

By Senator Thomas

3-1073A-98

1 A bill to be entitled
2 An act relating to the Department of
3 Agriculture and Consumer Services; creating s.
4 535.08, F.S.; providing a prohibition against
5 the administration of medications to
6 thoroughbred horses prior to sale; providing an
7 exception and certain requirements; providing
8 for testing; providing penalties; amending s.
9 535.11, F.S., relating to prohibition against
10 administration of drugs to horses; providing a
11 definition; creating s. 585.147, F.S.;
12 requiring a permit for transporting or hauling
13 certain animals or animal products; requiring
14 fees; providing vehicle and container
15 requirements; amending s. 216.181, F.S.,
16 relating to approved budgets; exempting the
17 Department of Agriculture and Consumer Services
18 from certain restrictions on lump-sum salary
19 bonuses; amending s. 500.09, F.S.; authorizing
20 the department to perform certain laboratory
21 services relating to food safety and establish
22 fees therefor; amending s. 500.121, F.S.;
23 adding new disciplinary procedures for food
24 establishments operating without a permit or
25 with a suspended or revoked permit; providing a
26 penalty; amending s. 570.07, F.S.; authorizing
27 an employees' benefit fund; amending s.
28 570.952, F.S.; revising membership of the
29 Florida Agriculture Center and Horse Park
30 Authority; amending s. 571.25, F.S.; changing
31 the registration date for membership in the

1 Florida Agricultural Promotional Campaign;
2 amending s. 581.031, F.S.; providing duties of
3 the department relating to a commercial citrus
4 inventory; amending s. 581.131, F.S.; raising
5 the cap on nursery and nursery stock dealer
6 certificate of registration and renewal fees;
7 amending s. 500.11, F.S.; specifying conditions
8 for animal products to be considered
9 misbranded; amending ss. 570.50, 570.51, F.S.;
10 deleting powers and duties of the Division of
11 Food Safety of the Department of Agriculture
12 and Consumer Services relating to certain
13 animal and animal product inspection; amending
14 and transferring ss. 585.89, 585.92, F.S.,
15 relating to prohibitions on purchase of beef
16 and pork, specifications for bid invitations,
17 penalties, and labeling requirements;
18 conforming provisions; amending s. 828.22,
19 F.S.; correcting a cross-reference; amending s.
20 877.05, F.S., relating to the killing of young
21 veal for sale; conforming provisions; repealing
22 s. 205.1951, F.S., relating to the issuance of
23 a grant of inspection or a custom animal
24 slaughtering or processing establishment
25 permit; repealing ss. 585.70, 585.88, 585.90,
26 585.91, 585.93, 585.96, F.S., relating to
27 animal and animal product inspection and
28 labeling; repealing ss. 828.23(5) and (6),
29 828.24, 828.25, 828.26(2), F.S., relating to
30 definitions of terms "packer" and "stockyard,"
31 prohibited acts, department administration, and

1 penalties pertaining to slaughter of livestock;
2 repealing s. 877.06, F.S., relating to labeling
3 of beef not slaughtered according to state or
4 United States standards; repealing s. 102, ch.
5 92-291, Laws of Florida, relating to review and
6 repeal of ss. 500.12, 500.121, F.S.; providing
7 an effective date.

8

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

10

11 Section 1. Section 535.08, Florida Statutes, is
12 created to read:

13 535.08 Thoroughbred sales; administration of
14 medications prior to sale; testing.--

15 (1) No person shall administer to any thoroughbred
16 horse offered for public sale at a thoroughbred horse sale any
17 substance that is recognized as an injectable, oral, or
18 topical medication within 72 hours of the start of the sale
19 session in which the thoroughbred horse is offered for sale
20 unless the person is a licensed veterinarian and the
21 medication is therapeutic or necessary for the treatment or
22 prevention of an illness or injury.

23 (2) The administration of any such medication must be
24 reported to the sales organization on a form provided for this
25 purpose by the sales organization, signed by the attending
26 veterinarian, which shall set forth the following information:

27 (a) Identification of the medication, amount, and
28 strength.

29 (b) The date and time of administration.

30 (c) Identification of the horse's name, age, sex, and
31 entry number.

1 (d) The reason for administration.

