be responsible for all water sampling and analyses required by this chapter.

Section 9. Section 502.012, Florida Statutes, is amended to read:

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

(1) “Bulk milk hauler/sampler” means a person who collects official samples and may transport raw milk from a farm or raw milk products to or from a milk plant, receiving station, or transfer station and has in his or her possession a permit to sample such products from any state regulatory agency charged in implementing the United States Food and Drug Administration’s Grade “A” Milk Safety Program.

(2) “Bulk milk pickup tanker” means a vehicle, including the truck and tank, and those appurtenances necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging or retort processed after packaging from a dairy farm to a milk plant, receiving station, or transfer station necessary attachments, used by a milk hauler to
transport bulk raw milk for pasteurization from a dairy farm to
a milk plant, receiving station, or transfer station.

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

(4)(3) “Department” means the Department of Agriculture and
Consumer Services.

(5)(4) “Frozen dessert” means a specific standardized
frozen dessert described in 21 C.F.R. part 135 and any other
food defined by rule of the department which resembles such
standardized frozen dessert but does not conform to the specific
description of such standardized frozen dessert in 21 C.F.R.
part 135. The term includes, but is not limited to, a
quiescently frozen confection, a quiescently frozen dairy
confection, a frozen dietary dairy dessert, and a frozen dietary
dessert.

(6)(5) “Frozen desserts manufacturer” means a person who
manufactures, processes, converts, partially freezes, or freezes
any mix or frozen dessert for distribution or sale.

(7)(6) “Frozen desserts plant” means any location or
premises at which frozen desserts or mix are manufactured,
processed, or frozen for distribution or sale at wholesale.

(8)(7) “Frozen desserts retail establishment” means any
location or premises, including a retail store, stand, hotel,
boardinghouse, restaurant, vehicle, or mobile unit, at which
frozen desserts are frozen, partially frozen, or dispensed for
sale at retail.
(9) “Frozen dietary dairy dessert” or “frozen dietary dessert” means a food for any special dietary use, prepared by freezing, with or without agitation, and composed of a pasteurized mix that may contain fat, protein, carbohydrates, natural or artificial sweeteners, flavoring, stabilizers, emulsifiers, vitamins, and minerals.

(10) “Grade 'A' pasteurized milk ordinance” means the document entitled “Grade 'A' Pasteurized Milk Ordinance, United States Department of Health and Human Services, Public Health Service, Food and Drug Administration,” including all associated appendices, as adopted by department rule.

(11) “Imitation milk and imitation milk products” means those foods that have the physical characteristics, such as taste, flavor, body, texture, or appearance, of milk or milk products as defined in this chapter and the Grade “A” pasteurized milk ordinance but do not come within the definition of “milk” or “milk products” and are nutritionally inferior to the product imitated.

(12) “Milk” means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, goats, sheep, water buffalo, camels, or other hooved mammals.

(13) “Milk distributor” means any person who offers for sale or sells to another person any milk or milk product.

(14) “Milk products” means products made with milk that is processed in some manner, including being whipped, acidified, cultured, concentrated, lactose-reduced, or sodium-reduced or aseptically processed, or having the addition or subtraction of milkfat, the addition of safe and suitable microbial organisms,
or the addition of safe and suitable optional ingredients for protein, vitamin, or mineral fortification. “Milk products” do not include products such as evaporated milk, condensed milk, eggnog in a rigid metal container, dietary products, infant formula, or ice cream and other desserts.

(15) “Milkfat” or “butterfat” means the fat contained in milk.

(16) “Milk hauler” means any person who transports raw milk or raw milk products to or from a milk plant, receiving station, or transfer station.

(17) “Milk plant” means any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed and packaged, retort processed after packaged, condensed, dried, packaged, bottled, or prepared for distribution.

(18) “Milk plant operator” means any person responsible for receiving, processing, pasteurizing, or packaging milk and milk products, or performing any other related operation.

(19) “Milk producer” means any person who operates a dairy farm and provides, sells, or offers for sale milk to a milk plant, receiving station, or transfer station.

(20) “Milk tank truck” means either a bulk milk pickup tanker or a milk transport tank.

(21) “Milk transport tank” means a vehicle, including the truck and tank, used by a milk hauler to transport bulk shipments of milk from a milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station.
“Quiescently frozen confection” means a clean and wholesome frozen, sweetened, flavored product that, while being frozen, was not stirred or agitated (generally known as quiescent freezing). The confection may be acidulated with food-grade acid, may contain milk solids or water, or may be made with or without added harmless pure or imitation flavoring and with or without harmless coloring. The finished product must not contain more than 0.5 percent by weight of stabilizer composed of wholesome, edible material and must not contain less than 17 percent by weight of total food solids. In the production of the confection, processing or mixing before quiescent freezing that develops in the finished confection mix any physical expansion in excess of 10 percent may not be used.

“Quiescently frozen dairy confection” means a clean and wholesome frozen product made from water, milk products, and sugar, with added harmless pure or imitation flavoring, with or without added harmless coloring, with or without added stabilizer, or with or without added emulsifier, that, while being frozen, was not stirred or agitated (generally known as quiescent freezing). The confection must not contain less than 13 percent by weight of total milk solids, less than 33 percent by weight of total food solids, more than 0.5 percent by weight of stabilizer, or more than 0.2 percent by weight of emulsifier. Stabilizer and emulsifier must be composed of wholesome, edible material. In the production of a quiescently frozen dairy confection, processing or mixing before quiescently freezing that develops in the finished confection mix any physical expansion in excess of 10 percent may not be used.

“Raw milk” means unpasteurized unprocessed milk.
(25)(24) “Receiving station” means any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and is prepared for further transporting.

(26) “Reconstituted milk or milk products” or “recombined milk or milk products” means milk or milk products that result from reconstituting or recombining milk constituents with potable water.

(27) “Retail” means the sale of goods to the public for use or consumption rather than for resale.

(28)(25) “Substitute milk and substitute milk products” means those foods that have the physical characteristics, such as taste, flavor, body, texture, or appearance, of milk or milk products as defined in this chapter and the Grade “A” pasteurized milk ordinance but do not come within the definition of “milk” or “milk products” and are nutritionally equivalent to the product for which they are substitutes.

(29)(26) “Transfer station” means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

(30) “Ultra-pasteurization” means the process of thermally processing a milk or milk product at or above 280 degrees Fahrenheit for at least 2 seconds, before or after packaging, so as to produce a milk or milk product that has an extended shelf-life under refrigerated conditions.

(31)(27) “Washing station” means any place, premises, or establishment where milk tank trucks are cleaned and sanitized.

(32) “Wholesale” means the selling of goods in quantity to be retailed by others.

Section 10. Paragraph (a) of subsection (2) of section
502.014, Florida Statutes, is amended to read:

502.014 Powers and duties.—

(2)(a) The department shall conduct onsite inspections of all facility types defined in this chapter, and any products produced or received by such facilities, and shall collect samples for testing of any products produced or stored in such facilities dairy farms, milk plants, and frozen dessert plants and collect test samples of milk, milk products, and frozen desserts as required by this chapter.

Section 11. Paragraph (b) of subsection (1), paragraph (d) of subsection (3), and paragraph (a) of subsection (4) of section 502.053, Florida Statutes, are amended to read:

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

(1) PERMITS.—

(b) Each frozen dessert plant, whether located in the state or outside the state, that manufactures frozen desserts or other products defined in this chapter and offers these products for wholesale sale in this state must apply to the department for a permit to operate. The application must be submitted on forms prescribed by the department. All frozen dessert permits expire on June 30 of each year.

(3) REQUIREMENTS.—

(d) Each frozen dessert plant permitholder must report monthly, quarterly, semiannually, or annually, as required by the department, the number of gallons of frozen dessert or frozen dessert mix sold or manufactured by the permitholder in this state.

(4) EXEMPTIONS.—
(a) The following persons are exempt from milk hauler/sampler permit requirements:

1. Milk producers who transport milk or milk products only from their own dairy farms.

2. Employees of a milk distributor or milk plant operator who possesses a valid permit.

3. Drivers of bulk milk tank trucks between locations who do not collect milk from farms.

Section 12. Subsections (1) and (4) of section 502.181, Florida Statutes, are amended to read:

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

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

(4) Repasteurize milk.

Section 13. Paragraph (b) of subsection (1) of section 502.231, Florida Statutes, is amended to read:

502.231 Penalty and injunction.—

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

(b) Imposition of an administrative fine:

1. In the Class II category pursuant to s. 570.971 for each violation in the case of a frozen dessert licensee; or
2. Ten percent of the license fee or $100, whichever is
greater, for failure to report the information described in s.
502.053(3)(d), or
3. In the Class I category pursuant to s. 570.971 for each
occurrence for any other violation.

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

Section 14. Section 502.301, Florida Statutes, is repealed.

Section 15. 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.

Section 16. Upon the expiration and reversion of the
amendment made to section 570.93, Florida Statutes, pursuant to
section 91 of chapter 2019-116, Laws of Florida, paragraphs (a)
and (c) of subsection (1) of section 570.93, Florida Statutes,
are amended to read:

570.93 Department of Agriculture and Consumer Services;
agricultural water conservation and agricultural water supply
planning.—
(1) The department shall establish an agricultural water
conservation program that includes the following:
(a) A cost-share program, coordinated where appropriate with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory evaluations and for water conservation as provided in this section and, where applicable, for water quality improvement pursuant to s. 403.067(7)(e).

(c) Provision of assistance to the water management districts in the development and implementation, to the extent practicable, of a consistent, to the extent practicable, methodology for the efficient allocation of water for agricultural irrigation.

Section 17. 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:

(a) Enforce the provisions of this chapter;

(b) Prevent, detect, and suppress wildfires wherever they may occur on public or private land in this state and do all things necessary in the exercise of such powers, authority, and duties;

(c) Provide firefighting crews, who shall be under the control and direction of the Florida Forest Service and its designated agents;

(d) Appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau
chief, a forest protection assistant bureau chief, a field operations bureau chief, deputy chiefs of field operations, district managers, forest operations administrators, senior forest rangers, investigators, forest rangers, firefighter rotorcraf pilots, and other employees who may, at the Florida Forest Service’s discretion, be certified as forestry firefighters pursuant to s. 633.408(8). Other law notwithstanding, center managers, district managers, forest protection assistant bureau chief, and deputy chiefs of field operations have Selected Exempt Service status in the state personnel designation;

(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;

(f) Pay the cost of the initial commercial driver license examination fee for those employees whose position requires them to operate equipment requiring a license. This paragraph is intended to be an authorization to the department to pay such costs, not an obligation;

(g) Provide fire management services and emergency response assistance and set and charge reasonable fees for performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service;

(h) Require all state, regional, and local government
agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan;

(i) Authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder; and

(j) Make rules to accomplish the purposes of this chapter.

Section 18. Subsection (16) is added to section 595.404, Florida Statutes, to read:

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

(16) To adopt and implement an exemption, variance, and waiver process by rule, as required by federal regulations, for sponsors under the programs implemented pursuant to this chapter, notwithstanding s. 120.542.

Section 19. 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 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 Forestry or Wildland Firefighter Certificate of Compliance is entitled to
the same rights, privileges, and benefits provided for by law as a firefighter.

Section 20. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 373.016, Florida Statutes, is reenacted to read:

373.016 Declaration of policy.—

(4)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water
within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. 366.02(2).

Section 21. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, subsection (3) of section 373.223, Florida Statutes, is reenacted to read:

373.223 Conditions for a permit.—

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

(a) The proximity of the proposed water source to the area of use or application.

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

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

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

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

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

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

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

Section 22. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 373.701, Florida Statutes, is reenacted to read:
373.701 Declaration of policy.—It is declared to be the policy of the Legislature:

(2)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power
production by an electric utility as defined in § 366.02(2).

Section 23. This act shall take effect July 1, 2020.
A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 377.703, F.S.; revising the contents of a Department of Agriculture and Consumer Services report to the Governor and the Legislature to include the development of certain renewable and alternative energy technologies; requiring the department to promote the development of alternative fuel and alternative vehicle technologies; requiring the Division of Emergency Management to consult with the department to include specified provisions in a certain report; deleting a requirement that the department prepare a separate, specified renewable energy report; amending s. 487.021, F.S.; defining the term "raw agricultural commodities fumigation"; amending s. 487.0435, F.S.; authorizing the department to consider the use of a fumigant as a pesticide for raw agricultural commodities; amending s. 500.03, F.S.; revising definitions; amending s. 500.033, F.S.; revising the membership of the Florida Food Safety and Food Defense Advisory Council; amending s. 500.12, F.S.; conforming provisions to changes made by the act; revising the date by which a late fee is imposed for nonpayment of an applicable permit; amending s. 500.121, F.S.; conforming
provisions to changes made by the act; amending s. 500.147, F.S.; updating a reference to certain bottled water provisions; amending s. 502.012, F.S.; defining and redefining terms; amending s. 502.014, F.S.; revising the authority of the department to conduct onsite inspections of certain facilities and to collect samples of products at such facilities for testing; amending s. 502.053, F.S.; requiring operation permits for wholesalers of frozen dessert products; deleting a requirement that a frozen dessert plant permitholder submit specified reports to the department; providing an exemption from bulk milk hauler/sampler permit requirements; amending s. 502.181, F.S.; revising the prohibitions against certain testing for milkfat content and for repasteurizing milk; amending s. 502.231, F.S.; conforming a provision to changes made by the act; repealing s. 502.301, F.S., relating to the Dairy Industry Technical Council; amending s. 570.441, F.S.; extending the expiration for the use of funds from the Pest Control Trust Fund; amending s. 570.93, F.S.; revising requirements for the agricultural water conservation program; amending s. 590.02, F.S.; directing the Florida Forest Service to develop a training curriculum for wildland firefighting;
providing requirements for such training; amending s. 595.404, F.S.; authorizing the department to adopt and implement an exemption, variance, and waiver process for school food and other nutrition programs; amending s. 633.408, F.S.; providing wildland firefighter training and certification for certain firefighters and volunteer firefighters; reenacting ss. 373.016(4)(a), 373.223(3), and 373.701(2)(a), F.S., relating to a declaration of policy, conditions for a permit, and a declaration of policy, respectively, to incorporate the amendment made to s. 500.033, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (f), (k), (m), and (n) of subsection (2) of section 377.703, Florida Statutes, are amended to read:

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

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

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

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

2. Collection and dissemination of information relating to energy efficiency and conservation.

3. Development and conduct of educational and training programs relating to energy efficiency and conservation, renewable energy, alternative fuels, and alternative vehicle technologies.

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

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

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

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

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures, and alternative fuel and alternative vehicle technologies.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of
residents of this state caused by severe hurricanes, and the
potential for such impacts caused by other natural disasters,
the Division of Emergency Management, in consultation with the
department, shall include in its energy emergency contingency
plan and provide to the Florida Building Commission for
inclusion in the Florida Energy Efficiency Code for Building
Construction specific provisions to facilitate the use of cost-
effective solar energy technologies as emergency remedial and
preventive measures for providing electric power, street
lighting, and water heating service in the event of electric
power outages.

(n) On an annual basis, the department shall prepare an
assessment of the utilization of the renewable energy
technologies investment tax credit authorized in s. 220.192 and
the renewable energy production credit authorized in s. 220.193,
which the department shall submit to the President of the
Senate, the Speaker of the House of Representatives, and the
Executive Office of the Governor by February 1 of each year. The
assessment shall include, at a minimum, the following
information:

1. For the renewable energy technologies investment tax
   credit authorized in s. 220.192:
   a. The name of each taxpayer receiving an allocation under
      this section;
   b. The amount of the credits allocated for that fiscal
year for each taxpayer; and

c. The type of technology and a description of each
investment for which each taxpayer receives an allocation.

2. For the renewable energy production credit authorized
in s. 220.193:

a. The name of each taxpayer receiving an allocation under
this section;

b. The amount of credits allocated for that fiscal year
for each taxpayer;

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

d. The aggregate amount of credits allocated for all
taxpayers claiming credits under this section for the fiscal
year.

Section 2. Present subsections (57) through (67) of
section 487.021, Florida Statutes, are redesignated as
subsections (58) through (68), respectively, and a new
subsection (57) is added to that section, to read:

487.021 Definitions.—For the purpose of this part:

(57) "Raw agricultural commodities fumigation" means the
use of a fumigant pesticide, in a sufficient concentration to be
lethal to a given organism, to treat for pests in any fruits,
vegetables, nuts, legumes, mushrooms, or other non-animal matter
customarily consumed by humans or animals. The term includes the
process of fumigating raw agricultural commodities under a
tarpaulin or in a structure such as a storage facility, barn,
silo, warehouse, or shipping container which is not inhabited by
human beings, agricultural livestock, or domestic pets and is
not connected by construction elements containing voids, pipes,
conduits, drains, or ducts to a structure inhabited by human
beings, agricultural livestock, or domestic pets which could
allow for transfer of fumigant between the structures.

Section 3. Subsection (7) is added to section 487.0435,
Florida Statutes, to read:

487.0435 License classification.—The department shall
issue certified applicator licenses in the following
classifications: certified public applicator; certified private
applicator; and certified commercial applicator. In addition,
separate classifications and subclassifications may be specified
by the department in rule as deemed necessary to carry out the
provisions of this part. Each classification shall be subject to
requirements or testing procedures to be set forth by rule of
the department and shall be restricted to the activities within
the scope of the respective classification as established in
statute or by rule. In specifying classifications, the
department may consider, but is not limited to, the following:

(7) The use of a fumigant as a pesticide, solely in raw
agricultural commodities fumigation, as defined in s. 487.021.
Section 4. Paragraphs (d), (i), (p), (q), (r), (v), and (bb) of subsection (1) of section 500.03, Florida Statutes, are amended to read:

500.03 Definitions; construction; applicability.—
(1) For the purpose of this chapter, the term:

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

(p) "Food establishment" means a factory, food outlet, or other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term includes any establishment or section of an establishment where food and food products are offered to the consumer and are intended for off-premises consumption and delicatessens that offer prepared food in bulk quantities only. The term does not include a business or activity that is regulated under s. 413.051, s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in
their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed; and markets that offer only fresh fruit and fresh vegetables for sale.

(q) “Food outlet” means any grocery store; convenience store; minor food outlet; meat, poultry, or fish and related aquatic food market; fruit or vegetable market; food warehouse; refrigerated storage facility; freezer locker; salvage food facility; or any other similar place storing or offering food for sale.

(r) “Food service establishment” means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, cottage food operations, and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.
(s)(v) "Minor food outlet" means any food retail establishment that sells food groceries and may offer food service to the public, but where neither business activity is a major retail function of the establishment, based on allocated space or gross sales.

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

Section 5. Subsection (1) of section 500.033, Florida Statutes, is amended to read:

500.033 Florida Food Safety and Food Defense Advisory Council.—

(1) There is created the Florida Food Safety and Food Defense Advisory Council for the purpose of serving as a forum for presenting, investigating, and evaluating issues of current importance to the assurance of a safe and secure food supply to the citizens of Florida. The Florida Food Safety and Food Defense Advisory Council shall consist of, but not be limited to: the Commissioner of Agriculture or his or her designee; the
State Surgeon General or his or her designee; the Secretary of
Business and Professional Regulation or his or her designee; the
person responsible for domestic security with the Department of
Law Enforcement; members representing the production,
processing, distribution, and sale of foods; consumers or
members of citizens groups; representatives of food industry
groups; scientists or other experts in aspects of food safety
from state universities; representatives from local, state, and
federal agencies that are charged with responsibilities for food
safety or food defense; and as ex officio members, the chairs of
the Agriculture Committees of the Senate and the House of
Representatives or their designees, and the chairs of the
committees of the Senate and the House of Representatives with
jurisdictional oversight of home defense issues or their
designees, and the person responsible for domestic security
within the Department of Law Enforcement or his or her designee.
The Commissioner of Agriculture shall appoint the remaining
members. The council shall make periodic reports to the
Department of Agriculture and Consumer Services concerning
findings and recommendations in the area of food safety and food
defense.

