

By Senator Lynn

7-01474A-11

20111634

1 A bill to be entitled
2 An act relating to water vending machines; repealing
3 s. 500.459, F.S., relating to the regulation of water
4 vending machines and the permitting of water vending
5 machine operators; amending s. 500.511, F.S.; deleting
6 provisions for the deposit of operator permitting
7 fees, the enforcement of the state's water vending
8 machine regulations, penalties, and the preemption of
9 county and municipal water vending machine
10 regulations, to conform; providing an effective date.

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

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14 Section 1. Section 500.459, Florida Statutes, is repealed.

15 Section 2. Section 500.511, Florida Statutes, is amended to
16 read:

17 500.511 Bottled water plants; packed ice plants; Fees;
18 ~~enforcement; preemption.-~~

19 ~~(1) FEES. All fees collected under s. 500.459 shall be~~
20 ~~deposited into the General Inspection Trust Fund and shall be~~
21 ~~accounted for separately and used for the sole purpose of~~
22 ~~administering the provisions of such section.~~

23 ~~(2) ENFORCEMENT AND PENALTIES. In addition to the~~
24 ~~provisions contained in s. 500.459, the department may enforce~~
25 ~~s. 500.459 in the manner provided in s. 500.121. Any person who~~
26 ~~violates a provision of s. 500.459 or any rule adopted under~~
27 ~~such section shall be punished as provided in such section.~~
28 ~~However, criminal penalties may not be imposed against any~~
29 ~~person who violates a rule.~~

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30 ~~(3) PREEMPTION OF AUTHORITY TO REGULATE.~~ Regulation of
31 bottled water plants, ~~water vending machines, water vending~~
32 ~~machine operators,~~ and packaged ice plants is preempted by the
33 state. No county or municipality may adopt or enforce any
34 ordinance that regulates the licensure or operation of bottled
35 water plants, ~~water vending machines,~~ or packaged ice plants,
36 unless it is determined that unique conditions exist within the
37 county which require the county to regulate such entities in
38 order to protect the public health. This section ~~subsection~~ does
39 not prohibit a county or municipality from requiring a business
40 tax pursuant to chapter 205.

41 Section 3. This act shall take effect July 1, 2011.