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3 The form must be filed with the sales organization no later
4 than 12 hours after administration or 1 hour before the start
5 of the sales session in which the thoroughbred horse is
6 offered for sale, whichever would require the earlier filing.
7 The sales organization shall make all such forms available to
8 the public, and the availability of this information shall be
9 publicized in any applicable sales catalogue.

10 (3)(a) The state veterinarian, or any veterinarian
11 designated by the department, may administer a blood test to
12 any thoroughbred horse offered or sold at a thoroughbred horse
13 sale for the purpose of determining if the horse has been
14 administered a substance in violation of subsection (1). Such
15 a test shall be performed at the request of the purchaser of
16 any thoroughbred horse sold, if the purchaser makes such a
17 request before taking physical possession of the animal and
18 within 24 hours of the time of sale. The purchaser shall be
19 solely responsible for the cost of the test, and payment shall
20 be made to the sales organization. The sales organization
21 shall then remit the cost of these tests to the department.

22 (b) One-half of any such blood sample shall be
23 delivered for initial testing to the official laboratory
24 approved by the department. The other half of the blood sample
25 shall be stored for possible followup testing for a period of
26 not less than 2 weeks after receipt of the initial test
27 results.

28 (c) The seller may request followup testing in
29 response to any positive test result within 48 hours after
30 receiving actual notice of such a result. The seller shall be
31 solely responsible for the cost of any followup testing. Upon

1 request of the seller, the original laboratory and an
2 additional laboratory selected by the seller and approved by
3 the state veterinarian shall test the stored sample.

4 (d) If initial testing reveals that a horse has been
5 administered a substance in violation of subsection (1) and
6 followup testing by both laboratories confirms this conclusion
7 or the seller does not request such testing within the 48-hour
8 period provided, the consignor must accept return of the horse
9 as unsold.

10 (4)(a) Any person who violates subsection (1) commits
11 a misdemeanor of the second degree, punishable as provided in
12 ss. 775.082 and 775.083. For a second or subsequent offense,
13 such person commits a misdemeanor of the first degree,
14 punishable as provided in ss. 775.082 and 775.083.

15 (b) In addition to the penalties provided in paragraph
16 (a), any person convicted of a violation of subsection (1)
17 shall be barred from showing, exhibiting, or offering for sale
18 at a public sale any horse in this state for a period of 2
19 years from the date of the conviction.

20 Section 2. Subsection (1) of section 535.11, Florida
21 Statutes, is amended to read:

22 535.11 Prohibition against administration of drugs;
23 testing; search powers of department; penalties.--

24 (1) As used in this section, the term:

25 ~~(a) "Stimulant" means any medication that stimulates~~
26 ~~the circulatory, respiratory, or central nervous system.~~

27 (a)(b) "Depressant" means any medication that
28 depresses the circulatory, respiratory, or central nervous
29 system.

30 (b)(c) "Forbidden substance" means any stimulant,
31 depressant, tranquilizer, analgesic, local anesthetic,

1 steroidal or nonsteroidal anti-inflammatory drug, or drug or
2 drug metabolite that could affect the performance of a horse.
3 The term includes any substance, regardless of how harmless or
4 innocuous, which could interfere in detecting the presence of
5 a stimulant, depressant, tranquilizer, analgesic, local
6 anesthetic, steroidal or nonsteroidal anti-inflammatory drug,
7 or drug or drug metabolite that could affect the performance
8 of a horse.

9 (c) "Horse show," "horse exhibition," or "horse sale"
10 means any event in which horses compete for awards, prizes,
11 points, ribbons, or money or are made available for public
12 sale other than through a public sale of thoroughbred horses
13 that requires licensing under s. 535.01.

14 (d) "Stimulant" means any medication that stimulates
15 the circulatory, respiratory, or central nervous system.

16 (e)~~(d)~~ "Trainer" means any adult who has the
17 responsibility for the care, training, custody, or performance
18 of a horse. Such person may be an owner, rider, agent, or
19 coach, as well as a trainer.

20 Section 3. Section 585.147, Florida Statutes, is
21 created to read:

22 585.147 Permit for transporting or hauling certain
23 animals or animal products; fees; vehicle and container
24 requirements.--

25 (1) No person shall engage in the business of
26 transporting or hauling any dead, dying, disabled, or diseased
27 animal, any product of an animal that died other than by
28 slaughter, or any inedible animal product not meant for human
29 consumption without having first applied for, and obtained
30 from the department, a permit, which shall expire on June 30
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1 of each year. The department shall collect an annual fee of
2 \$200 for the permit.