Section 6. Paragraphs (a), (b), and (e) of subsection (1)
and subsection (2) of section 500.12, Florida Statutes, are
amended to read:

500.12 Food permits; building permits.—
(1)(a) A food permit from the department is required of any person who operates a food establishment or retail food store, except:

1. Persons operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the minor food outlet.

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

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

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

(b) Each food establishment and retail food store regulated under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment.
and retail food store as a condition of issuance or renewal of a food permit. Such fees may not exceed $650 and shall be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed $1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed $250. The fee for operating a bottled water plant or a packaged ice plant shall be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed annually on or before January 1. If an application for renewal of a food permit fee is not received in full by the department on or before January 1 within 30 days after its due date, a late fee not exceeding $100 must be paid in addition to the applicable food permit fee before the department may issue the food permit. The moneys collected shall be deposited in the General Inspection Trust Fund.

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

(2) When any person applies for a building permit to construct, convert, or remodel any food establishment, food outlet, or retail food store, the authority issuing such permit shall make available to the applicant a printed statement, provided by the department, regarding the applicable sanitation requirements for such establishments. A building permitting authority, or municipality or county under whose jurisdiction a building permitting authority operates, may not be held liable for a food establishment, food outlet, or retail food store that does not comply with the applicable sanitation requirements due to failure of the building permitting authority to provide the information as provided in this subsection.

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

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

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

Section 7. Subsection (1) of section 500.121, Florida
Statutes, is amended to read:

500.121 Disciplinary procedures.—
(1) In addition to the suspension procedures provided in
s. 500.12, if applicable, the department may impose an
administrative fine in the Class II category pursuant to s.
570.971 against any retail food store, food establishment, or
cottage food operation that violates this chapter, which fine,
when imposed and paid, shall be deposited by the department into
the General Inspection Trust Fund. The department may revoke or
suspend the permit of any such retail food store or food
establishment if it is satisfied that the retail food store or
food establishment has:
   (a) Violated this chapter.
   (b) Violated or aided or abetted in the violation of any
law of this state governing or applicable to retail food stores
or food establishments or any lawful rules of the department.
(c) Knowingly committed, or been a party to, any material fraud, misrepresentation, conspiracy, collusion, trick, scheme, or device whereby another person, lawfully relying upon the word, representation, or conduct of a retail food store or food establishment, acts to her or his injury or damage.

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

Section 8. Paragraph (a) of subsection (3) of section 500.147, Florida Statutes, is amended to read:

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

(3) For bottled water plants:

(a) Bottled water must be from an approved source. Bottled water must be processed in conformance with 21 C.F.R. part 129 (2019) (2006), and must conform to 21 C.F.R. part 165 (2019) (2006). A person operating a bottled water plant shall be responsible for all water sampling and analyses required by this chapter.

Section 9. Section 502.012, Florida Statutes, is amended to read:

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

(1) "Bulk milk hauler/sampler" means a person who collects official samples and may transport raw milk from a farm or raw milk products to or from a milk plant, receiving station, or
transfer station and has in his or her possession a permit to sample such products from any state regulatory agency charged in implementing the United States Food and Drug Administration's Grade "A" Milk Safety Program.

(2) "Bulk milk pickup tanker" means a vehicle, including the truck and tank, and those appurtenances necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging or retort processed after packaging from a dairy farm to a milk plant, receiving station, or transfer station necessary attachments, used by a milk hauler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

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

(4) "Department" means the Department of Agriculture and Consumer Services.

(5) "Frozen dessert" means a specific standardized frozen dessert described in 21 C.F.R. part 135 and any other food defined by rule of the department which resembles such standardized frozen dessert but does not conform to the specific description of such standardized frozen dessert in 21 C.F.R.
part 135. The term includes, but is not limited to, a quiescently frozen confection, a quiescently frozen dairy confection, a frozen dietary dairy dessert, and a frozen dietary dessert.

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

(7) "Frozen desserts plant" means any location or premises at which frozen desserts or mix are manufactured, processed, or frozen for distribution or sale at wholesale.

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

(9) "Frozen dietary dairy dessert" or "frozen dietary dessert" means a food for any special dietary use, prepared by freezing, with or without agitation, and composed of a pasteurized mix that may contain fat, protein, carbohydrates, natural or artificial sweeteners, flavoring, stabilizers, emulsifiers, vitamins, and minerals.

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

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

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

(13)(12) "Milk distributor" means any person who offers
for sale or sells to another person any milk or milk product.

(14)(13) "Milk products" means products made with milk
that is processed in some manner, including being whipped,
acidified, cultured, concentrated, lactose-reduced, or sodium-
reduced or aseptically processed, or having the addition or
subtraction of milkfat, the addition of safe and suitable
microbial organisms, or the addition of safe and suitable
optional ingredients for protein, vitamin, or mineral
fortification. "Milk products" do not include products such as
evergated milk, condensed milk, eggnog in a rigid metal
container, dietary products, infant formula, or ice cream and
other desserts.
(15) "Milkfat" or "butterfat" means the fat contained in milk.

(16) "Milk hauler" means any person who transports raw milk or raw milk products to or from a milk plant, receiving station, or transfer station.

(17) "Milk plant" means any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed and packaged, retort processed after packaged, condensed, dried, packaged, bottled, or prepared for distribution.

(18) "Milk plant operator" means any person responsible for receiving, processing, pasteurizing, or packaging milk and milk products, or performing any other related operation.

(19) "Milk producer" means any person who operates a dairy farm and provides, sells, or offers for sale milk to a milk plant, receiving station, or transfer station.

(20) "Milk tank truck" means either a bulk milk pickup tanker or a milk transport tank.

(21) "Milk transport tank" means a vehicle, including the truck and tank, used by a bulk milk hauler/sampler or a milk hauler to transport bulk shipments of milk from a milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station.
"Quiescently frozen confection" means a clean and wholesome frozen, sweetened, flavored product that, while being frozen, was not stirred or agitated (generally known as quiescent freezing). The confection may be acidulated with food-grade acid, may contain milk solids or water, or may be made with or without added harmless pure or imitation flavoring and with or without harmless coloring. The finished product must not contain more than 0.5 percent by weight of stabilizer composed of wholesome, edible material and must not contain less than 17 percent by weight of total food solids. In the production of the confection, processing or mixing before quiescent freezing that develops in the finished confection mix any physical expansion in excess of 10 percent may not be used.

"Quiescently frozen dairy confection" means a clean and wholesome frozen product made from water, milk products, and sugar, with added harmless pure or imitation flavoring, with or without added harmless coloring, with or without added stabilizer, or with or without added emulsifier, that, while being frozen, was not stirred or agitated (generally known as quiescent freezing). The confection must not contain less than 13 percent by weight of total milk solids, less than 33 percent by weight of total food solids, more than 0.5 percent by weight of stabilizer, or more than 0.2 percent by weight of emulsifier. Stabilizer and emulsifier must be composed of wholesome, edible material. In the production of a quiescently
frozen dairy confection, processing or mixing before quiescently freezing that develops in the finished confection mix any physical expansion in excess of 10 percent may not be used.

(24) "Raw milk" means unpasteurized unprocessed milk.

(25) "Receiving station" means any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and is prepared for further transporting.

(26) "Reconstituted milk or milk products" or "recombined milk or milk products" means milk or milk products that result from reconstituting or recombining milk constituents with potable water.

(27) "Retail" means the sale of goods to the public for use or consumption rather than for resale.

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

(29) "Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

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

(31) "Washing station" means any place, premises, or establishment where milk tank trucks are cleaned and sanitized.

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

Section 10. Paragraph (a) of subsection (2) of section 502.014, Florida Statutes, is amended to read:

502.014 Powers and duties.—

(2)(a) The department shall conduct onsite inspections of all facility types defined in this chapter, and any products produced or received by such facilities, and shall collect samples for testing of any products produced or stored in such facilities dairy farms, milk plants, and frozen dessert plants and collect test samples of milk, milk products, and frozen desserts as required by this chapter.

Section 11. Paragraph (b) of subsection (1), paragraph (d) of subsection (3), and paragraph (a) of subsection (4) of section 502.053, Florida Statutes, are amended to read:

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

(1) PERMITS.—

(b) Each frozen dessert plant, whether located in the state or outside the state, that manufactures frozen desserts or
other products defined in this chapter and offers these products
for wholesale sale in this state must apply to the department
for a permit to operate. The application must be submitted on
forms prescribed by the department. All frozen dessert permits
expire on June 30 of each year.

(3) REQUIREMENTS.—

(d) Each frozen dessert plant permitholder must report
monthly, quarterly, semiannually, or annually, as required by
the department, the number of gallons of frozen dessert or
frozen dessert mix sold or manufactured by the permitholder in
this state.

(4) EXEMPTIONS.—

(a) The following persons are exempt from bulk
milk hauler/sampler permit requirements:

1. Milk producers who transport milk or milk products only
from their own dairy farms.

2. Employees of a milk distributor or milk plant operator
who possesses a valid permit.

3. Drivers of bulk milk tank trucks between locations who
do not collect milk from farms.

Section 12. Subsections (1) and (4) of section 502.181,
Florida Statutes, are amended to read:

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

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

(4) Repasteurize milk.

Section 13. Paragraph (b) of subsection (1) of section 502.231, Florida Statutes, is amended to read:

502.231 Penalty and injunction.—
(1) The department may enter an order imposing one or more of the following penalties against any person who violates any provision of this chapter:

(b) Imposition of an administrative fine:
1. In the Class II category pursuant to s. 570.971 for each violation in the case of a frozen dessert licensee; or
2. Ten percent of the license fee or $100, whichever is greater, for failure to report the information described in s. 502.053(3)(d); or
3. In the Class I category pursuant to s. 570.971 for each occurrence for any other violation.

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

Section 14. Section 502.301, Florida Statutes, is repealed.

Section 15. 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.

Section 16. Upon the expiration and reversion of the amendment made to section 570.93, Florida Statutes, pursuant to section 91 of chapter 2019-116, Laws of Florida, paragraphs (a) and (c) of subsection (1) of section 570.93, Florida Statutes, are amended to read:

570.93 Department of Agriculture and Consumer Services; agricultural water conservation and agricultural water supply planning.—

(1) The department shall establish an agricultural water conservation program that includes the following:

(a) A cost-share program, coordinated where appropriate with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory
evaluations and for water conservation and as provided in this section and, where applicable, for water quality improvement pursuant to s. 403.067(7)(c).

(c) Provision of assistance to the water management districts in the development and implementation, to the extent practicable, of a consistent, to the extent practicable, methodology for the efficient allocation of water for agricultural irrigation.

Section 17. 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:

(a) Enforce the provisions of this chapter;

(b) Prevent, detect, and suppress wildfires wherever they may occur on public or private land in this state and do all things necessary in the exercise of such powers, authority, and duties;

(c) Provide firefighting crews, who shall be under the control and direction of the Florida Forest Service and its designated agents;

(d) Appoint center managers, forest area supervisors, forestry program administrators, a forest protection bureau
chief, a forest protection assistant bureau chief, a field
operations bureau chief, deputy chiefs of field operations,
district managers, forest operations administrators, senior
forest rangers, investigators, forest rangers, firefighter
rotorcraft pilots, and other employees who may, at the Florida
Forest Service's discretion, be certified as forestry
firefighters pursuant to s. 633.408(8). Other law
notwithstanding, center managers, district managers, forest
protection assistant bureau chief, and deputy chiefs of field
operations have Selected Exempt Service status in the state
personnel designation;

(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;

(f) Pay the cost of the initial commercial driver license
examination fee for those employees whose position requires them
to operate equipment requiring a license. This paragraph is
intended to be an authorization to the department to pay such
costs, not an obligation;

(g) Provide fire management services and emergency
response assistance and set and charge reasonable fees for
performance of those services. Moneys collected from such fees shall be deposited into the Incidental Trust Fund of the Florida Forest Service;

(h) Require all state, regional, and local government agencies operating aircraft in the vicinity of an ongoing wildfire to operate in compliance with the applicable state Wildfire Aviation Plan;

(i) Authorize broadcast burning, prescribed burning, pile burning, and land clearing debris burning to carry out the duties of this chapter and the rules adopted thereunder; and

(j) Make rules to accomplish the purposes of this chapter.

Section 18. Subsection (16) is added to section 595.404, Florida Statutes, to read:

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

(16) To adopt and implement an exemption, variance, and waiver process by rule, as required by federal regulations, for sponsors under the programs implemented pursuant to this chapter, notwithstanding s. 120.542.

Section 19. 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 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 Forestry or Wildland Firefighter Certificate of Compliance is entitled to the same rights, privileges, and benefits provided for by law as a firefighter.

Section 20. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 373.016, Florida Statutes, is reenacted to read:

373.016 Declaration of policy.—

(4)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature
directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. 366.02(2).

Section 21. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, subsection (3) of section 373.223, Florida Statutes, is reenacted to read:

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

(a) The proximity of the proposed water source to the area of use or application.

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

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

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

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

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

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

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

Section 22. For the purpose of incorporating the amendment made by this act to section 500.033, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 373.701, Florida Statutes, is reenacted to read:

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

(2)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional
basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. 366.02(2).
Section 23. This act shall take effect July 1, 2020.
A bill to be entitled
An act relating to environmental enforcement; amending
ss. 161.054, 258.397, 258.46, 373.129, 373.209,
373.430, 376.065, 376.071, 376.16, 376.25, 377.37,
378.211, 403.086, 403.121, 403.141, 403.161, 403.413,
403.7234, 403.726, 403.727, and 403.93345, F.S.;
increasing the civil penalties for violations of
certain provisions relating to beach and shore
creation, the Biscayne Bay Aquatic Preserve,
aquatic preserves, the state water resource plan,
artesian wells, pollution, operating a terminal
facility without discharge prevention and response
certificates, discharge contingency plans for vessels,
the Pollutant Discharge Prevention and Control Act,
the Clean Ocean Act, the pollution of surface and
ground waters, the regulation of oil and gas
resources, the Phosphate Land Reclamation Act, sewage
disposal facilities, pollution control, reasonable
costs and expenses for pollution releases, necessary
permits, dumping litter, small quantity generators,
the abatement of imminent hazards caused by hazardous
substances, hazardous waste generators, transporters,
or facilities, and coral reef protection,
respectively; providing that each day that certain
violations are not remediated constitutes a separate
offense; making technical changes; reenacting s.
823.11(5), F.S., to incorporate the amendment made to
s. 376.16, F.S., in a reference thereto; reenacting
ss. 403.077(5), 403.131(2), 403.4154(3)(d), and
403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto; reenacting ss. 403.708(10), 403.7191(7), and 403.811, F.S., to incorporate the amendment made to s. 403.141, F.S., in a reference thereto; reenacting s. 403.7255(2), F.S., to incorporate the amendment made to s. 403.161, F.S., in a reference thereto; reenacting s. 403.7186(8), F.S., to incorporate the amendment made to ss. 403.141 and 403.161, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (1) of section 161.054, Florida Statutes, is amended to read:

161.054 Administrative fines; liability for damage; liens.— (1) In addition to the penalties provided for in ss. 161.052, 161.053, and 161.121, any person, firm, corporation, or governmental agency, or agent thereof, refusing to comply with or willfully violating any of the provisions of s. 161.041, s. 161.052, or s. 161.053, or any rule or order prescribed by the department thereunder, shall incur a fine for each offense in an amount up to $15,000 $10,000 to be fixed, imposed, and collected by the department. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 2. Subsection (7) of section 258.397, Florida Statutes, is amended to read:

258.397 Biscayne Bay Aquatic Preserve.—
ENFORCEMENT. The provisions of this section may be enforced in accordance with the provisions of s. 403.412. In addition, the Department of Legal Affairs may be authorized to bring an action for civil penalties of $7,500 $5,000 per day against any person, natural or corporate, who violates the provisions of this section or any rule or regulation issued hereunder. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Enforcement of applicable state regulations shall be supplemented by the Miami-Dade County Department of Environmental Resources Management through the creation of a full-time enforcement presence along the Miami River.

Section 3. Section 258.46, Florida Statutes, is amended to read:

258.46 Enforcement; violations; penalty. The provisions of this act may be enforced by the Board of Trustees of the Internal Improvement Trust Fund or in accordance with the provisions of s. 403.412. However, any violation by any person, natural or corporate, of the provisions of this act or any rule or regulation issued hereunder is further punishable by a civil penalty of not less than $750 $500 per day or more than $7,500 $5,000 per day of such violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 4. Subsections (5) and (7) of section 373.129, Florida Statutes, are amended to read:

373.129 Maintenance of actions.—The department, the
governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(5) To recover a civil penalty for each offense in an amount not to exceed $15,000. **Until a violation is resolved by order or judgment, each date during any portion of which such violation occurs or is not remediated constitutes a separate offense.**

(a) A civil penalty recovered by a water management district pursuant to this subsection shall be retained and used exclusively by the water management district that collected the money. A civil penalty recovered by the department pursuant to this subsection must be deposited into the Water Quality Assurance Trust Fund established under s. 376.307.

(b) A local government that is delegated authority pursuant to s. 373.103(8) may deposit a civil penalty recovered pursuant to this subsection into a local water pollution control program trust fund, notwithstanding the provisions of paragraph (a). However, civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violations of state water quality standards may be used only to restore water quality in the area that was the subject of the action, and civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violation of requirements relating to water quantity may be used only to purchase lands and make capital improvements associated with that purpose.
with surface water management, or other purposes consistent with
the requirements of this chapter for the management and storage
of surface water.

(7) To enforce the provisions of part IV of this chapter in
the same manner and to the same extent as provided in ss.
373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

Section 5. Subsection (3) of section 373.209, Florida
Statutes, is amended to read:

373.209 Artesian wells; penalties for violation.—
(3) Any person who violates any provision of this section
is shall be subject to either:

(a) The remedial measures provided for in s. 373.436; or
(b) A civil penalty of $150 $100 a day for each and every
day of such violation and for each and every act of violation.
The civil penalty may be recovered by the water management board
of the water management district in which the well is located or
by the department in a suit in a court of competent jurisdiction
in the county where the defendant resides, in the county of
residence of any defendant if there is more than one defendant,
or in the county where the violation took place. The place of
suit shall be selected by the board or department, and the suit,
by direction of the board or department, shall be instituted and
conducted in the name of the board or department by appropriate
counsel. The payment of any such damages does not impair or
abridge any cause of action which any person may have against
the person violating any provision of this section.

Section 6. Subsections (2) through (5) of section 373.430,
Florida Statutes, are amended to read:

373.430 Prohibitions, violation, penalty, intent.—
(2) A person who commits a violation specified in subsection (1) is liable for any damage caused and for civil penalties as provided in s. 373.129.

(3) A person who willfully commits a violation specified in paragraph (1)(a) commits is guilty of a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g), by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(4) A person who commits a violation specified in paragraph (1)(a) or paragraph (1)(b) due to reckless indifference or gross careless disregard commits is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g), by a fine of not more than $10,000 or 60 days in jail, or by both, for each offense.

(5) A person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) commits is guilty of a misdemeanor of the first degree, punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of not more than $10,000 or by 6 months in jail, or by both, for each offense.

Section 7. Paragraphs (a) and (e) of subsection (5) of section 376.065, Florida Statutes, are amended to read:

376.065 Operation of terminal facility without discharge prevention and response certificate prohibited; penalty.—

(5)(a) A person who violates this section or the terms and requirements of such certification commits a noncriminal

CODING: Words 

stricken are deletions; words 

underlined are additions.
infraction. The civil penalty for any such infraction shall be $750 $500, except as otherwise provided in this section.

(e) A person who elects to appear before the county court or who is required to so appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $750 $500.

Section 8. Paragraphs (a) and (e) of subsection (2) of section 376.071, Florida Statutes, are amended to read:

376.071 Discharge contingency plan for vessels.—

(2)(a) A master of a vessel that violates subsection (1) commits a noncriminal infraction and shall be cited for such infraction. The civil penalty for such an infraction shall be $7,500 $5,000, except as otherwise provided in this subsection.

(e) A person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $7,500 $5,000.

Section 9. Section 376.16, Florida Statutes, is amended to read:

376.16 Enforcement and penalties.—

(1) It is unlawful for any person to violate any provision of ss. 376.011-376.21 or any rule or order of the department made pursuant to this act. A violation is punishable by a civil penalty of up to $75,000 $50,000 per violation per day to be assessed by the department. Until a violation is resolved
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by order or judgment, each day during any portion of which the violation occurs or is not remediated constitutes a separate offense. The penalty provisions of this subsection do not apply to any discharge promptly reported and removed by a person responsible, in accordance with the rules and orders of the department, or to any discharge of pollutants equal to or less than 5 gallons.

(2) In addition to the penalty provisions which may apply under subsection (1), a person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel over 5 gallons, the civil penalty for the second discharge shall be $750 and the civil penalty for each subsequent discharge within a 12-month period shall be $1,500, except as otherwise provided in this section.

(b) For discharges of any pollutant other than gasoline or diesel, the civil penalty for a second discharge shall be $3,750 and the civil penalty for each subsequent discharge within a 12-month period shall be $7,500, except as otherwise provided in this section.

(3) A person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be $75.
discharge subsequent to the first.

(b) For discharges of pollutants other than gasoline or diesel equal to or less than 5 gallons, the civil penalty shall be $150 $100 for each discharge subsequent to the first.

(4) A person charged with a noncriminal infraction pursuant to subsection (2) or subsection (3) may:

(a) Pay the civil penalty;

(b) Post a bond equal to the amount of the applicable civil penalty; or

(c) Sign and accept a citation indicating a promise to appear before the county court.

The department employee authorized to issue these citations may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(5) Any person who willfully refuses to post bond or accept and sign a citation commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) After compliance with paragraph (4)(b) or paragraph (4)(c), any person charged with a noncriminal infraction under subsection (2) or subsection (3) may:

(a) Pay the civil penalty, either by mail or in person, within 30 days after the date of receiving the citation; or

(b) If the person has posted bond, forfeit the bond by not appearing at the designated time and location.

A person cited for an infraction under this section who pays the civil penalty or forfeits the bond has admitted the infraction and waives the right to a hearing on the issue of commission of
the infraction. Such admission may not be used as evidence in any other proceeding.

(7) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $750 $500 for the second discharge of gasoline or diesel and a civil penalty up to, but not exceeding, $1,500 $1,000 for each subsequent discharge of gasoline or diesel within a 12-month period.

(8) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2) or subsection (3). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $7,500 $5,000 for the second discharge of pollutants other than gasoline or diesel and a civil penalty up to, but not exceeding, $15,000 $10,000 for each subsequent discharge of pollutants other than gasoline or diesel within a 12-month period.

(9) At a hearing under this section, the commission of a charged offense must be proved by the greater weight of the evidence.

(10) A person who is found by a hearing official to have committed an infraction may appeal that finding to the circuit court.
(11) Any person who has not posted bond and who neither pays the applicable civil penalty, as specified in subsection (2) or subsection (3) within 30 days of receipt of the citation nor appears before the court commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) Any person who makes or causes to be made a false statement that which the person does not believe to be true in response to requirements of the provisions of ss. 376.011-376.21 commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Paragraph (a) of subsection (6) of section 376.25, Florida Statutes, is amended to read:

376.25 Gambling vessels; registration; required and prohibited releases.—

(6) PENALTIES.—

(a) A person who violates this section is subject to a civil penalty of not more than $50,000 for each violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 11. Paragraph (a) of subsection (1) of section 377.37, Florida Statutes, is amended to read:

377.37 Penalties.—

(1)(a) Any person who violates any provision of this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage facility, or any lessee, permitholder, or operator of equipment or facilities...
used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state. Furthermore, such person, lessee, permitholder, or operator is subject to the judicial imposition of a civil penalty in an amount of not more than $15,000 for each offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. This section does not Nothing herein shall give the department the right to bring an action on behalf of any private person.

Section 12. Subsection (2) of section 378.211, Florida Statutes, is amended to read:

378.211 Violations; damages; penalties.—

(2) The department may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for violation of this part or of any rule adopted or order issued pursuant to this part. The penalty may shall not exceed the following amounts, and the court shall consider evidence in mitigation:

(a) For violations of a minor or technical nature, $150

$100 per violation.
(b) For major violations by an operator on which a penalty has not been imposed under this paragraph during the previous 5 years, $1,500 $1,000 per violation.

(c) For major violations not covered by paragraph (b), $7,500 $5,000 per violation.

Subject to the provisions of subsection (4), until a violation is resolved by order or judgment, each day or any portion thereof in which the violation continues or is not remediated shall constitute a separate violation.

Section 13. Subsection (2) of section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(2) Any facilities for sanitary sewage disposal shall provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform shall be punishable by a civil penalty of $750 $500 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

Section 14. Section 403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(1) Judicial remedies:

(a) The department may institute a civil action in a court
of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation.

(b) The department may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than $15,000 per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(c) Except as provided in paragraph (2)(c), it shall not be a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the department has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action.

(2) Administrative remedies:

(a) The department may institute an administrative proceeding to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, or aquatic life, of the state caused by any violation. The department may order that the violator pay a specified sum as damages to the state. Judgment for the amount of damages determined by the department may be entered in any court having jurisdiction thereof and may be enforced as any other judgment.

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order
the prevention, abatement, or control of the conditions creating
the violation or other appropriate corrective action. Except for
violations involving hazardous wastes, asbestos, or underground
injection, the department shall proceed administratively in all
cases in which the department seeks administrative penalties
that do not exceed $50,000 $10,000 per assessment as calculated
in accordance with subsections (3), (4), (5), (6), and (7).
Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
assessed pursuant to subsection (3), subsection (4), or
subsection (5) against a public water system serving a
population of more than 10,000 shall be not less than $1,000 per
day per violation. The department may shall not impose
administrative penalties in excess of $50,000 $10,000 in a
notice of violation. The department may shall not have more than
one notice of violation seeking administrative penalties pending
against the same party at the same time unless the violations
occurred at a different site or the violations were discovered
by the department subsequent to the filing of a previous notice
of violation.

(c) An administrative proceeding shall be instituted by the
department’s serving of a written notice of violation upon the
alleged violator by certified mail. If the department is unable
to effect service by certified mail, the notice of violation may
be hand delivered or personally served in accordance with
chapter 48. The notice shall specify the provision of the law,
rule, regulation, permit, certification, or order of the
department alleged to be violated and the facts alleged to
constitute a violation thereof. An order for corrective action,
penalty assessment, or damages may be included with the notice.
When the department is seeking to impose an administrative penalty for any violation by issuing a notice of violation, any corrective action needed to correct the violation or damages caused by the violation must be pursued in the notice of violation or they are waived. However, an order is not shall become effective until after service and an administrative hearing, if requested within 20 days after service. Failure to request an administrative hearing within this time period constitutes shall constitute a waiver thereof, unless the respondent files a written notice with the department within this time period opting out of the administrative process initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent’s decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial imposition of civil penalties.

(d) If a person timely files a petition challenging a notice of violation, that person will thereafter be referred to as the respondent. The hearing requested by the respondent shall be held within 180 days after the department has referred the initial petition to the Division of Administrative Hearings unless the parties agree to a later date. The department has the burden of proving with the preponderance of the evidence that the respondent is responsible for the violation. No
Administrative penalties should not be imposed unless the department satisfies that burden. Following the close of the hearing, the administrative law judge shall issue a final order on all matters, including the imposition of an administrative penalty. When the department seeks to enforce that portion of a final order imposing administrative penalties pursuant to s. 120.69, the respondent may not assert as a defense the inappropriateness of the administrative remedy. The department retains its final-order authority in all administrative actions that do not request the imposition of administrative penalties.

(e) After filing a petition requesting a formal hearing in response to a notice of violation in which the department imposes an administrative penalty, a respondent may request that a private mediator be appointed to mediate the dispute by contacting the Florida Conflict Resolution Consortium within 10 days after receipt of the initial order from the administrative law judge. The Florida Conflict Resolution Consortium shall pay all of the costs of the mediator and for up to 8 hours of the mediator’s time per case at $150 per hour. Upon notice from the respondent, the Florida Conflict Resolution Consortium shall provide to the respondent a panel of possible mediators from the area in which the hearing on the petition would be heard. The respondent shall select the mediator and notify the Florida Conflict Resolution Consortium of the selection within 15 days of receipt of the proposed panel of mediators. The Florida Conflict Resolution Consortium shall provide all of the administrative support for the mediation process. The mediation must be completed at least 15 days before the final hearing date set by the administrative law judge.
(f) In any administrative proceeding brought by the department, the prevailing party shall recover all costs as provided in ss. 57.041 and 57.071. The costs must be included in the final order. The respondent is the prevailing party when an order is entered awarding no penalties to the department and such order has not been reversed on appeal or the time for seeking judicial review has expired. The respondent is entitled to an award of attorney’s fees if the administrative law judge determines that the notice of violation issued by the department seeking the imposition of administrative penalties was not substantially justified as defined in s. 57.111(3)(e). An award of attorney’s fees as provided by this subsection may not exceed $15,000.

(g) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law. Nothing in this subsection shall limit the department’s authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of $50,000 for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of $50,000. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking
the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of $50,000 $10,000 in penalties may be settled in the court action for less than $50,000 $10,000.

(h) Chapter 120 shall apply to any administrative action taken by the department or any delegated program pursuing administrative penalties in accordance with this section.

(3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:

(a) For a drinking water contamination violation, the department shall assess a penalty of $3,000 $2,000 for a Maximum Containment Level (MCL) violation; plus $1,500 $1,000 if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus $1,500 $1,000 if the violation occurs at a community water system; and plus $1,500 $1,000 if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance, the department shall assess a penalty of $4,500 $3,000.

(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $1,500 $1,000. For a
domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of $3,000 $2,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of $7,500 $5,000.

(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of $1,500 $1,000 for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus $3,000 $2,000 if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida Water, a conservation easement, or a Class I or Class II surface water, plus $1,500 $1,000 if the area dredged or filled is greater than one-quarter acre but less than or equal to one-half acre, and plus $1,500 $1,000 if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative penalty schedule does not apply to a dredge and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a penalty of $4,500 $3,000 for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or
filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $3,000 $2,000 for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of $7,500 $5,000 per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does shall not make that person an agent of the owner or tenant.

(d) For mangrove trimming or alteration violations, the department shall assess a penalty of $7,500 $5,000 per violation against the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does shall not make that person an agent of the owner or tenant.

(e) For solid waste violations, the department shall assess a penalty of $3,000 $2,000 for the unpermitted or unauthorized disposal or storage of solid waste; plus $1,000 if the solid waste is Class I or Class III (excluding yard trash) or if the solid waste is construction and demolition debris in excess of 20 cubic yards, plus $1,500 $1,000 if the waste is disposed of or stored in any natural or artificial body of water or within...
500 feet of a potable water well, plus $1,500 $1,000 if the waste contains PCB at a concentration of 50 parts per million or greater; untreated biomedical waste; friable asbestos greater than 1 cubic meter which is not wetted, bagged, and covered; used oil greater than 25 gallons; or 10 or more lead acid batteries. The department shall assess a penalty of $4,500 $3,000 for failure to properly maintain leachate control; unauthorized burning; failure to have a trained spotter on duty at the working face when accepting waste; or failure to provide access control for three consecutive inspections. The department shall assess a penalty of $3,000 $2,000 for failure to construct or maintain a required stormwater management system.

(f) For an air emission violation, the department shall assess a penalty of $1,500 $1,000 for an unpermitted or unauthorized air emission or an air-emission-permit exceedance, plus $1,000 if the emission results in an air quality violation, plus $4,500 $3,000 if the emission was from a major source and the source was major for the pollutant in violation; plus $1,500 $1,000 if the emission was more than 150 percent of the allowable level.

(g) For storage tank system and petroleum contamination violations, the department shall assess a penalty of $7,500 $5,000 for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; when a release has occurred from that storage tank system; for failure to timely recover free product; or for failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued. The department
shall assess a penalty of $4,500 $3,000 for failure to timely upgrade a storage tank system. The department shall assess a penalty of $3,000 $2,000 for failure to conduct or maintain required release detection; failure to timely investigate a suspected release from a storage system; depositing motor fuel into an unregistered storage tank system; failure to timely assess or remediate petroleum contamination; or failure to properly install a storage tank system. The department shall assess a penalty of $1,500 $1,000 for failure to properly operate, maintain, or close a storage tank system.

(4) In an administrative proceeding, in addition to the penalties that may be assessed under subsection (3), the department shall assess administrative penalties according to the following schedule:

(a) For failure to satisfy financial responsibility requirements or for violation of s. 377.371(1), $7,500 $5,000.

(b) For failure to install, maintain, or use a required pollution control system or device, $6,000 $4,000.

(c) For failure to obtain a required permit before construction or modification, $4,500 $3,000.

(d) For failure to conduct required monitoring or testing; failure to conduct required release detection; or failure to construct in compliance with a permit, $3,000 $2,000.

(e) For failure to maintain required staff to respond to emergencies; failure to conduct required training; failure to prepare, maintain, or update required contingency plans; failure to adequately respond to emergencies to bring an emergency situation under control; or failure to submit required notification to the department, $1,500 $1,000.
(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to prepare, submit, maintain, or use required reports or other required documentation, $750 $500.

(5) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section, the department may assess a penalty of $1,000 $500.

(6) For each additional day during which a violation occurs, the administrative penalties in subsection (3), subsection (4), and subsection (5) may be assessed per day per violation.

(7) The history of noncompliance of the violator for any previous violation resulting in an executed consent order, but not including a consent order entered into without a finding of violation, or resulting in a final order or judgment after the effective date of this law involving the imposition of $3,000 $2,000 or more in penalties shall be taken into consideration in the following manner:

(a) One previous such violation within 5 years prior to the filing of the notice of violation will result in a 25-percent per day increase in the scheduled administrative penalty.

(b) Two previous such violations within 5 years prior to the filing of the notice of violation will result in a 50-percent per day increase in the scheduled administrative penalty.

(c) Three or more previous such violations within 5 years prior to the filing of the notice of violation will result in a
100-percent per day increase in the scheduled administrative penalty.

(8) The direct economic benefit gained by the violator from the violation, where consideration of economic benefit is provided by Florida law or required by federal law as part of a federally delegated or approved program, shall be added to the scheduled administrative penalty. The total administrative penalty, including any economic benefit added to the scheduled administrative penalty, may not exceed $15,000.

(9) The administrative penalties assessed for any particular violation may not exceed $7,500 against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation as described in subsection (8) exceeds $7,500, or there are multiday violations. The total administrative penalties may not exceed $50,000 per assessment for all violations attributable to a specific person in the notice of violation.

(10) The administrative law judge may receive evidence in mitigation. The penalties identified in subsection (3), subsection (4), and subsection (5) may be reduced up to 50 percent by the administrative law judge for mitigating circumstances, including good faith efforts to comply prior to or after discovery of the violations by the department. Upon an affirmative finding that the violation was caused by circumstances beyond the reasonable control of the respondent and could not have been prevented by respondent’s due diligence, the administrative law judge may further reduce the penalty.

(11) Penalties collected pursuant to this section shall be
deposited into the Water Quality Assurance Trust Fund or other trust fund designated by statute and shall be used to fund the restoration of ecosystems, or polluted areas of the state, as defined by the department, to their condition before pollution occurred. The Florida Conflict Resolution Consortium may use a portion of the fund to administer the mediation process provided in paragraph (2)(e) and to contract with private mediators for administrative penalty cases.

(12) The purpose of the administrative penalty schedule and process is to provide a more predictable and efficient manner for individuals and businesses to resolve relatively minor environmental disputes. Subsections (3)-(7) may not be construed as limiting a state court in the assessment of damages. The administrative penalty schedule does not apply to the judicial imposition of civil penalties in state court as provided in this section.

Section 15. Subsection (1) of section 403.141, Florida Statutes, is amended to read:

403.141 Civil liability; joint and several liability.—

(1) A person who commits a violation specified in s. 403.161(1) is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil penalty.
penalty for each offense in an amount of not more than $15,000
$10,000 per offense. However, the court may receive evidence in
mitigation. Until a violation is resolved by order or judgment,
each day during any portion of which such violation occurs or is
not remediated constitutes a separate offense. Nothing herein
gives shall give the department the right to bring an action on
behalf of any private person.

Section 16. Subsections (2) through (5) of section 403.161,
Florida Statutes, are amended to read:

403.161 Prohibitions, violation, penalty, intent.—
(2) A person who commits a violation specified in
subsection (1) is liable to the state for any damage caused and
for civil penalties as provided in s. 403.141.

(3) A person who willfully commits a violation
specified in paragraph (1)(a) is guilty of a felony of
the third degree, punishable as provided in ss. 775.082(3)(e)
and 775.083(1)(g) by a fine of not more than $50,000 or by
imprisonment for 5 years, or by both, for each offense. Until a
violation is resolved by order or judgment, each day during any
portion of which such violation occurs or is not remediated
constitutes a separate offense.

(4) A person who commits a violation specified in
paragraph (1)(a) or paragraph (1)(b) due to reckless
indifference or gross careless disregard commits is guilty of a
misdemeanor of the second degree, punishable as provided in ss.
775.082(4)(b) and 775.083(1)(g) by a fine of not more than
$10,000 $5,000 or by 60 days in jail, or by both, for each
offense.

(5) A person who willfully commits a violation
specified in paragraph (1)(b) or paragraph (1)(c) commits is guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than $10,000 or by 6 months in jail, or by both for each offense.

Section 17. Paragraph (a) of subsection (6) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes commits is guilty of a noncriminal infraction, punishable by a civil penalty of $150 $100, from which $50 shall be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

Section 18. Subsection (5) of section 403.7234, Florida Statutes, is amended to read:

403.7234 Small quantity generator notification and verification program.—

(5) Any small quantity generator who does not comply with the requirements of subsection (4) and who has received a notification and survey in person or through one certified letter from the county is subject to a fine of between $75 $50 and $150 $100 per day for a maximum of 100 days. The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the
notification and verification procedure established in this section. If there are excess funds after the notification and verification procedures have been completed, such funds shall be used for hazardous and solid waste management purposes only.

Section 19. Subsection (3) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

(3) An imminent hazard exists if any hazardous substance creates an immediate and substantial danger to human health, safety, or welfare or to the environment. The department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate an imminent hazard. However, the department is authorized to recover a civil penalty of no more than $25,000 for each day until a continued violation is resolved by order or judgment. Whenever serious harm to human health, safety, and welfare; the environment; or private or public property may occur prior to completion of an administrative hearing or other formal proceeding that might be initiated to abate the risk of serious harm, the department may obtain, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

Section 20. Paragraph (a) of subsection (3) of section 403.727, Florida Statutes, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act are punishable as follows:

(a) Any person who violates the provisions of this act, the
rules or orders of the department, or the conditions of a permit
is liable to the state for any damages specified in s. 403.141
and for a civil penalty of not more than $75,000 $50,000 for
each day of continued violation or until a violation is resolved
by order or judgment, except as otherwise provided herein. The
department may revoke any permit issued to the violator. In any
action by the department against a small hazardous waste
generator for the improper disposal of hazardous wastes, a
rebuttable presumption of improper disposal shall be created if
the generator was notified pursuant to s. 403.7234; the
generator shall then have the burden of proving that the
disposal was proper. If the generator was not so notified, the
burden of proving improper disposal shall be placed upon the
department.

Section 21. Subsection (8) of section 403.93345, Florida
Statutes, is amended to read:
403.93345 Coral reef protection.—
(8) In addition to the compensation described in subsection
(5), the department may assess, per occurrence, civil penalties
according to the following schedule:
(a) For any anchoring of a vessel on a coral reef or for
any other damage to a coral reef totaling less than or equal to
an area of 1 square meter, $225 $150, provided that a
responsible party who has anchored a recreational vessel as
defined in s. 327.02 which is lawfully registered or exempt from
registration pursuant to chapter 328 is issued, at least once, a
warning letter in lieu of penalty; with aggravating
circumstances, an additional $225 $150; occurring within a state
desk or aquatic preserve, an additional $225 $150.
(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, $450 $300 per square meter; with aggravating circumstances, an additional $450 $300 per square meter; occurring within a state park or aquatic preserve, an additional $450 $300 per square meter.

(c) For damage exceeding an area of 10 square meters, $1,500 $1,000 per square meter; with aggravating circumstances, an additional $1,500 $1,000 per square meter; occurring within a state park or aquatic preserve, an additional $1,500 $1,000 per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed $375,000 $250,000 per occurrence.

Section 22. Subsection (5) of s. 823.11, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 376.16, Florida Statutes, in a reference thereto.

Section 23. Subsection (5) of s. 403.077, subsection (2) of s. 403.131, paragraph (d) of subsection (3) of s. 403.4154, and subsection (5) of s. 403.860, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 403.121, Florida Statutes, in references thereto.

Section 24. Subsection (10) of s. 403.708, subsection (7) of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted
for the purpose of incorporating the amendment made by this act to s. 403.141, Florida Statutes, in references thereto.

Section 25. Subsection (2) of s. 403.7255, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 403.161, Florida Statutes, in a reference thereto.