3 (2) All vehicles used in the transportation of
4 carcasses or refuse on public highways shall be of such
5 construction as to prevent seepage or residue from escaping.

6 (3) All barrels or other containers used for
7 transportation and storage of carcasses or refuse shall be
8 clearly marked "INEDIBLE" with letters not less than 2 inches
9 in height.

10 Section 4. Paragraph (b) of subsection (10) of section
11 216.181, Florida Statutes, is amended to read:

12 216.181 Approved budgets for operations and fixed
13 capital outlay.--

14 (10)

15 (b) Lump-sum salary bonuses may be provided only if
16 specifically appropriated. This paragraph shall not apply to
17 the Department of Agriculture and Consumer Services.

18 Section 5. Subsections (6) and (7) are added to
19 section 500.09, Florida Statutes, to read:

20 500.09 Rulemaking; analytical work.--

21 (6) The department may perform laboratory services
22 relating to, or having potential impact on, food safety or the
23 compliance of food with the requirements of this chapter for
24 any person or public agency.

25 (7) The department may establish and collect
26 reasonable fees for laboratory services performed pursuant to
27 subsection (6). Such fees shall be deposited in the
28 department's General Inspection Trust Fund and shall be used
29 solely for the recovery of costs for the services provided.

30 Section 6. Subsection (5) is added to section 500.121,
31 Florida Statutes, to read:

1 500.121 Disciplinary procedures.--
2 (5) The department shall post a prominent
3 closed-for-operation sign on any food establishment that has
4 had its permit suspended or revoked. The department shall also
5 post such a sign on any establishment judicially or
6 administratively determined to be operating without a permit.
7 It is a misdemeanor of the second degree, punishable as
8 provided in s. 775.082 or s. 775.083, for any person to deface
9 or remove such closed-for-operation sign or for any food
10 establishment to open for operation without a permit or to
11 open for operation while its permit is suspended or revoked.
12 The department may impose administrative sanctions for
13 violations of this subsection.

14 Section 7. Subsection (34) is added to section 570.07,
15 Florida Statutes, to read:

16 570.07 Department of Agriculture and Consumer
17 Services; functions, powers, and duties.--The department shall
18 have and exercise the following functions, powers, and duties:

19 (34) To adopt policies creating, and providing for the
20 operation of, an employees' benefit fund.

21 Section 8. Paragraph (a) of subsection (2) of section
22 570.952, Florida Statutes, is amended to read:

23 570.952 Florida Agriculture Center and Horse Park
24 Authority.--

25 (2) The authority shall be composed of 23 members
26 appointed by the commissioner.

27 (a) Members shall include:

28 1. One citizen-at-large, who shall represent the views
29 of the general public toward agriculture and equine activities
30 in the state.

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- 1 2. One representative from the Department of
2 Agriculture and Consumer Services.
- 3 3. One representative from Enterprise Florida, Inc the
4 ~~Department of Commerce~~.
- 5 4. One representative from the Department of
6 Environmental Protection, Office of Greenways Management.
- 7 5. One member of the Ocala/Marion County Chamber of
8 Commerce.
- 9 6. One public/private partnership expert.
- 10 7. One member of a private environmental organization.
- 11 8. One fruit and vegetable grower.
- 12 9. One citrus grower.
- 13 10. One commercial feed producer.
- 14 11. One livestock/cattle breeder.
- 15 12. One quarter horse breeder.
- 16 13. One thoroughbred horse breeder.
- 17 14. One standardbred horse breeder.
- 18 15. One Arabian horse breeder.
- 19 16. One color breeds ~~Appaloosa~~ horse breeder.
- 20 17. One licensed veterinarian.
- 21 18. One Paso Fino ~~paint~~ horse breeder.
- 22 19. One ornamental or nursery stock grower.
- 23 20. One representative from the horse show industry.
- 24 21. One representative from the horse sport industry.
- 25 22. One representative from the horse trailriders
26 industry.
- 27 23. One representative from the Board of County
28 Commissioners of Marion County.
- 29 Section 9. Subsection (1) of section 571.25, Florida
30 Statutes, is amended to read:
- 31 571.25 Registration and fees.--

1 (1) Any person who participates in the Florida
2 Agricultural Promotional Campaign shall register annually with
3 the department in a form and manner as required by the
4 department. Each person shall renew his or her ~~their~~
5 registration on the anniversary date of his or her original
6 membership by July 1 of each year.