Section 26. Subsection (8) of s. 403.7186, Florida Statutes, is reenacted for the purpose of incorporating the amendments made by this act to ss. 403.141 and 403.161, Florida Statutes, in references thereto.

Section 27. This act shall take effect July 1, 2020.
A bill to be entitled
An act relating to environmental enforcement; amending
ss. 161.054, 258.397, 258.46, 373.129, 373.209,
373.430, 376.065, 376.071, 376.16, 376.25, 377.37,
378.211, 403.086, 403.121, 403.141, 403.161, 403.413,
403.7234, 403.726, 403.727, and 403.93345, F.S.;
increasing the civil penalties for violations of
certain provisions relating to beach and shore
construction, the Biscayne Bay Aquatic Preserve,
aquatic preserves, the state water resource plan,
artesian wells, pollution, operating a terminal
facility without discharge prevention and response
certificates, discharge contingency plans for vessels,
the Pollutant Discharge Prevention and Control Act,
the Clean Ocean Act, the pollution of surface and
ground waters, the regulation of oil and gas
resources, the Phosphate Land Reclamation Act, sewage
disposal facilities, pollution control, reasonable
costs and expenses for pollution releases, necessary
permits, dumping litter, small quantity generators,
the abatement of imminent hazards caused by hazardous
substances, hazardous waste generators, transporters,
or facilities, and coral reef protection,
respectively; providing that each day that certain
violations are not remediated constitutes a separate
offense; making technical changes; reenacting s. 823.11(5), F.S., to incorporate the amendment made to s. 376.16, F.S., in a reference thereto; reenacting ss. 403.077(5), 403.131(2), 403.4154(3)(d), and 403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto; reenacting ss. 403.708(10), 403.7191(7), and 403.811, F.S., to incorporate the amendment made to s. 403.141, F.S., in a reference thereto; reenacting s. 403.7255(2), F.S., to incorporate the amendment made to s. 403.161, F.S., in a reference thereto; reenacting s. 403.7186(8), F.S., to incorporate the amendment made to ss. 403.141 and 403.161, F.S., in references thereto; providing an effective date.

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

Section 1. Subsection (1) of section 161.054, Florida Statutes, is amended to read:

161.054 Administrative fines; liability for damage; liens.—

(1) In addition to the penalties provided for in ss. 161.052, 161.053, and 161.121, any person, firm, corporation, or governmental agency, or agent thereof, refusing to comply with or willfully violating any of the provisions of s. 161.041, s.
161.052, or s. 161.053, or any rule or order prescribed by the department thereunder, shall incur a fine for each offense in an amount up to $15,000 to be fixed, imposed, and collected by the department. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 2. Subsection (7) of section 258.397, Florida Statutes, is amended to read:

258.397 Biscayne Bay Aquatic Preserve.—
(7) ENFORCEMENT. The provisions of This section may be enforced in accordance with the provisions of s. 403.412. In addition, the Department of Legal Affairs may be authorized to bring an action for civil penalties of $7,500 per day against any person, natural or corporate, who violates the provisions of this section or any rule or regulation issued hereunder. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Enforcement of applicable state regulations shall be supplemented by the Miami-Dade County Department of Environmental Resources Management through the creation of a full-time enforcement presence along the Miami River.

Section 3. Section 258.46, Florida Statutes, is amended to read:

258.46 Enforcement; violations; penalty. The provisions of

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This act may be enforced by the Board of Trustees of the
Internal Improvement Trust Fund or in accordance with the
provisions of s. 403.412. However, any violation by any person,
natural or corporate, of the provisions of this act or any rule
or regulation issued hereunder is shall be further punishable by
a civil penalty of not less than $750 $500 per day or more than
$7,500 $5,000 per day of such violation. Until a violation is
resolved by order or judgment, each day during any portion of
which such violation occurs or is not remediated constitutes a
separate offense.

Section 4. Subsections (5) and (7) of section 373.129,
Florida Statutes, are amended, to read:

373.129 Maintenance of actions.—The department, the
governing board of any water management district, any local
board, or a local government to which authority has been
delegated pursuant to s. 373.103(8), is authorized to commence
and maintain proper and necessary actions and proceedings in any
court of competent jurisdiction for any of the following
purposes:

(5) To recover a civil penalty for each offense in an
amount not to exceed $15,000 $10,000 per offense. Until a
violation is resolved by order or judgment, each date during any
portion of which such violation occurs or is not remediated
constitutes a separate offense.

(a) A civil penalty recovered by a water management
district pursuant to this subsection shall be retained and used exclusively by the water management district that collected the money. A civil penalty recovered by the department pursuant to this subsection must be deposited into the Water Quality Assurance Trust Fund established under s. 376.307.

(b) A local government that is delegated authority pursuant to s. 373.103(8) may deposit a civil penalty recovered pursuant to this subsection into a local water pollution control program trust fund, notwithstanding the provisions of paragraph (a). However, civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violations of state water quality standards may be used only to restore water quality in the area that was the subject of the action, and civil penalties that are deposited in a local water pollution control program trust fund and that are recovered for violation of requirements relating to water quantity may be used only to purchase lands and make capital improvements associated with surface water management, or other purposes consistent with the requirements of this chapter for the management and storage of surface water.

(7) To enforce the provisions of part IV of this chapter in the same manner and to the same extent as provided in ss. 373.430, 403.121(1) and (2), 403.131, 403.141, and 403.161.

Section 5. Subsection (3) of section 373.209, Florida Statutes, is amended to read:
373.209 Artesian wells; penalties for violation.—

(3) Any person who violates any provision of this section shall be subject to either:

(a) The remedial measures provided for in s. 373.436; or

(b) A civil penalty of $150 a day for each and every day of such violation and for each and every act of violation.
The civil penalty may be recovered by the water management board of the water management district in which the well is located or by the department in a suit in a court of competent jurisdiction in the county where the defendant resides, in the county of residence of any defendant if there is more than one defendant, or in the county where the violation took place. The place of suit shall be selected by the board or department, and the suit, by direction of the board or department, shall be instituted and conducted in the name of the board or department by appropriate counsel. The payment of any such damages does not impair or abridge any cause of action which any person may have against the person violating any provision of this section.

Section 6. Subsections (2) through (5) of section 373.430, Florida Statutes, are amended to read:

373.430 Prohibitions, violation, penalty, intent.—

(2) A person who commits a violation specified in subsection (1) is liable for any damage caused and for civil penalties as provided in s. 373.129.

(3) Any person who willfully commits a violation
specified in paragraph (1)(a) commits is guilty of a felony of
the third degree, punishable as provided in ss. 775.082(3)(e)
and 775.083(1)(g), by a fine of not more than $50,000 or by
imprisonment for 5 years, or by both, for each offense. Until a
violation is resolved by order or judgment, each day during any
portion of which such violation occurs or is not remediated
constitutes a separate offense.

(4) Any person who commits a violation specified in
paragraph (1)(a) or paragraph (1)(b) due to reckless
indifference or gross careless disregard commits is guilty of a
misdemeanor of the second degree, punishable as provided in ss.
775.082(4)(b) and 775.083(1)(g), by a fine of not more than
$10,000 or 60 days in jail, or by both, for each offense.

(5) Any person who willfully commits a violation
specified in paragraph (1)(b) or paragraph (1)(c) commits is
guilty of a misdemeanor of the first degree, punishable as
provided in ss. 775.082(4)(a) and 775.083(1)(g), by a fine of
not more than $10,000 or by 6 months in jail, or by both, for
each offense.

Section 7. Paragraphs (a) and (e) of subsection (5) of
section 376.065, Florida Statutes, are amended to read:

376.065 Operation of terminal facility without discharge
prevention and response certificate prohibited; penalty.—

(5)(a) A person who violates this section or the terms and
requirements of such certification commits a noncriminal
infraction. The civil penalty for any such infraction shall be $750 $500, except as otherwise provided in this section.

(e) A person who elects to appear before the county court or who is required to so appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $750 $500.

Section 8. Paragraphs (a) and (e) of subsection (2) of section 376.071, Florida Statutes, are amended to read:

376.071 Discharge contingency plan for vessels.—

(2)(a) A master of a vessel that violates subsection (1) commits a noncriminal infraction and shall be cited for such infraction. The civil penalty for such an infraction shall be $7,500 $5,000, except as otherwise provided in this subsection.

(e) A person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalty specified in paragraph (a). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of the infraction is proved, the court shall impose a civil penalty of $7,500 $5,000.

Section 9. Section 376.16, Florida Statutes, is amended to read:

376.16 Enforcement and penalties.—

(1) It is unlawful for any person to violate any provision

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of ss. 376.011-376.21 or any rule or order of the department made pursuant to this act. A violation is punishable by a civil penalty of up to $75,000 per violation per day to be assessed by the department. Until a violation is resolved by order or judgment, each day during any portion of which the violation occurs constitutes a separate offense. The penalty provisions of this subsection do not apply to any discharge promptly reported and removed by a person responsible, in accordance with the rules and orders of the department, or to any discharge of pollutants equal to or less than 5 gallons.

(2) In addition to the penalty provisions which may apply under subsection (1), a person responsible for two or more discharges of any pollutant reported pursuant to s. 376.12 within a 12-month period at the same facility commits a noncriminal infraction and shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel over 5 gallons, the civil penalty for the second discharge shall be $750 and the civil penalty for each subsequent discharge within a 12-month period shall be $1,500, except as otherwise provided in this section.

(b) For discharges of any pollutant other than gasoline or diesel, the civil penalty for a second discharge shall be $3,750 and the civil penalty for each subsequent discharge
within a 12-month period shall be $7,500 $5,000, except as
otherwise provided in this section.

(3) A person responsible for two or more discharges of any
pollutant reported pursuant to s. 376.12 within a 12-month
period at the same facility commits a noncriminal infraction and
shall be cited by the department for such infraction.

(a) For discharges of gasoline or diesel equal to or less
than 5 gallons, the civil penalty shall be $75 $50 for each
discharge subsequent to the first.

(b) For discharges of pollutants other than gasoline or
diesel equal to or less than 5 gallons, the civil penalty shall
be $150 $100 for each discharge subsequent to the first.

(4) A person charged with a noncriminal infraction
pursuant to subsection (2) or subsection (3) may:

(a) Pay the civil penalty;

(b) Post a bond equal to the amount of the applicable
civil penalty; or

(c) Sign and accept a citation indicating a promise to
appear before the county court.

The department employee authorized to issue these citations may
indicate on the citation the time and location of the scheduled
hearing and shall indicate the applicable civil penalty.

(5) Any person who willfully refuses to post bond or
accept and sign a citation commits a misdemeanor of the second
degree, punishable as provided in s. 775.082 or s. 775.083.

(6) After compliance with paragraph (4)(b) or paragraph (4)(c), any person charged with a noncriminal infraction under subsection (2) or subsection (3) may:

(a) Pay the civil penalty, either by mail or in person, within 30 days after the date of receiving the citation; or

(b) If the person has posted bond, forfeit the bond by not appearing at the designated time and location.

A person cited for an infraction under this section who pays the civil penalty or forfeits the bond has admitted the infraction and waives the right to a hearing on the issue of commission of the infraction. Such admission may not be used as evidence in any other proceeding.

(7) Any person who elects to appear before the county court or who is required to appear waives the limitations of the civil penalties specified in subsection (2). The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $750 for the second discharge of gasoline or diesel and a civil penalty up to, but not exceeding, $1,500 for each subsequent discharge of gasoline or diesel within a 12-month period.

(8) Any person who elects to appear before the county
court or who is required to appear waives the limitations of the civil penalties specified in subsection (2) or subsection (3).

The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction is proved, the court may impose a civil penalty up to, but not exceeding, $7,500 $5,000 for the second discharge of pollutants other than gasoline or diesel and a civil penalty up to, but not exceeding, $15,000 $10,000 for each subsequent discharge of pollutants other than gasoline or diesel within a 12-month period.

(9) At a hearing under this section, the commission of a charged offense must be proved by the greater weight of the evidence.

(10) A person who is found by a hearing official to have committed an infraction may appeal that finding to the circuit court.

(11) Any person who has not posted bond and who neither pays the applicable civil penalty, as specified in subsection (2) or subsection (3) within 30 days of receipt of the citation nor appears before the court commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) Any person who makes or causes to be made a false statement that which the person does not believe to be true in response to requirements of the provisions of ss. 376.011-376.21 commits a felony of the second degree, punishable as provided in
s. 775.082, s. 775.083, or s. 775.084.

Section 10. Paragraph (a) of subsection (6) of section 376.25, Florida Statutes, is amended to read:

376.25 Gambling vessels; registration; required and prohibited releases.—

(6) PENALTIES.—

(a) A person who violates this section is subject to a civil penalty of not more than $75,000 for each violation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

Section 11. Paragraph (a) of subsection (1) of section 377.37, Florida Statutes, is amended to read:

377.37 Penalties.—

(1)(a) Any person who violates any provision of this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage facility, or any lessee, permitholder, or operator of equipment or facilities used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property,
including animal, plant, or aquatic life, of the state and for
reasonable costs and expenses of the state in tracing the source
of the discharge, in controlling and abating the source and the
pollutants, and in restoring the air, waters, and property,
including animal, plant, and aquatic life, of the state.
Furthermore, such person, lessee, permitholder, or operator is
subject to the judicial imposition of a civil penalty in an
amount of not more than $15,000 $10,000 for each offense.
However, the court may receive evidence in mitigation. Until a
violation is resolved by order or judgment, each day during any
portion of which such violation occurs or is not remediated
constitutes a separate offense. This section does not Nothing
herein shall give the department the right to bring an action on
behalf of any private person.

Section 12. Subsection (2) of section 378.211, Florida
Statutes, is amended to read:

378.211 Violations; damages; penalties.—
(2) The department may institute a civil action in a court
of competent jurisdiction to impose and recover a civil penalty
for violation of this part or of any rule adopted or order
issued pursuant to this part. The penalty may not exceed
the following amounts, and the court shall consider evidence in
mitigation:
(a) For violations of a minor or technical nature, $150
$100 per violation.
(b) For major violations by an operator on which a penalty has not been imposed under this paragraph during the previous 5 years, $1,500 $1,000 per violation.

(c) For major violations not covered by paragraph (b), $7,500 $5,000 per violation.

Subject to the provisions of subsection (4), until a violation is resolved by order or judgment, each day or any portion thereof in which the violation continues or is not remediated shall constitute a separate violation.

Section 13. Subsection (2) of section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(2) Any facilities for sanitary sewage disposal shall provide for secondary waste treatment and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform shall be punishable by a civil penalty of $750 $500 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

Section 14. Section 403.121, Florida Statutes, is amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies
available to it for violations of this chapter, as specified in s. 403.161(1).

(1) Judicial remedies:

(a) The department may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation.

(b) The department may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than $15,000 per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(c) Except as provided in paragraph (2)(c), it shall not be a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the department has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action.

(2) Administrative remedies:

(a) The department may institute an administrative proceeding to establish liability and to recover damages for any
injury to the air, waters, or property, including animal, plant, or aquatic life, of the state caused by any violation. The department may order that the violator pay a specified sum as damages to the state. Judgment for the amount of damages determined by the department may be entered in any court having jurisdiction thereof and may be enforced as any other judgment.

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $50,000 per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 shall be not less than $1,000 per day per violation. The department may not impose administrative penalties in excess of $50,000 in a notice of violation. The department may not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were...
discovered by the department subsequent to the filing of a previous notice of violation.

(c) An administrative proceeding shall be instituted by the department's serving of a written notice of violation upon the alleged violator by certified mail. If the department is unable to effect service by certified mail, the notice of violation may be hand delivered or personally served in accordance with chapter 48. The notice shall specify the provision of the law, rule, regulation, permit, certification, or order of the department alleged to be violated and the facts alleged to constitute a violation thereof. An order for corrective action, penalty assessment, or damages may be included with the notice. When the department is seeking to impose an administrative penalty for any violation by issuing a notice of violation, any corrective action needed to correct the violation or damages caused by the violation must be pursued in the notice of violation or they are waived. However, an order is not shall become effective until after service and an administrative hearing, if requested within 20 days after service. Failure to request an administrative hearing within this time period shall constitute a waiver thereof, unless the respondent files a written notice with the department within this time period opting out of the administrative process initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process
initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent's decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial imposition of civil penalties.

(d) If a person timely files a petition challenging a notice of violation, that person will thereafter be referred to as the respondent. The hearing requested by the respondent shall be held within 180 days after the department has referred the initial petition to the Division of Administrative Hearings unless the parties agree to a later date. The department has the burden of proving with the preponderance of the evidence that the respondent is responsible for the violation. No administrative penalties should not be imposed unless the department satisfies that burden. Following the close of the hearing, the administrative law judge shall issue a final order on all matters, including the imposition of an administrative penalty. When the department seeks to enforce that portion of a final order imposing administrative penalties pursuant to s. 120.69, the respondent may shall not assert as a defense the inappropriateness of the administrative remedy. The department retains its final-order authority in all administrative actions.
that do not request the imposition of administrative penalties.

(e) After filing a petition requesting a formal hearing in response to a notice of violation in which the department imposes an administrative penalty, a respondent may request that a private mediator be appointed to mediate the dispute by contacting the Florida Conflict Resolution Consortium within 10 days after receipt of the initial order from the administrative law judge. The Florida Conflict Resolution Consortium shall pay all of the costs of the mediator and for up to 8 hours of the mediator's time per case at $150 per hour. Upon notice from the respondent, the Florida Conflict Resolution Consortium shall provide to the respondent a panel of possible mediators from the area in which the hearing on the petition would be heard. The respondent shall select the mediator and notify the Florida Conflict Resolution Consortium of the selection within 15 days of receipt of the proposed panel of mediators. The Florida Conflict Resolution Consortium shall provide all of the administrative support for the mediation process. The mediation must be completed at least 15 days before the final hearing date set by the administrative law judge.

(f) In any administrative proceeding brought by the department, the prevailing party shall recover all costs as provided in ss. 57.041 and 57.071. The costs must be included in the final order. The respondent is the prevailing party when an order is entered awarding no penalties to the department and
such order has not been reversed on appeal or the time for
seeking judicial review has expired. The respondent shall be
entitled to an award of attorney's fees if the administrative
law judge determines that the notice of violation issued by the
department seeking the imposition of administrative penalties
was not substantially justified as defined in s. 57.111(3)(e).

An award of attorney’s fees as provided by this subsection
may not exceed $15,000.

(g) Nothing herein shall be construed as preventing any
other legal or administrative action in accordance with law.
Nothing in this subsection shall limit the department’s
authority provided in ss. 403.131, 403.141, and this section to
judicially pursue injunctive relief. When the department
exercises its authority to judicially pursue injunctive relief,
penalties in any amount up to the statutory maximum sought by
the department must be pursued as part of the state court action
and not by initiating a separate administrative proceeding. The
department retains the authority to judicially pursue penalties
in excess of $50,000 for violations not specifically
included in the administrative penalty schedule, or for multiple
or multiday violations alleged to exceed a total of $50,000
$10,000. The department also retains the authority provided in
ss. 403.131, 403.141, and this section to judicially pursue
injunctive relief and damages, if a notice of violation seeking
the imposition of administrative penalties has not been issued.
The department has the authority to enter into a settlement, either before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of $50,000 $10,000 in penalties may be settled in the court action for less than $50,000 $10,000.

(h) Chapter 120 applies shall apply to any administrative action taken by the department or any delegated program pursuing administrative penalties in accordance with this section.

(3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:

(a) For a drinking water contamination violation, the department shall assess a penalty of $3,000 $2,000 for a Maximum Containment Level (MCL) violation; plus $1,500 $1,000 if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus $1,500 $1,000 if the violation occurs at a community water system; and plus $1,500 $1,000 if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter prior to placing a drinking water system into service when the system would not have been eligible for clearance, the department shall assess a penalty of $4,500 $3,000.
(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $1,500 $1,000. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of $3,000 $2,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of $7,500 $5,000.

(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of $1,500 $1,000 for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus $3,000 $2,000 if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida Water, a conservation easement, or a Class I or Class II surface water, plus $1,500 $1,000 if the area dredged or filled is greater than one-quarter acre but less than or equal to one-half acre, and plus $1,500 $1,000 if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative penalty schedule does not apply to a dredge.
and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a penalty of $4,500 $3,000 for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $3,000 $2,000 for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of $7,500 $5,000 per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer shall not make that person an agent of the owner or tenant.

(d) For mangrove trimming or alteration violations, the department shall assess a penalty of $7,500 $5,000 per violation against the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328. For purposes of this paragraph, the
preparation or signing of a permit application by a person
currently licensed under chapter 471 to practice as a
professional engineer does not make that person an agent
of the owner or tenant.

(e) For solid waste violations, the department shall
assess a penalty of $3,000 for the unpermitted or
unauthorized disposal or storage of solid waste; plus $1,000 if
the solid waste is Class I or Class III (excluding yard trash)
or if the solid waste is construction and demolition debris in
excess of 20 cubic yards, plus $1,500 if the waste is
disposed of or stored in any natural or artificial body of water
or within 500 feet of a potable water well, plus $1,500 if the waste contains PCB at a concentration of 50 parts per
million or greater; untreated biomedical waste; friable asbestos
greater than 1 cubic meter which is not wetted, bagged, and
covered; used oil greater than 25 gallons; or 10 or more lead
acid batteries. The department shall assess a penalty of $4,500
for failure to properly maintain leachate control;
unauthorized burning; failure to have a trained spotter on duty
at the working face when accepting waste; or failure to provide
access control for three consecutive inspections. The department
shall assess a penalty of $3,000 for failure to construct
or maintain a required stormwater management system.

(f) For an air emission violation, the department shall
assess a penalty of $1,500 for an unpermitted or
unauthorized air emission or an air-emission-permit exceedance, plus $1,000 if the emission results in an air quality violation, plus $4,500 $3,000 if the emission was from a major source and the source was major for the pollutant in violation; plus $1,500 $1,000 if the emission was more than 150 percent of the allowable level.

(g) For storage tank system and petroleum contamination violations, the department shall assess a penalty of $7,500 $5,000 for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; when a release has occurred from that storage tank system; for failure to timely recover free product; or for failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued. The department shall assess a penalty of $4,500 $3,000 for failure to timely upgrade a storage tank system. The department shall assess a penalty of $3,000 $2,000 for failure to conduct or maintain required release detection; failure to timely investigate a suspected release from a storage system; depositing motor fuel into an unregistered storage tank system; failure to timely assess or remediate petroleum contamination; or failure to properly install a storage tank system. The department shall assess a penalty of $1,500 $1,000 for failure to properly operate, maintain, or close a storage tank system.
(4) In an administrative proceeding, in addition to the penalties that may be assessed under subsection (3), the department shall assess administrative penalties according to the following schedule:

(a) For failure to satisfy financial responsibility requirements or for violation of s. 377.371(1), $7,500 $5,000.

(b) For failure to install, maintain, or use a required pollution control system or device, $6,000 $4,000.

(c) For failure to obtain a required permit before construction or modification, $4,500 $3,000.

(d) For failure to conduct required monitoring or testing; failure to conduct required release detection; or failure to construct in compliance with a permit, $3,000 $2,000.

(e) For failure to maintain required staff to respond to emergencies; failure to conduct required training; failure to prepare, maintain, or update required contingency plans; failure to adequately respond to emergencies to bring an emergency situation under control; or failure to submit required notification to the department, $1,500 $1,000.

(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to prepare, submit, maintain, or use required reports or other required documentation, $750 $500.

(5) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000,
for failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section, the department may assess a penalty of $1,000 $500.

(6) For each additional day during which a violation occurs, the administrative penalties in subsection (3), subsection (4), and subsection (5) may be assessed per day per violation.

(7) The history of noncompliance of the violator for any previous violation resulting in an executed consent order, but not including a consent order entered into without a finding of violation, or resulting in a final order or judgment after the effective date of this law involving the imposition of $3,000 $2,000 or more in penalties shall be taken into consideration in the following manner:

(a) One previous such violation within 5 years prior to the filing of the notice of violation will result in a 25-
percent per day increase in the scheduled administrative penalty.

(b) Two previous such violations within 5 years prior to the filing of the notice of violation will result in a 50-
percent per day increase in the scheduled administrative penalty.

(c) Three or more previous such violations within 5 years prior to the filing of the notice of violation will result in a 100-percent per day increase in the scheduled administrative penalty.
penalty.

(8) The direct economic benefit gained by the violator from the violation, where consideration of economic benefit is provided by Florida law or required by federal law as part of a federally delegated or approved program, shall be added to the scheduled administrative penalty. The total administrative penalty, including any economic benefit added to the scheduled administrative penalty, may shall not exceed $15,000 $10,000.

(9) The administrative penalties assessed for any particular violation may shall not exceed $7,500 $5,000 against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation as described in subsection (8) exceeds $7,500 $5,000, or there are multiday violations. The total administrative penalties may shall not exceed $50,000 $10,000 per assessment for all violations attributable to a specific person in the notice of violation.

(10) The administrative law judge may receive evidence in mitigation. The penalties identified in subsections subsection (3), subsection (4), and subsection (5) may be reduced up to 50 percent by the administrative law judge for mitigating circumstances, including good faith efforts to comply prior to or after discovery of the violations by the department. Upon an affirmative finding that the violation was caused by circumstances beyond the reasonable control of the respondent...
and could not have been prevented by respondent's due diligence, the administrative law judge may further reduce the penalty.

(11) Penalties collected pursuant to this section shall be deposited into the Water Quality Assurance Trust Fund or other trust fund designated by statute and shall be used to fund the restoration of ecosystems, or polluted areas of the state, as defined by the department, to their condition before pollution occurred. The Florida Conflict Resolution Consortium may use a portion of the fund to administer the mediation process provided in paragraph (2)(e) and to contract with private mediators for administrative penalty cases.

(12) The purpose of the administrative penalty schedule and process is to provide a more predictable and efficient manner for individuals and businesses to resolve relatively minor environmental disputes. Subsections (3)-(7) may not be construed as limiting a state court in the assessment of damages. The administrative penalty schedule does not apply to the judicial imposition of civil penalties in state court as provided in this section.

Section 15. Subsection (1) of section 403.141, Florida Statutes, is amended to read:

403.141 Civil liability; joint and several liability.—
(1) A person who commits a violation specified in s. 403.161(1) is liable to the state for any damage caused to
the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than $15,000 $10,000 per offense. However, the court may receive evidence in mitigation. Until a violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense. Nothing herein gives shall give the department the right to bring an action on behalf of any private person.

Section 16. Subsections (2) through (5) of section 403.161, Florida Statutes, are amended to read:

403.161 Prohibitions, violation, penalty, intent.—

(2) A person who whoever commits a violation specified in subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.

(3) A Any person who willfully commits a violation specified in paragraph (1)(a) commits is guilty of a felony of the third degree, punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g) by a fine of not more than $50,000 or by imprisonment for 5 years, or by both, for each offense. Until a
violation is resolved by order or judgment, each day during any portion of which such violation occurs or is not remediated constitutes a separate offense.

(4) Any person who commits a violation specified in paragraph (1)(a) or paragraph (1)(b) due to reckless indifference or gross careless disregard commits is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g) by a fine of not more than $10,000 or by 60 days in jail, or by both, for each offense.

(5) Any person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) commits is guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than $10,000 or by 6 months in jail, or by both for each offense.

Section 17. Paragraph (a) of subsection (6) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes commits is guilty of a noncriminal infraction, punishable by a civil penalty of $150, from which $50 shall be deposited into the Solid
Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

Section 18. Subsection (5) of section 403.7234, Florida Statutes, is amended to read:

403.7234 Small quantity generator notification and verification program.—

(5) Any small quantity generator who does not comply with the requirements of subsection (4) and who has received a notification and survey in person or through one certified letter from the county is subject to a fine of between $75 and $150 per day for a maximum of 100 days. The county may collect such fines and deposit them in its general revenue fund. Fines collected by the county shall be used to carry out the notification and verification procedure established in this section. If there are excess funds after the notification and verification procedures have been completed, such funds shall be used for hazardous and solid waste management purposes only.

Section 19. Subsection (3) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

(3) An imminent hazard exists if any hazardous substance creates an immediate and substantial danger to human health,
safety, or welfare or to the environment. The department may institute action in its own name, using the procedures and remedies of s. 403.121 or s. 403.131, to abate an imminent hazard. However, the department is authorized to recover a civil penalty of not more than $37,500 for each day until a of continued violation is resolved by order or judgment. Whenever serious harm to human health, safety, and welfare; the environment; or private or public property may occur prior to completion of an administrative hearing or other formal proceeding that which might be initiated to abate the risk of serious harm, the department may obtain, ex parte, an injunction without paying filing and service fees prior to the filing and service of process.

Section 20. Paragraph (a) of subsection (3) of section 403.727, Florida Statutes, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act are punishable as follows:

(a) Any person who violates the provisions of this act, the rules or orders of the department, or the conditions of a permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than $75,000 for each day of continued violation or until a violation is resolved by order or judgment, except as otherwise provided herein. The department may revoke any permit issued to the
violator. In any action by the department against a small hazardous waste generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.

Section 21. Subsection (8) of section 403.93345, Florida Statutes, is amended to read:

403.93345 Coral reef protection.—

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according to the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, $225 $150, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a warning letter in lieu of penalty; with aggravating circumstances, an additional $225 $150; occurring within a state park or aquatic preserve, an additional $225 $150.

(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters,
$450 $300 per square meter; with aggravating circumstances, an additional $450 $300 per square meter; occurring within a state park or aquatic preserve, an additional $450 $300 per square meter.

(c) For damage exceeding an area of 10 square meters, $1,500 $1,000 per square meter; with aggravating circumstances, an additional $1,500 $1,000 per square meter; occurring within a state park or aquatic preserve, an additional $1,500 $1,000 per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed $375,000 $250,000 per occurrence.

Section 22. Subsection (5) of s. 823.11, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 376.16, Florida Statutes, in a reference thereto.

Section 23. Subsection (5) of s. 403.077, subsection (2) of s. 403.131, paragraph (d) of subsection (3) of s. 403.4154, and subsection (5) of s. 403.860, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by
Section 24. Subsection (10) of s. 403.708, subsection (7) of s. 403.7191, and s. 403.811, Florida Statutes, are reenacted for the purpose of incorporating the amendment made by this act to s. 403.141, Florida Statutes, in references thereto.

Section 25. Subsection (2) of s. 403.7255, Florida Statutes, is reenacted for the purpose of incorporating the amendment made by this act to s. 403.161, Florida Statutes, in a reference thereto.

Section 26. Subsection (8) of s. 403.7186, Florida Statutes, is reenacted for the purpose of incorporating the amendments made by this act to ss. 403.141 and 403.161, Florida Statutes, in references thereto.

Section 27. This act shall take effect July 1, 2020.
### HB 0003  Preemption of Local Occupational Licensing

Preemption of Local Occupational Licensing: Preempts licensing of occupations to state; provides exceptions; prohibits local governments from imposing or modifying certain licensing requirements; specifies that certain local licensing may not be enforced; specifies that certain specialty contractors are not required to register with Construction Industry Licensing Board; prohibits local governments from requiring certain specialty contractors to obtain license; specifies job scopes for which local government may not require license; authorizes counties & municipalities to issue certain journeyman licenses.

**Effective Date:** July 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**
- **01/13/2020**  HOUSE On Committee agenda - Business & Professions Subcommittee, 01/15/20, 1:00 pm, 212 K

Links:
- **Identical**
  - SB 1336  Preemption of Local Occupational Licensing (Perry)

### HB 0027  Specialty License Plates

Specialty License Plates: Directs DHSMV to develop Florida State Beekeepers Association license plate; provides for distribution & use of fees collected from sale of plates. Effective Date: October 1, 2020, but only if HB 29 or similar legislation takes effect

**Current Committee of Reference:** House Transportation & Infrastructure Subcommittee

**Actions**
- **09/23/2019**  HOUSE Now in Transportation & Infrastructure Subcommittee

Links:
- **Compare**
  - SB 0110  Fees/Florida State Beekeepers Association License Plate (Rader)
  - SB 0412  License Plates (Bean)
  - HB 1135  License Plates (Grant (J))

- **Identical**
  - SB 0108  Specialty License Plates/Florida State Beekeepers Association (Rader)

- **Linked**
  - HB 0029  Specialty License Plate Fees (Bell)

### HB 0029  Specialty License Plate Fees

Specialty License Plate Fees: Establishes fee for Florida State Beekeepers Association license plate.

**Current Committee of Reference:** House Transportation & Infrastructure Subcommittee

**Actions**
- **09/23/2019**  HOUSE Now in Transportation & Infrastructure Subcommittee

Links:
- **Compare**
  - SB 0108  Specialty License Plates/Florida State Beekeepers Association (Rader)

- **Identical**
  - SB 0110  Fees/Florida State Beekeepers Association License Plate (Rader)

- **Linked**
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<tbody>
<tr>
<td>SB 0034</td>
<td>Prohibited Discrimination by Rouson</td>
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<td>Prohibited Discrimination; Citing this act as the &quot;Florida Competitive Workforce Act&quot;; adding sexual orientation and gender identity as impermissible grounds for discrimination in public lodging establishments and public food service establishments; providing an exception for constitutionally protected free exercise of religion, etc. Effective Date: 7/1/2020</td>
<td>No Current Committee</td>
<td>09/03/2019</td>
<td>SENATE Withdrawn prior to introduction</td>
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<tr>
<td>SB 0040</td>
<td>Prohibition of Plastic Carryout Bags and Straws by Rader</td>
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<td>Prohibition of Plastic Carryout Bags and Straws; Prohibiting a store or food service business from providing to a customer a carryout bag made of plastic film; prohibiting a food service business from selling or providing to a customer a single-use plastic straw, etc. Effective Date: 7/1/2020</td>
<td>Senate Commerce and Tourism</td>
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<tr>
<td>SB 0066</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners by Cruz</td>
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<td>Student Loans and Scholarship Obligations of Health Care Practitioners; Establishing that a health care practitioner’s failure to repay a student loan or to comply with service scholarship obligations does not constitute grounds for disciplinary action; removing a civil fine; removing the requirement that the Department of Health investigate and prosecute health care practitioners for failing to repay a student loan or to comply with scholarship service obligations; removing the requirement, and related provisions, that the department immediately suspend the licenses of certain health care practitioners for failing to provide within a specified timeframe proof of new payment terms for student loans in default, etc. Effective Date: 7/1/2020</td>
<td>Senate Appropriations Subcommittee on Education</td>
<td>11/06/2019</td>
<td>SENATE Now in Appropriations Subcommittee on Education</td>
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<tr>
<td>HB 0077</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners by Goff-Marcil</td>
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<td>Provides that failure to repay specified student loan by health care practitioners is not considered failure to perform statutory or legal obligation; repeals language relating to health care practitioners in default on student loan or scholarship obligations; deletes provision relating to the immediate suspension of health care practitioner license upon default on specified student loan. Effective Date: July 1, 2020</td>
<td>Senate Appropriations Subcommittee on Education</td>
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### Current Committee of Reference:
- No Current Committee

#### Actions
- **01/10/2020**: HOUSE Withdrawn prior to introduction

#### Compare
- **HB 0115**: Keep Our Graduates Working Act (Duran)
- **SB 0356**: Keep Our Graduates Working Act (Hutson)
- **SB 0474**: Deregulation of Professions and Occupations (Albritton)
- **HB 0713**: Department of Health (Rodriguez (AM))
- **SB 0926**: Health Care Practitioner Licensure (Harrell)

#### Similar
- **SB 0066**: Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)

### SB 0090  Discrimination in Labor and Employment by Stewart

Discrimination in Labor and Employment; Creating the “Senator Helen Gordon Davis Fair Pay Protection Act”; prohibiting an employer from providing less favorable employment opportunities to employees based on their sex; prohibiting an employer from taking certain employment actions against employees; prohibiting an employer from engaging in certain activities relating to wages and benefits, etc. Effective Date: 7/1/2020

#### Current Committee of Reference: Senate Commerce and Tourism

#### Actions
- **08/16/2019**: SENATE Referred to Commerce and Tourism; Judiciary; Rules

#### Identical
- **HB 0739**: Discrimination in Labor and Employment (Thompson)

### SB 0108  Specialty License Plates/Florida State Beekeepers Association by Rader

Specialty License Plates/Florida State Beekeepers Association; Directing the Department of Highway Safety and Motor Vehicles to develop a Florida State Beekeepers Association license plate, etc. Effective Date: October 1, 2020, but only if SB 110 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

#### Current Committee of Reference: Senate Infrastructure and Security

#### Actions
- **08/16/2019**: SENATE Referred to Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

#### Compare
- **HB 0029**: Specialty License Plate Fees (Bell)
- **SB 0412**: License Plates (Bean)
- **HB 1135**: License Plates (Grant (J))

#### Identical
- **HB 0027**: Specialty License Plates (Bell)

#### Linked
- **SB 0110**: Fees/Florida State Beekeepers Association License Plate (Rader)

### SB 0110  Fees/Florida State Beekeepers Association License Plate by Rader

Fees/Florida State Beekeepers Association License Plate; Creating a fee for a certain specialty license plate, etc. Effective Date: On the same date that SB 108 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law
**Current Committee of Reference:** Senate Infrastructure and Security

**Actions**

**08/16/2019**
SENATE Referred to Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

**Compare**

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<tr>
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<td>Specialty License Plates (Bell)</td>
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<tr>
<td>SB 0108</td>
<td>Specialty License Plates/Florida State Beekeepers Association (Rader)</td>
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**SB 0112 Capital Relocation Study** by Rader

Capital Relocation Study: Requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study regarding the relocation of the state capital; prescribing requirements for the study; requiring OPPAGA to submit a report to the Legislature by a specified date, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

**Actions**

**08/16/2019**
SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules

**HB 0115 Keep Our Graduates Working Act** by Duran

Keeping Our Graduates Working Act: Prohibits state authority from denying or suspending or revoking person’s professional license, certificate, registration, or permit solely on basis of delinquency or default in payment of student loan. Effective Date: July 1, 2020

**Current Committee of Reference:** House Commerce Committee

**Actions**

**12/16/2019**
HOUSE Now in Commerce Committee

**Compare**

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<td>SB 0066</td>
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**SB 0142 Abolishing the Constitution Revision Commission** by Brandes

Abolishing the Constitution Revision Commission; Proposing amendments to the State Constitution to abolish the Constitution Revision Commission, etc.