7 Section 10. Subsection (31) is added to section
8 581.031, Florida Statutes, to read:

9 581.031 Department; powers and duties.--The department
10 has the following powers and duties:

11 (31) To conduct, assist, or cooperate with others in
12 conducting a commercial citrus inventory and to expend funds
13 therefor as may be deposited in the Plant Industry Trust Fund
14 for such purposes.

15 Section 11. Subsection (6) of section 581.131, Florida
16 Statutes, is amended to read:

17 581.131 Certificate of registration.--

18 (6) Neither the certificate of registration fee nor
19 the annual renewal fee shall exceed ~~\$600~~\$460. The department
20 may exempt from the payment of a certificate fee those
21 governmental agency nurseries whose nursery stock is used
22 exclusively for planting on their own property.

23 Section 12. Paragraph (p) is added to subsection (1)
24 of section 500.11, Florida Statutes, to read:

25 500.11 Food deemed misbranded.--

26 (1) A food is deemed to be misbranded:

27 (p) If it is an animal product that fails to have
28 directly thereon or on its container the official inspection
29 legend as required by the United States Department of
30 Agriculture and, unrestricted by any other provision of this
31 section, such other information as the department requires to

1 ensure that it shall not have false or misleading labeling and
2 that the public is informed of the manner of handling required
3 to maintain the product in a wholesome condition.

4 Section 13. Section 570.50, Florida Statutes, is
5 amended to read:

6 570.50 Division of Food Safety; powers and
7 duties.--The duties of the Division of Food Safety include,
8 but are not limited to:

9 ~~(1) Enforcing those provisions of chapter 585, and the~~
10 ~~rules adopted under that chapter, relating to the inspection~~
11 ~~of meat and the antemortem and postmortem inspection of~~
12 ~~poultry.~~

13 (1)~~(2)~~ Conducting those general inspection activities
14 relating to food and food products being processed, held, or
15 offered for sale in this state and enforcing those provisions
16 of chapters 500, 501, 502, 503, 531, 583, ~~585~~, 586, and 601
17 relating to foods as authorized by the department.

18 (2)~~(3)~~ Analyzing samples of foods offered for sale in
19 this state as required under chapters 500, 501, 502, 503, ~~585~~,
20 586, and 601.

21 (3)~~(4)~~ Investigating, evaluating, and developing new
22 or improved methodology to enhance the analytical capability
23 and efficiency of all divisional laboratories and performing
24 other related analyses as deemed necessary.

25 (4)~~(5)~~ Analyzing food and feed samples offered for
26 sale in the state for chemical residues as required under the
27 adulteration sections of chapters 500 and 580.

28 Section 14. Subsection (2) of section 570.51, Florida
29 Statutes, is amended to read:

30 570.51 Director; qualifications; duties.--
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1 (2) The director shall supervise, direct, and
2 coordinate the activities of the division and enforce the
3 provisions of chapters 500, 501, 502, 503, 531, 583, ~~585~~, and
4 601 and any other chapter necessary to carry out the
5 responsibilities of the division.

6 Section 15. Sections 585.89 and 585.92, Florida
7 Statutes, are renumbered as sections 571.41 and 571.42,
8 respectively, designated as part III of chapter 571, Florida
9 Statutes, entitled "Miscellaneous," and amended to read:

10 571.41 ~~585.89~~ Beef and pork; prohibition on purchase;
11 bid specifications; penalty.--

12 (1) Fresh or frozen beef or pork that has not been
13 inspected by the United States Department of Agriculture ~~or~~
14 ~~the department~~ shall not be purchased, or caused to be
15 purchased, by any agency of the state or of any municipality,
16 political subdivision, school district, or special district
17 for consumption in this state or for distribution for
18 consumption in this state. Bid invitations issued by any
19 agency of the state or of any municipality, political
20 subdivision, school district, or special district for the
21 purchase of fresh or frozen beef or pork must specify that
22 only beef or pork inspected and passed by ~~either~~ the United
23 States Department of Agriculture ~~or the department~~ will be
24 accepted. The supplier or vendor shall certify on the invoice
25 that the fresh or frozen beef or pork or imported beef or pork
26 supplied is either domestic or complies with this subsection.