**Current Committee of Reference:** Senate Rules

**Actions**

**10/15/2019**
SENATE Now in Rules

**Compare**

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<td>HB 0303</td>
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### HB 0147  Water Resources by Jacobs

Water Resources: Requires DEP to conduct specified comprehensive & quantitative needs-based overview of state's water resources & submit report to Governor & Legislature. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

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**Identical**

| SB 0690       | Water Resources (Albritton) |

### HB 0153  Indian River Lagoon State Matching Grant Program by Fine

Indian River Lagoon State Matching Grant Program: Provides that certain projects identified in Indian River Lagoon Comprehensive Conservation & Management Plan are eligible for state funding consideration; directs DEP to coordinate with water management districts to identify projects & grant recipients. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Appropriations Subcommittee

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**Compare**

| SB 0712       | Water Quality Improvements (Mayfield) |

**Similar**

| SB 0640       | Indian River Lagoon State Matching Grant Program (Harrell) |

### SB 0178  Public Financing of Construction Projects by Rodriguez (J)

Public Financing of Construction Projects; Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas after a specified date without first taking certain steps regarding a sea level impact projection study; requiring the Department of Environmental Protection to develop by rule a standard for such studies; requiring the department to enforce certain requirements and to adopt rules, etc. Effective Date: On the same date that SB 7016 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

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**Compare**

| HB 1073       | Statewide Office of Resiliency (Stevenson) |

**Identical**

| HB 0579       | Public Financing of Construction Projects (Aloupis) |

**Linked**

| SB 7016       | Statewide Office of Resiliency (Infrastructure and Security) |

### SB 0182  Preemption of Recyclable and Polystyrene Materials by Stewart

Preemption of Recyclable and Polystyrene Materials; Deleting preemptions of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; repealing the preemption of local...
laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Community Affairs

**Actions**

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<tr>
<td>SB 1722</td>
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<td>HB 6043</td>
<td>Preemption of Recyclable and Polystyrene Materials (Grieco)</td>
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**HB 0191 Young Farmers and Ranchers** by Bell

Young Farmers and Ranchers: Creates Florida Young Farmers & Ranchers Matching Grant Program within DACS; provides requirements for recipient eligibility & grant awards; specifies that grant funding is contingent upon specific legislative appropriation. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

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<tr>
<td>SB 1130</td>
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**SB 0218 Licensure Requirements for Osteopathic Physicians** by Harrell

Licensure Requirements for Osteopathic Physicians; Revising licensure requirements for persons seeking licensure or certification as an osteopathic physician, etc. Effective Date: Upon becoming a law

**Current Committee of Reference:** Senate Appropriations

**Actions**

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<tr>
<td>HB 0221</td>
<td>Osteopathic Physicians Certification and Licensure (Roach)</td>
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**HB 0221 Osteopathic Physicians Certification and Licensure** by Roach

Osteopathic Physicians Certification and Licensure: Requires successful completion of internship or residency in specified accredited program to be licensed or certified as osteopathic physician. Effective Date: upon becoming a law

**Current Committee of Reference:** House Health Care Appropriations Subcommittee

**Actions**

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<tr>
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<th>Action</th>
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<tbody>
<tr>
<td>01/13/2020</td>
<td>HOUSE On Committee agenda - Health Care Appropriations Subcommittee, 01/15/20, 1:00 pm, 404 H</td>
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**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
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<tbody>
<tr>
<td>SB 0230</td>
<td>Department of Health (Harrell)</td>
</tr>
<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
</tr>
</tbody>
</table>
SB 0218  Licensure Requirements for Osteopathic Physicians (Harrell)

SB 0226  Athletic Trainers by Harrell

Athletic Trainers: Revising the definition of the term "athletic trainer"; revising athletic trainer licensure requirements; revising continuing education requirements for the renewal of an athletic trainer license; requiring that the supervision of an athletic training student meet certain requirements, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Appropriations

Actions
10/24/2019  SENATE Now in Appropriations

Compare

SB 0230  Department of Health (Harrell)
HB 0713  Department of Health (Rodriguez (AM))

Identical

HB 0485  Athletic Trainers (Antone)

SB 0230  Department of Health by Harrell

Department of Health; Requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; revising licensure requirements for a person seeking licensure or certification as an osteopathic physician; extending through 2025 the Florida Center for Nursing’s responsibility to study and issue an annual report on the implementation of nursing education programs; requiring dentists and certified registered dental hygienists to report in writing certain adverse incidents to the department within a specified timeframe; revising athletic trainer licensure requirements, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Appropriations

Actions
10/23/2019  SENATE Now in Appropriations

Compare

SB 0218  Licensure Requirements for Osteopathic Physicians (Harrell)
HB 0221  Osteopathic Physicians Certification and Licensure (Roach)
SB 0226  Athletic Trainers (Harrell)
SB 0390  Massage Therapy (Hooper)
HB 0485  Athletic Trainers (Antone)
HB 0677  Chiropractic Medicine (Smith (D))
SB 1124  Legislative Review of Occupational Regulations (Diaz)
SB 1138  Chiropractic Medicine (Brandes)
HB 1143  Department of Health (Gregory)
SB 1296  Health Access Dental Licenses (Berman)

Similar

HB 0713  Department of Health (Rodriguez (AM))

HB 0237  Agricultural Products by Roth

Agricultural Products: Revises & provides definition. Effective Date: July 1, 2020

Current Committee of Reference: House Agriculture & Natural Resources Subcommittee

Actions
### SB 0250  Development Orders by Berman

Development Orders: Deleting an entitlement for a prevailing party to recover reasonable attorney fees and costs incurred in challenging or defending a certain development order, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Community Affairs

**Actions**

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<td>09/19/2019</td>
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<tbody>
<tr>
<td>HB 6019</td>
<td>Development Orders (Casello)</td>
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</table>

### HB 0255  Florida Commission on Human Relations by Antone

Florida Commission on Human Relations: Provides quorum requirements for Commission on Human Relations & its panels; revises number of persons commission may recommend for Florida Civil Rights Hall of Fame; requires commission to provide notice to aggrieved person in certain circumstances; provides limitation on time civil action may be filed after alleged violation of Florida Civil Rights Act; revises length of time commission or AG has to resolve complaint of discrimination in club membership; revises timeline relating to complaints alleging prohibited personnel action. Effective Date: July 1, 2020

**Current Committee of Reference:** House Civil Justice Subcommittee

**Actions**

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<tr>
<td>SB 0450</td>
<td>Whistleblower’s Act (Brandes)</td>
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<tbody>
<tr>
<td>SB 0726</td>
<td>Florida Commission on Human Relations (Rouson)</td>
</tr>
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</table>

### SB 0278  Climate Health Planning by Rodriguez (J)

Climate Health Planning; Requiring the Department of Health to prepare an annual climate health planning report that contains specified information and recommendations; requiring the report to be published on the department’s website and submitted to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Health Policy

**Actions**

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<td>10/15/2019</td>
<td>SENATE Referred to Health Policy; Infrastructure and Security; Appropriations</td>
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### SB 0280  Climate Fiscal Responsibility by Rodriguez (J)

Climate Fiscal Responsibility; Requiring the Economic Estimating Conference to annually prepare a climate fiscal responsibility report and provide a copy of the report to the Governor and the Legislature; requiring the Office of Economic and Demographic Research to publish the report on its website; requiring the conference to coordinate with and obtain data from certain entities in preparing the report, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Infrastructure and Security

**Actions**

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### HB 0305  Preemption of Conditions of Employment by Rommel

Preemption of Conditions of Employment: Preempts to state right to regulate conditions of employment by an employer; voids certain ordinances, regulations, or policies that are preempted by act. Effective Date: upon becoming a law
### House Workforce Development & Tourism Subcommittee

**Current Committee of Reference:** House Workforce Development & Tourism Subcommittee

**Actions**

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<td>SB 1126</td>
<td>Employment Conditions (Gruters)</td>
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<thead>
<tr>
<th>Bill Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>SB 0318</td>
<td><strong>Sale of Sunscreen</strong> by Stewart</td>
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</table>

Sale of Sunscreen; Prohibiting the sale, offer for sale, or distribution of certain sunscreen products to a consumer who does not have a prescription for such product, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

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<td>SENATE Referred to Environment and Natural Resources; Commerce and Tourism; Rules</td>
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<th>Bill Number</th>
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<tbody>
<tr>
<td>SB 0332</td>
<td><strong>Land Acquisition Trust Fund</strong> by Stewart</td>
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</table>

Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund; prohibiting moneys from the Land Acquisition Trust Fund from being used for specified costs, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

**Actions**

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<th>Action Description</th>
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<td>11/05/2019</td>
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<tr>
<td>HB 0849</td>
<td>Land Acquisition Trust Fund (Altman)</td>
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<tr>
<th>Bill Number</th>
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<tbody>
<tr>
<td>SB 0356</td>
<td><strong>Keep Our Graduates Working Act</strong> by Hutson</td>
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</tbody>
</table>

Keep Our Graduates Working Act; Creating the "Keep Our Graduates Working Act of 2020"; prohibiting a state authority from suspending or revoking a person’s professional license, certificate, registration, or permit solely on the basis of a delinquency or default in the payment of his or her student loan, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Rules

**Actions**

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<th>Action Description</th>
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<tr>
<td>SB 0066</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)</td>
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<tr>
<td>HB 0077</td>
<td>Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)</td>
</tr>
<tr>
<td>SB 0474</td>
<td>Deregulation of Professions and Occupations (Albritton)</td>
</tr>
<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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<tr>
<td>SB 0926</td>
<td>Health Care Practitioner Licensure (Harrell)</td>
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<td>HB 0115</td>
<td>Keep Our Graduates Working Act (Duran)</td>
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<tr>
<th>Bill Number</th>
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<tbody>
<tr>
<td>HB 0357</td>
<td><strong>Internship Tax Credit Program</strong> by Jones</td>
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</table>

Internship Tax Credit Program: Provides corporate income tax credit up to specified amount for qualified business that hires employees who have completed specified internships; provides eligibility criteria; limits
amount of tax credit which qualified business may claim; authorizes Department of Revenue to adopt rules governing applications & establishing qualification requirements; authorizes business to carry forward tax credit for specified period. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

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<tr>
<td>10/16/2019</td>
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**Compare**

<table>
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<tr>
<th>SB 1101</th>
<th>Internship Tax Credit Program (Daley)</th>
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<tbody>
<tr>
<td>SB 1412</td>
<td>Internship Tax Credit Program (Powell)</td>
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<table>
<thead>
<tr>
<th>HB 0439</th>
<th>Internship Tax Credit Program (Daley)</th>
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<tbody>
<tr>
<td>SB 0642</td>
<td>Internship Tax Credit Program (Powell)</td>
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</table>

**SB 0390 Massage Therapy** by Hooper

Massage Therapy; Revising requirements for licensure as a massage therapist; providing applicability for persons who were issued a license as a massage apprentice before a specified date, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Health Policy

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<tbody>
<tr>
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<td>SENATE Referred to Health Policy; Appropriations; Rules</td>
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**Compare**

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<th>SB 0230</th>
<th>Department of Health (Harrell)</th>
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<tr>
<td>HB 0707</td>
<td>Legislative Review of Occupational Regulations (Renner)</td>
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<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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<tr>
<td>SB 1124</td>
<td>Legislative Review of Occupational Regulations (Diaz)</td>
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</tbody>
</table>

**Identical**

| HB 1341       | Massage Therapy (Goff-Marcil) |

**HB 0405 Stormwater Management Systems** by Good

Stormwater Management Systems: Directs water management districts, with DEP oversight, to adopt rules for standards relating to new development & redevelopment projects; directs DEP to incorporate such rules for district use; directs DEP & districts to amend such rules into applicant's handbook; provides rebuttable presumption relating to water quality standards for certain systems; revises requirements for construction of certain systems; requires specified staff training; directs DEP & districts to initiate rulemaking. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

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<tr>
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<th>Water Quality Improvements (Mayfield)</th>
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<tbody>
<tr>
<td>HB 1343</td>
<td>Water Quality Improvements (Payne)</td>
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</table>

**Identical**

| SB 0686       | Stormwater Management Systems (Gruters) |

**HB 0439 Internship Tax Credit Program** by Daley
Internship Tax Credit Program: Provides corporate income tax credit up to specified amount for qualified business that hires employees who have completed specified internships; provides eligibility criteria; limits amount of tax credit which qualified business may claim; authorizes Department of Revenue to adopt rules governing applications & establishing qualification requirements; authorizes business to carry forward tax credit for specified period. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

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<tr>
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<td><strong>SB 0642</strong></td>
<td>Internship Tax Credit Program (Powell)</td>
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**SB 0444 Customer Service Standards for State Agencies** by Rader

Customer Service Standards for State Agencies; Requiring departments within the executive branch of state government to implement certain measures with respect to telephone calls placed by customers, etc. Effective Date: 10/1/2020

**Current Committee of Reference:** Senate Innovation, Industry, and Technology

<table>
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<tbody>
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<tbody>
<tr>
<td><strong>HB 1107</strong></td>
<td>Customer Service Standards for State Agencies (Mercado)</td>
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</table>

**SB 0450 Whistleblower’s Act** by Brandes

Whistleblower’s Act; Revising the actions that an agency or independent contractor is prohibited from taking against an employee who participates in protected activity or discloses certain information; specifying that whistleblower remedies and protections do not apply to certain persons; revising applicability of provisions relating to investigative procedures upon receipt of whistleblower information; revising investigative procedures in response to retaliatory actions, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

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<tr>
<td><strong>HB 0255</strong></td>
<td>Florida Commission on Human Relations (Antone)</td>
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<tr>
<td><strong>SB 0726</strong></td>
<td>Florida Commission on Human Relations (Rouson)</td>
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**SB 0456 Minimum Wage** by Rodriguez (J)

Minimum Wage; Revising the formula for the adjusted state minimum wage, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Commerce and Tourism

<table>
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<tr>
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<td>SENATE Referred to Commerce and Tourism; Innovation, Industry, and Technology; Rules</td>
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<tbody>
<tr>
<td><strong>HB 0691</strong></td>
<td>Minimum Wage (Jacquet)</td>
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</table>
SB 0474  **Deregulation of Professions and Occupations** by Albritton

Deregulation of Professions and Occupations; Citing this act as the “Occupational Freedom and Opportunity Act”; deleting the requirement that a yacht broker maintain a separate license for each branch office; specifying that the failure to repay certain student loans is not considered a failure to perform a statutory or legal obligation for which certain disciplinary action can be taken; revising licensure requirements for engineers who hold specified licenses in another state; providing that certain cosmetology services may be performed in a location other than a licensed salon under certain circumstances, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020

**Current Committee of Reference:** Senate Innovation, Industry, and Technology

**Actions**

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<td>HB 1193</td>
<td>Deregulation of Professions and Occupations (Ingoglia)</td>
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HB 0485  **Athletic Trainers** by Antone

Athletic Trainers: Revises definition of term "athletic trainer"; revises athletic trainer licensure requirements; requires certain licensees to maintain certification in good standing without lapse as condition of renewal of their athletic trainer licenses; requires that athletic trainer work within specified scope of practice; requires direct supervision of athletic training student to be in accordance with rules adopted by Board of Athletic Training. Effective Date: July 1, 2020

**Current Committee of Reference:** House Health Quality Subcommittee

**Actions**

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<tr>
<td>SB 0226</td>
<td>Athletic Trainers (Harrell)</td>
</tr>
</tbody>
</table>

HB 0511  **Insulation Products** by Fine

Insulation Products: Specifies person who takes actions relating to interior building envelope insulation products without having test report is subject to Florida Deceptive & Unfair Trade Practices Act; requires that such test report be provided, upon request, to local building official. Effective Date: July 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**

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<td>Bill Number</td>
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<tr>
<td>SB 0732</td>
<td>Insulation Products (Gruters)</td>
</tr>
<tr>
<td>HB 0513</td>
<td>Heat Illness Prevention by Smith (C)</td>
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<tr>
<td></td>
<td>Heat Illness Prevention: Requires certain employers to provide drinking water, shade, &amp; annual training to employees &amp; supervisors; requires DACS &amp; DOH to adopt specified rules. Effective Date: October 1, 2020</td>
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<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> House Workforce Development &amp; Tourism Subcommittee</td>
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<tr>
<td></td>
<td><strong>Actions</strong></td>
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<td>11/15/2019</td>
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<tr>
<td></td>
<td>SB 0882</td>
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<tr>
<td>HB 0579</td>
<td>Public Financing of Construction Projects</td>
</tr>
<tr>
<td></td>
<td>by Aloupis</td>
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<td>Public Financing of Construction Projects: Requires sea level impact projection study of state-financed coastal structures before construction begins; requires DEP to develop study standards, publish studies on its website, enforce requirements, &amp; adopt rules. Effective Date: July 1, 2020</td>
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<td></td>
<td><strong>Current Committee of Reference:</strong> House Agriculture &amp; Natural Resources Subcommittee</td>
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<td><strong>Actions</strong></td>
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<td>11/15/2019</td>
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<tr>
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<td>HB 1073</td>
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<td>SB 7016</td>
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<td>Identical</td>
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<td>SB 0178</td>
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<tr>
<td>HB 0595</td>
<td>Medical Marijuana Employee Protection</td>
</tr>
<tr>
<td></td>
<td>by Polsky</td>
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<tr>
<td></td>
<td>Medical Marijuana Employee Protection: Prohibits employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana; requires employers to provide certain written notice to employees or applicants who test positive for marijuana; provides procedures for if employee or applicant tests positive for marijuana; provides cause of action &amp; damages. Effective Date: upon becoming a law</td>
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<td><strong>Current Committee of Reference:</strong> House Oversight, Transparency &amp; Public Management Subcommittee</td>
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<td></td>
<td>SB 0962</td>
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<tr>
<td>HB 0633</td>
<td>Human Trafficking Prevention</td>
</tr>
<tr>
<td></td>
<td>by Donalds</td>
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<tr>
<td></td>
<td>Human Trafficking Prevention: Requires employees of certain businesses to complete specified courses on the detection of human trafficking; requires specified number of hours in school bus training program be allocated to human trafficking prevention. Effective Date: October 1, 2020</td>
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<td></td>
<td><strong>Current Committee of Reference:</strong> House Business &amp; Professions Subcommittee</td>
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<td><strong>Actions</strong></td>
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<td>11/25/2019</td>
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<td>Compare</td>
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<tr>
<td></td>
<td>SB 1368</td>
</tr>
</tbody>
</table>
### SB 0638  Apalachicola Environmental Stewardship Act by Montford

Apalachicola Environmental Stewardship Act; Providing that this act may be referred to as “The Apalachicola Environmental Stewardship Act”, appropriating a sum annually for a specified timeframe from the Florida Forever Fund to the Apalachicola Area of Critical State Concern for specified purposes; renaming the Apalachicola Bay Area of Critical State Concern as the Apalachicola Area of Critical State Concern; providing additional principles for guiding development within the Apalachicola Area of Critical State Concern to include projects that protect and improve water quality, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

**Actions**

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<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>12/10/2019</td>
<td>SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government</td>
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</table>

**Similar**

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<tr>
<th>Bill Number</th>
<th>Title</th>
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<tbody>
<tr>
<td>HB 1347</td>
<td>Apalachicola Environmental Stewardship Act (Shoaf)</td>
</tr>
</tbody>
</table>

### SB 0640  Indian River Lagoon State Matching Grant Program by Harrell

Indian River Lagoon State Matching Grant Program; Providing that certain projects identified in a specified Indian River Lagoon Comprehensive Conservation and Management Plan are eligible for state funding consideration; directing the Department of Environmental Protection to coordinate with the South Florida Water Management District and the St. Johns River Water Management District to identify projects and grant recipients and to submit an annual report to the Governor, the Legislature, and specified persons, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

**Actions**

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<tbody>
<tr>
<td>12/10/2019</td>
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<tr>
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<tr>
<td>SB 0712</td>
<td>Water Quality Improvements (Mayfield)</td>
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**Similar**

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<tbody>
<tr>
<td>HB 0153</td>
<td>Indian River Lagoon State Matching Grant Program (Fine)</td>
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</table>

### SB 0642  Internship Tax Credit Program by Powell

Internship Tax Credit Program; Designating the “Florida Internship Tax Credit Program”; providing a corporate income tax credit for qualified businesses employing degree-seeking student interns if certain criteria are met; specifying the amount of the credit per student intern; specifying a limit on the credit claimed per taxable year, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** No Current Committee

**Actions**

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<tr>
<th>Date</th>
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<td>12/05/2019</td>
<td>SENATE Withdrawn prior to introduction</td>
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**Compare**

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<tbody>
<tr>
<td>HB 1101</td>
<td>Internship Tax Credit Program (Daley)</td>
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<tr>
<td>SB 1412</td>
<td>Internship Tax Credit Program (Powell)</td>
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<tr>
<td>HB 0357</td>
<td>Internship Tax Credit Program (Jones)</td>
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<tr>
<td>HB 0439</td>
<td>Internship Tax Credit Program (Daley)</td>
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</table>

### HB 0659  Drones by Fischer
Drones: Adds exception to prohibited uses of drone for managing and eradicating invasive exotic plants or animals on public lands. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

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<td>01/13/2020</td>
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**SB 0664 Verification of Employment Eligibility** by Lee

Verification of Employment Eligibility: Requiring employers to register with and use the E-Verify system beginning on a specified date to verify the employment eligibility of new employees; requiring the Department of Economic Opportunity to order certain agencies to suspend an employer’s license under certain circumstances; requiring the department to notify the United States Immigration and Customs Enforcement Agency and specified law enforcement agencies of certain violations, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Judiciary

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<td>11/06/2019</td>
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**HB 0677 Chiropractic Medicine** by Smith (D)

Chiropractic Medicine: Authorizes chiropractic physicians who have completed specified training to administer articles of natural origin; authorizes licensed pharmacists to fill such chiropractors’ orders for articles of natural origin; authorizes specified number of certain chiropractic continuing education hours to be completed online; provides requirements for such online chiropractic continuing education courses. Effective Date: July 1, 2020

**Current Committee of Reference:** House Health Quality Subcommittee

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<td>12/03/2019</td>
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**Compare**

- SB 0230 Department of Health (Harrell)
- HB 0713 Department of Health (Rodriguez (AM))
- SB 1124 Legislative Review of Occupational Regulations (Diaz)

**Similar**

- SB 1138 Chiropractic Medicine (Brandes)

**HB 0683 Use of Industrial Hemp for Construction** by Fernández

Use of Industrial Hemp for Construction: Directs DACS to conduct comprehensive study on use of industrial hemp to build structures & submit report to Governor & Legislature. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

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**SB 0686 Stormwater Management Systems** by Gruters

Stormwater Management Systems: Directing the water management districts, with Department of Environmental Protection oversight, to adopt rules for specified design and performance standards relating to new development and redevelopment projects; providing a rebuttable presumption that certain stormwater management systems do not cause or contribute to violations of applicable state water quality
standards; requiring certain inspection training for department, water management district, and local
pollution control program staff, etc. Effective Date: 7/1/2020

### Current Committee of Reference:
Senate Environment and Natural Resources

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<tr>
<td>SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations</td>
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<tr>
<td>SB 0712</td>
<td>Water Quality Improvements (Mayfield)</td>
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<td>HB 1343</td>
<td>Water Quality Improvements (Payne)</td>
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<tr>
<td>HB 0405</td>
<td>Stormwater Management Systems (Good)</td>
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</table>

### SB 0690 Water Resources by Albritton

Water Resources; Requiring the Department of Environmental Protection to conduct a comprehensive and quantitative needs-based overview of this state’s water resources; specifying requirements for the overview; requiring the department to submit a report every 5 years to the Governor and the Legislature by a specified date, etc. Effective Date: 7/1/2020

### Current Committee of Reference:
Senate Environment and Natural Resources

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<tr>
<td>HB 0147</td>
<td>Water Resources (Jacobs)</td>
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</table>

### HB 0691 Minimum Wage by Jacquet

Minimum Wage: Revises formula for adjusted state minimum wage. Effective Date: July 1, 2020

### Current Committee of Reference:
House Workforce Development & Tourism Subcommittee

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<td>HOUSE Now in Workforce Development &amp; Tourism Subcommittee</td>
<td>12/03/2019</td>
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<tr>
<td>SB 0456</td>
<td>Minimum Wage (Rodriguez (J))</td>
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</table>

### HB 0707 Legislative Review of Occupational Regulations by Renner

Legislative Review of Occupational Regulations: Authorizes schedule for the systematic review of occupational regulatory programs; authorizes Legislature to take certain actions before scheduled repeal of occupational regulatory program; provides regulation of occupation to state if such occupation’s regulatory program has been repealed through this act; provides schedule of repeal for occupational regulatory programs. Effective Date: upon becoming a law

### Current Committee of Reference:
House Commerce Committee

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<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>HOUSE Now in Commerce Committee</td>
<td>12/03/2019</td>
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<tbody>
<tr>
<td>SB 0390</td>
<td>Massage Therapy (Hooper)</td>
</tr>
<tr>
<td>HB 0713</td>
<td>Department of Health (Rodriguez (AM))</td>
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<tr>
<td>HB 1137</td>
<td>Consumer Protection (Clemons)</td>
</tr>
</tbody>
</table>
### SB 0712  Water Quality Improvements by Mayfield

Water Quality Improvements; Citing this act as the “Clean Waterways Act”; requiring the Department of Health to provide a specified report to the Governor and the Legislature by a specified date; transferring the Onsite Sewage Program within the Department of Health to the Department of Environmental Protection by a type two transfer by a specified date; creating an onsite sewage treatment and disposal systems technical advisory committee within the department; requiring the department to adopt rules relating to the underground pipes of wastewater collection systems; requiring basin management action plans for nutrient total maximum daily loads to include wastewater treatment and onsite sewage treatment and disposal system remediation plans that meet certain requirements, etc. Effective Date: Except as otherwise expressly provided in this act this act shall take effect July 1, 2020

**Current Committee of Reference:** Senate Appropriations Subcommittee on Agriculture, Environment and General Government

**Actions**

12/13/2019  SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

**Compare**

- HB 0153  Indian River Lagoon State Matching Grant Program (Fine)
- HB 0405  Stormwater Management Systems (Good)
- SB 0640  Indian River Lagoon State Matching Grant Program (Harrell)
- SB 0686  Stormwater Management Systems (Gruters)
- HB 1343  Water Quality Improvements (Payne)
- HB 1363  Basin Management Action Plans (Overdorf)
- SB 1382  Environmental Resource Management (Albritton)

### HB 0713  Department of Health by Rodriguez (AM)

Department of Health: Authorizes DOH to adopt rules relating to certain programs; revises certain duties & responsibilities of department; revises licensure requirements for certain professions under authority of department; provides adverse incident reporting requirements for certain dental professionals. Effective Date: July 1, 2020

**Current Committee of Reference:** House Health Care Appropriations Subcommittee

**Actions**

12/18/2019  HOUSE Now in Health Care Appropriations Subcommittee

**Compare**

- SB 0066  Student Loans and Scholarship Obligations of Health Care Practitioners (Cruz)
- HB 0077  Student Loans and Scholarship Obligations of Health Care Practitioners (Goff-Marcil)
- HB 0115  Keep Our Graduates Working Act (Duran)
- SB 0218  Licensure Requirements for Osteopathic Physicians (Harrell)
- HB 0221  Osteopathic Physicians Certification and Licensure (Roach)
SB 0722 **Land Acquisition Trust Fund** by Montford

Land Acquisition Trust Fund; Requiring that certain funds distributed into the Land Acquisition Trust Fund be used for conservation and management projects in certain counties; providing the types of projects for which the Department of Environmental Protection may use such funds, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

11/18/2019 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

SB 0732 **Insulation Products** by Gruters

Insulation Products; Specifying that a person who takes certain actions relating to interior building envelope insulation products without having a certain test report is subject to the Florida Deceptive and Unfair Trade Practices Act; requiring that the test report be provided, upon request, to a local building official, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Community Affairs

**Actions**

11/21/2019 SENATE Referred to Community Affairs; Commerce and Tourism; Rules

**Identical**

HB 0511 Insulation Products (Fine)

HB 0775 **Everglades Protection Area** by Avila

Everglades Protection Area: Requires comprehensive plans & plan amendments adopted by governing body of local government whose boundaries include Everglades Protection Area to follow state coordinated review process; requires DEP to coordinate with local government on certain mitigation measures for such plans & amendments. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

01/13/2020 HOUSE On Committee agenda - Agriculture & Natural Resources Subcommittee, 01/15/20, 1:00 pm, 12 H

**Compare**

SB 0998 Housing (Hutson)
### Fish and Wildlife Activities by Gregory

**HB 0777**

*Fish and Wildlife Activities*: Prohibits certain harassment of hunters, trappers, & fishers in or on specified lands, areas, & waters; authorizes FWCC to designate additional free fishing days; prohibits certain possession of specified reptiles; provides exemption from sales & use tax for retail sale of certain hunting, fishing, & camping supplies during specified period; authorizes certain dealers to opt out of exemption; authorizes DOR to adopt emergency rules; provides appropriation. Effective Date: July 1, 2020

**Current Committee of Reference**: House Agriculture & Natural Resources Subcommittee

**Actions**

- **12/16/2019** HOUSE Now in Agriculture & Natural Resources Subcommittee

**Compare**

- SB 1310  Hunting and Fishing Sales Tax Holiday (Mayfield)
- SB 1414  Fish and Wildlife Activities (Mayfield)

### Public Records/Aquaculture Records/Department of Agriculture and Consumer Services by Gainer

**SB 0786**

*Public Records/Aquaculture Records/Department of Agriculture and Consumer Services*: Providing a public records exemption for certain aquaculture records held by the Department of Agriculture and Consumer Services; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity, etc. Effective Date: 7/1/2020

**Current Committee of Reference**: Senate Agriculture

**Actions**

- **01/09/2020** SENATE On Committee agenda - Agriculture, 01/14/20, 2:30 pm, 301 S

**Identical**

- **HB 0905** Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services (Ausley)

### Florida National Estuary Program Act by Fitzenhagen

**HB 0791**

*Florida National Estuary Program Act*: Requires DEP to give funding consideration to estuaries identified under National Estuary Program; requires funds to be used for specified projects; requires programs receiving funding to submit report to Governor, Legislature, DEP, & water management districts. Effective Date: July 1, 2020

**Current Committee of Reference**: House Agriculture & Natural Resources Subcommittee

**Actions**

- **12/16/2019** HOUSE Now in Agriculture & Natural Resources Subcommittee

**Similar**

- SB 1608  Florida National Estuary Program Act (Mayfield)

### Drones by Albritton

**SB 0822**

*Drones*: Adding an exception to prohibited uses of a drone, etc. Effective Date: 7/1/2020

**Current Committee of Reference**: Senate Governmental Oversight and Accountability

**Actions**

- **01/13/2020** SENATE Now in Governmental Oversight and Accountability

**Identical**

- **HB 0659** Drones (Fischer)
### SB 0882  Heat Illness Prevention by Torres, Jr.

Heat Illness Prevention; Providing responsibilities of certain employers and employees; requiring certain employers to provide annual training for employees and supervisors; requiring the Department of Agriculture and Consumer Services, in conjunction with the Department of Health, to adopt specified rules, etc. Effective Date: 10/1/2020

**Current Committee of Reference:** Senate Agriculture

**Actions**

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<tr>
<td>11/21/2019</td>
<td>SENATE Referred to Agriculture; Health Policy; Rules</td>
</tr>
</tbody>
</table>

**Identical**

- **HB 0513** Heat Illness Prevention (Smith (C))

### HB 0889  Employment Practices by Davis

Employment Practices: Creates "Florida Family Leave Act"; requires employer to allow certain employees to take paid family leave to bond with minor child upon child's birth, adoption, or foster care placement; provides requirements, limitations, & duties; provides for civil action & penalties & criminal penalty; prohibits specified employment practices on basis of pregnancy, childbirth, or medical condition related to pregnancy or childbirth; provides for leave, maintenance of health coverage, reasonable accommodation & transfer, & return rights for employee who is disabled from pregnancy, childbirth, or medical condition related to pregnancy or childbirth. Effective Date: July 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**

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<td>12/19/2019</td>
<td>HOUSE Now in Business &amp; Professions Subcommittee</td>
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</tbody>
</table>

**Similar**

- **SB 1194** Employment Practices (Cruz)

### SB 0890  Local Licensing by Perry

Local Licensing; Providing that individuals who hold valid, active local licenses may work within the scope of such licenses in any local government jurisdiction without needing to meet certain additional licensing requirements; requiring licensees to provide consumers with certain information; providing that local governments have disciplinary jurisdiction over such licensees, etc. Effective Date: 10/1/2020

**Current Committee of Reference:** Senate Innovation, Industry, and Technology

**Actions**

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<tr>
<td>11/21/2019</td>
<td>SENATE Referred to Innovation, Industry, and Technology; Community Affairs; Rules</td>
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**Identical**

- **HB 1161** Local Licensing (Plakon)

### HB 0905  Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services by Ausley

Pub. Rec./Aquaculture Production Information/Department of Agriculture and Consumer Services: Exempts from public records requirements certain aquaculture records held by DACS; provides for future legislative review & repeal under Open Government Sunset Review Act; provides statement of public necessity. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

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</table>

**Identical**

- **SB 0786** Public Records/Aquaculture Records/Department of Agriculture and Consumer Services (Gainer)
**SB 0906**  Prohibited Reptiles by Farmer, Jr.

Prohibited Reptiles; Prohibiting a person, party, firm, association, or corporation from keeping, possessing, importing, selling, bartering, trading, or breeding for personal use or sale for personal use green iguanas or black and white tegus, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

12/13/2019 SENATE Referred to Environment and Natural Resources; Community Affairs; Rules

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**HB 0913**  Florida Climate and Resiliency Research Program by Diamond

Florida Climate and Resiliency Research Program: Establishes program within DEP; provides for program purpose & participants; requires program to submit Florida Resiliency Plan to Governor & Legislature at specified intervals; provides plan requirements; directs DEP to coordinate & oversee program & provide staff support. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

12/19/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**Similar**

SB 1232 Florida Climate and Resiliency Research Program (Rouson)

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**HB 0921**  Department of Agriculture and Consumer Services by Brannan III

Department of Agriculture and Consumer Services: Revises contents of renewable & alternative energy technologies report; authorizes certain use of fumigants; revises membership of Florida Food Safety & Food Defense Advisory Council; revises food permit late fee; requires operation permits for frozen dessert wholesalers; provides exemption from bulk milk hauler/sampler permit requirements; removes prohibitions for repasteurized milk & milkfat content testing; repeals Dairy Industry Technical Council; extends expiration for Pest Control Trust Fund use; revises agricultural water conservation program; directs Florida Forest Service to develop wildland fire training & certification. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

12/19/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**Identical**

SB 1514 Department of Agriculture and Consumer Services (Albritton)

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**HB 0933**  Captive-bred Animal Culture by Watson (C)

Captive-bred Animal Culture: Requires DACS to submit list of research & development projects & captive-bred animal culture plan to Governor & Legislature; requires certificate of registration for captive-bred animal producers; creates Captive-bred Animal Culture Advisory Council; provides prohibited acts & penalties. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**

12/19/2019 HOUSE Now in Agriculture & Natural Resources Subcommittee

**Identical**

SB 1176 Captive-bred Animal Culture (Perry)

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**SB 0962**  Medical Marijuana Employee Protection by Berman

Medical Marijuana Employee Protection; Prohibiting an employer from taking adverse personnel action against an employee or job applicant who is a qualified patient using medical marijuana; requiring an employer to provide written notice to an employee or job applicant who tests positive for marijuana of his
or her right to explain the positive test result; providing procedures when an employee or job applicant
tests positive for marijuana; providing a cause of action and damages, etc. Effective Date: Upon becoming
a law

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

### Actions

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<tr>
<td>HB 0595</td>
<td>Medical Marijuana Employee Protection (Polsky)</td>
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**SB 0998 Housing** by Hutson

Housing; Authorizing a board of county commissioners to approve development of affordable housing on
any parcel zoned for residential, commercial, or industrial use; requiring counties, municipalities, and
special districts to include certain data relating to impact fees in their annual financial reports; providing the
percentage of the sales price of certain mobile homes which is subject to sales tax; exempting certain
mobile home park and mobile home subdivision owners from regulation relating to water and wastewater
systems by the Florida Public Service Commission, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Community Affairs

### Actions

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<tr>
<td>01/13/2020</td>
<td>SENATE Favorable with CS by Community Affairs; YEAS 4 NAYS 0</td>
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</tbody>
</table>

**Compare**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 0775</td>
<td>Everglades Protection Area (Avila)</td>
</tr>
<tr>
<td>SB 0818</td>
<td>Manufactured Housing (Hooper)</td>
</tr>
<tr>
<td>HB 1339</td>
<td>Housing (Yarborough)</td>
</tr>
</tbody>
</table>

**SB 1042 Aquatic Preserves** by Albritton

Aquatic Preserves; Creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in
the aquatic preserve system; outlining the authority of the Board of Trustees of the Internal Improvement
Trust Fund in respect to the preserve; prohibiting the establishment and management of the preserve from
infringing upon the riparian rights of upland property owners adjacent to or within the preserve, etc.
Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action and Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/13/2019</td>
<td>SENATE Referred to Environment and Natural Resources; Governmental Oversight and Accountability; Rules</td>
</tr>
</tbody>
</table>

**Identical**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 1061</td>
<td>Aquatic Preserves (Massullo, Jr.)</td>
</tr>
</tbody>
</table>

**HB 1067 Florida Endangered and Threatened Species Act** by Hattersley

Florida Endangered and Threatened Species Act: Directs FWCC & DACS to protect certain declassified
species; revises criteria for placement of species on Regulated Plant Index by DACS; prohibits FWCC &
DACS from considering certain costs when designating species as endangered or threatened. Effective
Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

### Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action and Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/13/2020</td>
<td>HOUSE Now in Agriculture &amp; Natural Resources Subcommittee</td>
</tr>
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</table>

**Similar**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>SB 1360</td>
<td>Florida Endangered and Threatened Species Act (Rodriguez (J))</td>
</tr>
</tbody>
</table>
HB 1073  **Statewide Office of Resiliency** by Stevenson

Statewide Office of Resiliency: Establishes office within EOG; provides for appointment of Chief Resilience Officer by Governor; creates Statewide Sea-Level Rise Task Force within office; requires DEP to serve as task force's contract administrator; requires Environmental Regulation Commission to take certain action on task force's recommendations; provides for task force repeal; provides appropriation. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**
01/13/2020  HOUSE Now in Agriculture & Natural Resources Subcommittee

**Compare**

SB 0178  Public Financing of Construction Projects (Rodriguez (J))

HB 0579  Public Financing of Construction Projects (Aloupis)

**Identical**

SB 7016  Statewide Office of Resiliency (Infrastructure and Security)

HB 1091  **Environmental Enforcement** by Fine

Environmental Enforcement: Increases civil penalties for violations of certain provisions relating to beach & shore construction, Biscayne Bay Aquatic Preserve, aquatic preserves, state water resource plan, artesian wells, pollution, operating terminal facility without discharge prevention & response certificates, discharge contingency plans for vessels, Pollutant Discharge Prevention & Control Act, Clean Ocean Act, pollution of surface & ground waters, regulation of oil & gas resources, Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs & expenses for pollution releases, necessary permits, dumping litter, small quantity generators, abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, & coral reef protection; provides that certain conditions constitute separate offenses. Effective Date: July 1, 2020

**Current Committee of Reference:** House Agriculture & Natural Resources Subcommittee

**Actions**
01/13/2020  HOUSE Now in Agriculture & Natural Resources Subcommittee

**Identical**

SB 1450  Environmental Enforcement (Gruters)

HB 1101  **Internship Tax Credit Program** by Daley

Internship Tax Credit Program: Provides credit against corporate income tax to taxpayer employing degree-seeking student intern if certain criteria are met; specifies amount of credit; specifies limit on credit claimed per taxable year; authorizes carryforward of unused tax credits for specified timeframe. Effective Date: July 1, 2020

**Current Committee of Reference:** House Ways & Means Committee

**Actions**
01/13/2020  HOUSE Now in Ways & Means Committee

**Compare**

HB 0357  Internship Tax Credit Program (Jones)

HB 0439  Internship Tax Credit Program (Daley)

SB 0642  Internship Tax Credit Program (Powell)

**Identical**

SB 1412  Internship Tax Credit Program (Powell)

SB 1124  **Legislative Review of Occupational Regulations** by Diaz
Legislative Review of Occupational Regulations; Citing this act as the “Occupational Regulation Sunset Act”; establishing a schedule for the systematic review of occupational regulatory programs; providing for the abolition of units or subunits of government and personnel positions responsible for repealed programs; providing for the reversion of certain unexpended funds and the refund of certain unencumbered revenue of a repealed program; requiring the Department of Legal Affairs to prosecute or defend certain pending causes of actions, etc. Effective Date: Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

<table>
<thead>
<tr>
<th>Actions</th>
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<tbody>
<tr>
<td>12/13/2019        SENATE Referred to Governmental Oversight and Accountability; Appropriations; Rules</td>
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</tbody>
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**Compare**

<table>
<thead>
<tr>
<th>SB 0230         Department of Health (Harrell)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 0390         Massage Therapy (Hooper)</td>
</tr>
<tr>
<td>SB 0474         Deregulation of Professions and Occupations (Albritton)</td>
</tr>
<tr>
<td>HB 0677         Chiropractic Medicine (Smith (D))</td>
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<tr>
<td>HB 0713         Department of Health (Rodriguez (AM))</td>
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<tr>
<td>HB 1137         Consumer Protection (Clemons)</td>
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<tr>
<td>SB 1138         Chiropractic Medicine (Brandes)</td>
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<tr>
<td>HB 1143         Department of Health (Gregory)</td>
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<tr>
<td>HB 1193         Deregulation of Professions and Occupations (Ingoglia)</td>
</tr>
<tr>
<td>HB 1341         Massage Therapy (Goff-Marcil)</td>
</tr>
<tr>
<td>SB 1492         Consumer Protection (Wright)</td>
</tr>
</tbody>
</table>

**Similar**

| HB 0707          Legislative Review of Occupational Regulations (Renner) |

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**SB 1126 Employment Conditions** by Gruters

Employment Conditions; Prohibiting a political subdivision from establishing, mandating, or otherwise requiring an employer to offer conditions of employment which are not otherwise required by state or federal law; specifying that the regulation of conditions of employment is expressly preempted to the state, etc. Effective Date: Upon becoming a law

**Current Committee of Reference:** Senate Governmental Oversight and Accountability

<table>
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<th>Actions</th>
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<tbody>
<tr>
<td>12/13/2019        SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules</td>
</tr>
</tbody>
</table>