27 (2) All bid invitations for purchase of fresh or
28 frozen meats of any kind by any agency of the state or of any
29 municipality, political subdivision, school district, or
30 special district using state or local funds shall include the
31 words: " 'All American' and 'Genuine Florida' meats or meat

1 products shall be granted preference as allowed by Section
2 287.082, Florida Statutes."

3 (3) Any person who knowingly violates or causes to be
4 violated the provisions of this section shall be personally
5 liable to the affected public agency for any funds spent in
6 violation of the provisions of this section.

7 571.42 ~~585.92~~ All American and Genuine Florida meat or
8 meat products.--Each slaughterhouse or meatpacking or
9 processing plant in the state or other person vending any meat
10 or meat product, the meat of which is entirely produced in the
11 United States, may label such meat or meat product "All
12 American", and any such vendor selling any such meat or meat
13 product, the meat of which is entirely produced in the state,
14 may label such meat or meat product "Genuine Florida."

15 Section 16. Subsection (3) of section 828.22, Florida
16 Statutes, is amended to read:

17 828.22 Humane slaughter requirement.--

18 (3) Nothing in this act shall be construed to
19 prohibit, abridge, or in any way hinder the religious freedom
20 of any person or group. Notwithstanding any other provision
21 of this act, in order to protect freedom of religion, ritual
22 slaughter and the handling or other preparation of livestock
23 for ritual slaughter are exempted from the terms of this act.
24 For the purposes of this action the term "ritual slaughter"
25 means slaughter in accordance with s. 828.23(5)(b)~~s.~~
26 ~~828.23(7)(b)~~.

27 Section 17. Section 877.05, Florida Statutes, is
28 amended to read:

29 877.05 Killing young veal for sale; penalty;
30 exception.--Whoever kills or causes to be killed for the
31 purpose of sale, any calf less than 4 weeks old, and knowingly

1 sells, or has in his or her possession with intent to sell,
2 the meat of any calf killed when less than 4 weeks old, shall
3 be guilty of a misdemeanor of the second degree, punishable as
4 provided in s. 775.083. This section shall not apply to
5 calves slaughtered on the premises of meat packing or
6 slaughtering establishments operating under ~~state or~~ federal
7 meat inspection supervision.

8 Section 18. Sections 205.1951, 585.70, 585.71,
9 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77,
10 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84,
11 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903,
12 585.904, 585.91, 585.93, 585.96, 828.24, 828.25, and 877.06,
13 Florida Statutes, and subsections (5) and (6) of section
14 828.23 and subsection (2) of section 828.26, Florida Statutes,
15 are repealed.

16 Section 19. Section 102 of chapter 92-291, Laws of
17 Florida, is repealed.

18 Section 20. This act shall take effect upon becoming a
19 law.

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LEGISLATIVE SUMMARY

Provides a prohibition against the administration of medications to thoroughbred horses prior to sale. Provides an exception and certain requirements. Requires a permit and permit fee for transporting or hauling certain animals or animal products. Provides vehicle and container requirements.

Provides the following with respect to the Department of Agriculture and Consumer Services: exempts the department from certain restrictions on lump sum salary bonuses; authorizes the department to perform certain laboratory services relating to food safety and establish fees therefor; adds new disciplinary procedures and penalties relating to food establishments operating without a permit or with a suspended or revoked permit; authorizes an employees' benefit fund; revises membership of the Florida Agriculture Center and Horse Park Authority; changes certain registration dates; provides duties relating to a commercial citrus inventory; and raises the cap on nursery and nursery stock dealer certificate of registration and renewal fees. Repeals provisions relating to review and repeal of certain food permit provisions.

With respect to animals and animal products, specifies conditions for misbranding of animal products, repeals provisions relating to labeling and animal product inspection by the Department of Agriculture and Consumer Services, and repeals certain provisions relating to department inspection of the slaughter of livestock.