**Similar**

| HB 0305          Preemption of Conditions of Employment (Rommel) |

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**HB 1129 Home Delivery Services** by Caruso

Home Delivery Services: Provides background screening requirements for home delivery service providers; prohibits home delivery service provider from entering home of or being unsupervised with consumer upon conviction, or any other adjudication, of specified crimes; specifies retailer responsibilities & duties; provides civil & criminal penalties; requires OIR to approve certain rating plans for liability insurance. Effective Date: July 1, 2020

**Current Committee of Reference:** House Criminal Justice Subcommittee

<table>
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<th>Actions</th>
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<tbody>
<tr>
<td>01/13/2020        HOUSE Now in Criminal Justice Subcommittee</td>
</tr>
</tbody>
</table>

**Similar**
**SB 1796**  Home Delivery Services (Perry)

**HB 1155**  Legislative Review of Proposed Regulation of Unregulated Functions by Hage

Legislative Review of Proposed Regulation of Unregulated Functions: Provides certain requirements before adoption of regulation of unregulated profession or occupation or substantial expansion of regulation of regulated profession or occupation; requires proponents to provide certain information to state agency & Legislature; requires state agency to provide certain information to Legislature; provides exception; revises information that legislative committee must consider when determining whether regulation is justified. Effective Date: July 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**

01/13/2020  HOUSE Now in Business & Professions Subcommittee

Identical

SB 1614  Legislative Review of Proposed Regulation of Unregulated Functions (Perry)

**HB 1161**  Local Licensing by Plakon

Local Licensing: Provides individuals who hold valid, active local licenses may work within scope of such licenses in any local government jurisdiction without needing to meet additional licensing requirements; provides that local governments have disciplinary jurisdiction over such licensees; requires local governments to forward any disciplinary orders to licensee's original licensing jurisdiction for further action; requires DBPR to create & maintain local licensing information system. Effective Date: October 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**

01/13/2020  HOUSE Now in Business & Professions Subcommittee

Identical

SB 0890  Local Licensing (Perry)

**SB 1176**  Captive-bred Animal Culture by Perry

Captive-bred Animal Culture; Creating the "Florida Animal Policy Act"; providing duties of the Department of Agriculture and Consumer Services; requiring the department to submit a list of specified research and development projects with its annual legislative budget request to the Governor and the Legislature; requiring a captive-bred producer to apply to the department for a certificate of registration; creating the Captive-bred Animal Culture Advisory Council adjunct to the department, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Agriculture

**Actions**

12/18/2019  SENATE Referred to Agriculture; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

Identical

HB 0933  Captive-bred Animal Culture (Watson (C))

**SB 1186**  Drug-free Workplaces by Baxley

Drug-free Workplaces; Requiring licensed drug-testing facilities to perform prescreening tests on urine specimens to determine the specimens' validity; providing that urine specimens may not be sent to an out-of-state facility unless the facility complies with certain requirements; revising information required in a written policy statement provided to employees and job applicants before drug testing; revising procedures for specimen collection, testing, and preservation, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Commerce and Tourism

**Actions**

SENATE Referred to Commerce and Tourism; Governmental Oversight and Accountability;
<table>
<thead>
<tr>
<th>Date</th>
<th>Action Details</th>
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<tbody>
<tr>
<td>12/18/2019</td>
<td>Rules</td>
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<tr>
<td></td>
<td>Compare</td>
</tr>
<tr>
<td></td>
<td>HB 1297 Drug-free Workplaces (Robinson)</td>
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<tr>
<td></td>
<td><strong>SB 1194 Employment Practices</strong> by Cruz</td>
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<tr>
<td></td>
<td>Employment Practices; Creating the &quot;Florida Family Leave Act&quot;; requiring an employer to allow certain employees to take paid family leave to bond with a new child upon the child’s birth, adoption, or foster care placement; requiring that family leave be taken concurrently with any leave taken pursuant to federal family and medical leave provisions; requiring the Department of Economic Opportunity to create a poster and a model notice that specify family leave rights, etc. Effective Date: 7/1/2020</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Commerce and Tourism</td>
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<tr>
<td></td>
<td><strong>Actions</strong></td>
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<tr>
<td>12/18/2019</td>
<td>SENATE Referred to Commerce and Tourism; Governmental Oversight and Accountability; Appropriations</td>
</tr>
<tr>
<td></td>
<td><strong>Similar</strong></td>
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<tr>
<td></td>
<td>HB 0889 Employment Practices (Davis)</td>
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<tr>
<td></td>
<td><strong>HB 1199 Environmental Protection Act</strong> by Ingoglia</td>
</tr>
<tr>
<td></td>
<td>Environmental Protection Act: Prohibits local governments from recognizing or granting certain legal rights to natural environment or granting such rights relating to natural environment to person or political subdivision. Effective Date: upon becoming a law</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> House Civil Justice Subcommittee</td>
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<td><strong>Actions</strong></td>
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<tr>
<td>01/13/2020</td>
<td>HOUSE Now in Civil Justice Subcommittee</td>
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<td></td>
<td><strong>Compare</strong></td>
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<tr>
<td></td>
<td>SB 1382 Environmental Resource Management (Albritton)</td>
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<tr>
<td></td>
<td><strong>SB 1232 Florida Climate and Resiliency Research Program</strong> by Rouson</td>
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<tr>
<td></td>
<td>Florida Climate and Resiliency Research Program; Establishing the program within the Department of Environmental Protection; providing for program purpose and participants; requiring the program to submit the Florida Resiliency Plan to the Governor and Legislature at specified intervals; providing plan requirements; directing the department to coordinate and oversee the program and provide staff support, etc. Effective Date: 7/1/2020</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Infrastructure and Security</td>
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<td></td>
<td><strong>Actions</strong></td>
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<tr>
<td>01/08/2020</td>
<td>SENATE Referred to Infrastructure and Security; Environment and Natural Resources; Appropriations</td>
</tr>
<tr>
<td></td>
<td><strong>Similar</strong></td>
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<tr>
<td></td>
<td>HB 0913 Florida Climate and Resiliency Research Program (Diamond)</td>
</tr>
<tr>
<td></td>
<td><strong>SB 1336 Preemption of Local Occupational Licensing</strong> by Perry</td>
</tr>
<tr>
<td></td>
<td>Preemption of Local Occupational Licensing; Preempting licensing of occupations to the state; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; authorizing counties and municipalities to issue certain journeyman licenses, etc. Effective Date: 7/1/2020</td>
</tr>
<tr>
<td></td>
<td><strong>Current Committee of Reference:</strong> Senate Community Affairs</td>
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<td></td>
<td><strong>Actions</strong></td>
</tr>
</tbody>
</table>
HB 0003 Preemption of Local Occupational Licensing (Grant (M))

HB 1343 Water Quality Improvements by Payne

Water Quality Improvements: Requires DOH & DEP to submit reports & recommendations relating to transfer of Onsite Sewage Program in DOH to DEP; transfers Onsite Sewage Program from DOH to DEP; requires WMDs to submit consolidated annual reports to OEDR; removes provisions relating to DOH technical review & advisory panel & research & review advisory committee; directs DEP to determine that hardship exists for certain OSTDS onsite variance requests; creates OSTDS technical advisory committee; requires county health departments to coordinate with DEP to administer evaluation programs; requires basin management action plans to include treatment & remediation plans; requires DEP to submit cost estimates to OEDR; provides for management of biosolids & water quality monitoring; establishes clean water grant program. Effective Date: July 1, 2021

Current Committee of Reference: No Current Committee

Actions

01/10/2020 HOUSE Filed

Compare

HB 0405 Stormwater Management Systems (Good)
SB 0686 Stormwater Management Systems (Gruters)
SB 0712 Water Quality Improvements (Mayfield)
HB 1363 Basin Management Action Plans (Overdorf)

SB 1360 Florida Endangered and Threatened Species Act by Rodriguez (J)

Florida Endangered and Threatened Species Act; directing the Fish and Wildlife Conservation Commission to protect certain declassified species; prohibiting the commission and the Department of Environmental Protection from considering certain costs when designating a species as endangered or threatened; revising criteria for placement of species on the Regulated Plant Index by the Department of Agriculture and Consumer Services; directing the department, in consultation with the Endangered Plant Advisory Council, to protect certain declassified species, etc. Effective Date: 7/1/2020

Current Committee of Reference: Senate Environment and Natural Resources

Actions

01/13/2020 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

Similar

HB 1067 Florida Endangered and Threatened Species Act (Hattersley)

HB 1363 Basin Management Action Plans by Overdorf

Basin Management Action Plans: Provides additional management strategies for such plans; requires certain plans to include specified elements; provides requirements for DEP, DACS, DOH, UF/IFAS, local governments, water management districts, & owners of agricultural operations; requires specified data collection & research; establishes nutrient reduction cost-share program within DEP; exempts rural homesteads from certain best management practices under certain conditions; requires DEP & DACS to include specified information in annual progress reports for such plans. Effective Date: July 1, 2020

Current Committee of Reference: No Current Committee

Actions

01/13/2020 HOUSE Filed

Compare

SB 0712 Water Quality Improvements (Mayfield)
### Environmental Resource Management by Albritton

Environmental Resource Management; Providing that basin management action plan management strategies may include certain water quality improvement elements; requiring the Department of Environmental Protection, in coordination with the Department of Health or water management districts, to develop and implement a cooperative urban, suburban, commercial, or institutional water quality improvement element; requiring the Institute of Food and Agriculture Sciences of the University of Florida, in cooperation with the Department of Agriculture and Consumer Services, to develop a research plan and a legislative budget request, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

- 01/13/2020 SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**Compare**

- SB 0712 Water Quality Improvements (Mayfield)
- HB 1199 Environmental Protection Act (Ingoglia)
- HB 1363 Basin Management Action Plans (Overdorf)

### Availability of Marijuana for Adult Use by Smith (C)

Availability of Marijuana for Adult Use: Limits sales tax exemption for sale of marijuana & marijuana delivery devices to include only sales to qualified patients or caregivers; revises provisions relating to licensure & operation of MMTCs; authorizes certain persons to purchase, possess, use, transport, or transfer marijuana products & delivery devices under certain circumstances; requires licensure by DBPR of certain MMTCs; requires DACS to conduct certain study; requires sentence review hearings under certain circumstances; authorizes certain persons to petition court for expunction of his or her criminal history under certain circumstances; provides criminal penalties. Effective Date: January 1, 2021

**Current Committee of Reference:** No Current Committee

**Actions**

- 01/13/2020 HOUSE Filed

**Compare**

- SB 1862 Public Records/Criminal History Records and Related Information (Brandes)

**Similar**

- SB 1860 Availability of Marijuana for Adult Use (Brandes)

### Everglades Protection Area by Simmons

Everglades Protection Area; Requiring comprehensive plans and plan amendments adopted by the governing bodies of local governments whose boundaries include any portion of the Everglades Protection Area to follow the state coordinated review process; requiring the Department of Environmental Protection to make certain determinations for such plans and amendments, to provide written notice of its determination to the local governments within a specified timeframe, and to coordinate with the local governments on certain mitigation measures, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

- 01/13/2020 SENATE Referred to Environment and Natural Resources; Community Affairs; Rules

**Identical**

- HB 0755 Pub. Rec. and Meetings/911 and E911 Communication Systems (DuBose)
### Internship Tax Credit Program

**Bill Number:** SB 1412  
**By:** Powell

Internship Tax Credit Program; Creating the "Florida Internship Tax Credit Program"; providing a credit against the corporate income tax to a taxpayer employing a degree-seeking student intern if certain criteria are met; specifying the amount of the credit; specifying a limit on the credit claimed per taxable year, etc.

**Effective Date:** 7/1/2020

**Current Committee of Reference:** Senate Education

**Actions**

- **01/13/2020** SENATE Referred to Education; Finance and Tax; Appropriations

**Compare**

- **HB 0357** Internship Tax Credit Program (Jones)
- **HB 0439** Internship Tax Credit Program (Daley)
- **SB 0642** Internship Tax Credit Program (Powell)

**Identical**

- **HB 1101** Internship Tax Credit Program (Daley)

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### Prohibited Reptiles

**Bill Number:** HB 1415  
**By:** Daley

Prohibited Reptiles: Prohibits keeping, possessing, importing, selling, bartering, trading, or breeding for personal use or sale for personal use green iguanas or black & white tegus. Effective Date: July 1, 2020

**Current Committee of Reference:** No Current Committee

**Actions**

- **01/13/2020** HOUSE Filed

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### Environmental Enforcement

**Bill Number:** SB 1450  
**By:** Gruters

Environmental Enforcement; Increasing the civil penalties for violations of certain provisions relating to beach and shore construction, the Biscayne Bay Aquatic Preserve, aquatic preserves, the state water resource plan, artesian wells, pollution, operating a terminal facility without discharge prevention and response certificates, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, the pollution of surface and ground waters, the regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, pollution control, reasonable costs and expenses for pollution releases, necessary permits, dumping litter, small quantity generators, the abatement of imminent hazards caused by hazardous substances, hazardous waste generators, transporters, or facilities, and coral reef protection, respectively, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Environment and Natural Resources

**Actions**

- **01/13/2020** SENATE Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

**Identical**

- **HB 1091** Environmental Enforcement (Fine)

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### Department of Agriculture and Consumer Services

**Bill Number:** SB 1514  
**By:** Albritton

Department of Agriculture and Consumer Services; Revising the contents of a Department of Agriculture and Consumer Services report to the Governor and the Legislature to include the development of certain renewable and alternative energy technologies; requiring the department to promote the development of alternative fuel and alternative vehicle technologies; authorizing the department to consider the use of a fumigant as a pesticide for raw agricultural commodities; requiring operation permits for wholesalers of frozen dessert products, etc. Effective Date: 7/1/2020

**Current Committee of Reference:** Senate Agriculture
<table>
<thead>
<tr>
<th>SB 1614</th>
<th><strong>Legislative Review of Proposed Regulation of Unregulated Functions</strong> by Perry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Review of Proposed Regulation of Unregulated Functions; Providing that certain requirements must be met before the adoption of a regulation of an unregulated profession or occupation or the substantial expansion of regulation of a regulated profession or occupation; requiring the proponents of legislation that proposes such regulation to provide certain information to the state agency proposed to have jurisdiction over the regulation and to the Legislature by a certain date; requiring such state agency to provide certain information to the Legislature within a specified timeframe, etc. Effective Date: 7/1/2020</td>
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<td>Current Committee of Reference: No Current Committee</td>
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<td>Actions</td>
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<td>01/09/2020</td>
<td>SENATE Filed</td>
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<td>Identical</td>
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<tr>
<td>HB 1155</td>
<td>Legislative Review of Proposed Regulation of Unregulated Functions (Hage)</td>
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<thead>
<tr>
<th>SB 1720</th>
<th><strong>Florida Safe Drinking Water Act</strong> by Cruz</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida Safe Drinking Water Act; Requiring the Department of Environmental Protection to adopt and implement rules for statewide maximum contaminant levels for specified pollutants by a date certain, etc. Effective Date: 7/1/2020</td>
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<tr>
<td>Current Committee of Reference: No Current Committee</td>
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<td>Actions</td>
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<td>01/10/2020</td>
<td>SENATE Filed</td>
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<tr>
<td>HB 1427</td>
<td>Florida Safe Drinking Water Act (Diamond)</td>
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<thead>
<tr>
<th>SB 1722</th>
<th><strong>Recyclable Materials</strong> by Taddeo</th>
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<tbody>
<tr>
<td>Recyclable Materials; Requiring the Department of Environmental Protection to review and update a specified report on the regulation of certain auxiliary containers, wrappings, and disposable plastic bags; requiring submittal of the report to the Legislature by a specified date; prohibiting a local government, local governmental agency, or state government agency from enacting certain rules and regulations during a specified timeframe, etc. Effective Date: 7/1/2020</td>
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<tr>
<td>Current Committee of Reference: No Current Committee</td>
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<td>01/10/2020</td>
<td>SENATE Filed</td>
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<tr>
<td>SB 0182</td>
<td>Preemption of Recyclable and Polystyrene Materials (Stewart)</td>
</tr>
<tr>
<td>HB 6043</td>
<td>Preemption of Recyclable and Polystyrene Materials (Grieco)</td>
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<table>
<thead>
<tr>
<th>SB 1796</th>
<th><strong>Home Delivery Services</strong> by Perry</th>
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<tbody>
<tr>
<td>Home Delivery Services; Creating the &quot;Evy Udell Public Safety Act&quot;; providing background screening requirements for home delivery service providers who provide home delivery services for a retailer; prohibiting a home delivery service provider from entering the home of or being unsupervised with a consumer upon the conviction, or any other adjudication, of specified crimes; specifying retailer responsibilities and duties, etc. Effective Date: 7/1/2020</td>
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<tr>
<td>Current Committee of Reference: No Current Committee</td>
<td></td>
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</tbody>
</table>
**SB 1860**  
**Availability of Marijuana for Adult Use** by Brandes

Availability of Marijuana for Adult Use; Revising the sales tax exemption for the sale of marijuana and marijuana delivery devices to only include sales to qualified patients or caregivers; revising provisions related to the licensure and functions of medical marijuana treatment centers (MMTCs); specifying application requirements for MMTCs to obtain cultivation licenses and processing licenses; authorizing MMTCs licensed to cultivate or process marijuana to use contractors to assist with the cultivation and processing of marijuana under certain conditions, etc. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2021

**Current Committee of Reference:** No Current Committee

**Actions**

01/13/2020  SENATE Filed

**Compare**

HB 0149  Medical Marijuana Treatment Centers (Sabatini)

**Similar**

HB 1389  Availability of Marijuana for Adult Use (Smith (C))

**Linked**

SB 1862  Public Records/Criminal History Records and Related Information (Brandes)

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**SB 1862**  
**Public Records/Criminal History Records and Related Information** by Brandes

Public Records/Criminal History Records and Related Information; Specifying requirements for certain agencies in the disposition of expunged criminal history records; providing an exemption from public records requirements for certain expunged criminal history records and related information of persons who possessed 4 ounces or less of cannabis, with exceptions; providing for future review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: On the same date that SB 1860 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

**Current Committee of Reference:** No Current Committee

**Actions**

01/13/2020  SENATE Filed

**Compare**

HB 1389  Availability of Marijuana for Adult Use (Smith (C))

**Linked**

SB 1860  Availability of Marijuana for Adult Use (Brandes)

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**HB 6019**  
**Development Orders** by Casello

Development Orders: Removes provision allowing prevailing party in certain development order challenges to recover specified fees & costs. Effective Date: July 1, 2020

**Current Committee of Reference:** House Commerce Committee

**Actions**

09/23/2019  HOUSE Now in Commerce Committee

**Identical**
### SB 0250 Development Orders (Berman)

### HB 6043 Preemption of Recyclable and Polystyrene Materials by Grieco

Preemption of Recyclable and Polystyrene Materials: Removes prohibition of local laws relating to regulation of auxiliary containers, wrappings, & disposable plastic bags; repeals preemption of local laws relating to use or sale of polystyrene products to DACS. Effective Date: July 1, 2020

**Current Committee of Reference:** House Business & Professions Subcommittee

**Actions**
- 11/15/2019 HOUSE Now in Business & Professions Subcommittee

**Compare**
- SB 1722 Recyclable Materials (Taddeo)
- SB 0182 Preemption of Recyclable and Polystyrene Materials (Stewart)

### SB 7016 Statewide Office of Resiliency by Infrastructure and Security

Statewide Office of Resiliency: Establishing the office within the Executive Office of the Governor; creating the Statewide Sea-Level Rise Task Force within the office; authorizing the Department of Environmental Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force’s recommendations, etc.

**Current Committee of Reference:** Senate Appropriations

**Actions**
- 01/13/2020 SENATE Now in Appropriations

**Compare**
- HB 0579 Public Financing of Construction Projects (Aloupis)
- HB 1073 Statewide Office of Resiliency (Stevenson)
- SB 0178 Public Financing of Construction Projects (Rodriguez (J))

### HB 9027 UF/IFAS Algal Bloom Research & Mitigation by Eagle

UF/IFAS Algal Bloom Research & Mitigation: Provides an appropriation for the UF/IFAS Algal Bloom Research & Mitigation. Effective Date: July 1, 2020

**Current Committee of Reference:** House Higher Education Appropriations Subcommittee

**Actions**
- 01/10/2020 HOUSE On Committee agenda - Higher Education Appropriations Subcommittee, 01/14/20, 1:30 pm, 17 H

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