

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 for a tolerance or test  
9           for medications and depressants; providing  
10          penalties; amending s. 535.11, F.S., relating  
11          to prohibition against administration of drugs  
12          to horses; providing a definition; creating s.  
13          585.147, F.S.; requiring a permit for  
14          transporting or hauling certain animals or  
15          animal products; providing vehicle and  
16          container requirements; amending s. 500.09,  
17          F.S.; authorizing the department to perform  
18          certain laboratory services relating to food  
19          safety and establish fees therefor; amending s.  
20          500.121, F.S.; adding new disciplinary  
21          procedures for food establishments operating  
22          without a permit or with a suspended or revoked  
23          permit; providing a penalty; amending s.  
24          570.07, F.S.; authorizing an employees' benefit  
25          fund; amending s. 570.952, F.S.; revising  
26          membership of the Florida Agriculture Center  
27          and Horse Park Authority; amending s. 571.25,  
28          F.S.; changing the registration date for  
29          membership in the Florida Agricultural  
30          Promotional Campaign; amending s. 581.031,  
31          F.S.; providing duties of the department

1 relating to a commercial citrus inventory;  
2 amending s. 500.11, F.S.; specifying conditions  
3 for animal products to be considered  
4 misbranded; amending ss. 570.50, 570.51, F.S.;  
5 deleting powers and duties of the Division of  
6 Food Safety of the Department of Agriculture  
7 and Consumer Services relating to certain  
8 animal and animal product inspection; amending  
9 and transferring ss. 585.89, 585.92, F.S.,  
10 relating to prohibitions on purchase of beef  
11 and pork, specifications for bid invitations,  
12 penalties, and labeling requirements;  
13 conforming provisions; amending s. 828.22,  
14 F.S.; correcting a cross-reference; amending s.  
15 877.05, F.S., relating to the killing of young  
16 veal for sale; conforming provisions; repealing  
17 s. 205.1951, F.S., relating to the issuance of  
18 a grant of inspection or a custom animal  
19 slaughtering or processing establishment  
20 permit; repealing ss. 585.70, 585.88, 585.90,  
21 585.91, 585.93, 585.96, F.S., relating to  
22 animal and animal product inspection and  
23 labeling; repealing ss. 828.23(5) and (6),  
24 828.24, 828.25, 828.26(2), F.S., relating to  
25 definitions of terms "packer" and "stockyard,"  
26 prohibited acts, department administration, and  
27 penalties pertaining to slaughter of livestock;  
28 repealing s. 877.06, F.S., relating to labeling  
29 of beef not slaughtered according to state or  
30 United States standards; repealing s. 102, ch.  
31 92-291, Laws of Florida, relating to review and

1 repeal of ss. 500.12, 500.121, F.S.; providing  
2 an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Section 535.08, Florida Statutes, is  
7 created to read:

8 535.08 Thoroughbred sales; administration of  
9 medications prior to sale; testing.--

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

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

22 (a) Identification of the medication, amount, and  
23 strength.

24 (b) The date and time of administration.

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

27 (d) The reason for administration.

28  
29 The form must be filed with the sales organization no later  
30 than 12 hours after administration or 1 hour before the start  
31 of the sales session in which the thoroughbred horse is

1 offered for sale, whichever would require the earlier filing.  
2 The sales organization shall make all such forms available to  
3 the public, and the availability of this information shall be  
4 publicized in any applicable sales catalogue.

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

18 (b) Any such blood sample shall be delivered for  
19 initial testing to an official laboratory approved by the  
20 department. One-half of any such blood sample shall be used  
21 for initial testing and the remaining one-half shall be stored  
22 for possible follow-up testing for a period of not less than 2  
23 weeks after receipt of the initial test results.

24 (c) The seller may request followup testing in  
25 response to any positive test result within 48 hours after  
26 receiving actual notice of such a result. The seller shall be  
27 solely responsible for the cost of any followup testing. Upon  
28 request of the seller, the original laboratory and an  
29 additional laboratory selected by the seller and approved by  
30 the state veterinarian shall test the stored sample.

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

7       (e) The department shall by rule, establish those  
8 medications and depressants for which a tolerance may be set  
9 that, if found in the blood sample, may be construed to be  
10 forbidden substances; shall establish procedures for the  
11 collection, handling, and storage of blood samples; and shall  
12 specify the type of test to be used. Until such time that a  
13 tolerance or test is established, a zero tolerance will be  
14 enforced.

15       (4)(a) Any person who violates subsection (1) commits  
16 a misdemeanor of the second degree, punishable as provided in  
17 ss. 775.082 and 775.083. For a second or subsequent offense,  
18 such person commits a misdemeanor of the first degree,  
19 punishable as provided in ss. 775.082 and 775.083.

20       (b) In addition to the penalties provided in paragraph  
21 (a), any person convicted of a violation of subsection (1)  
22 shall be barred from showing, exhibiting, or offering for sale  
23 at a licensed public sale any horse in this state for a period  
24 of 2 years from the date of the conviction.

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

27       535.11 Prohibition against administration of drugs;  
28 testing; search powers of department; penalties.--

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

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

1           ~~(a)(b)~~ "Depressant" means any medication that  
2 depresses the circulatory, respiratory, or central nervous  
3 system.

4           ~~(b)(c)~~ "Forbidden substance" means any stimulant,  
5 depressant, tranquilizer, analgesic, local anesthetic,  
6 steroidal or nonsteroidal anti-inflammatory drug, or drug or  
7 drug metabolite that could affect the performance of a horse.  
8 The term includes any substance, regardless of how harmless or  
9 innocuous, which could interfere in detecting the presence of  
10 a stimulant, depressant, tranquilizer, analgesic, local  
11 anesthetic, steroidal or nonsteroidal anti-inflammatory drug,  
12 or drug or drug metabolite that could affect the performance  
13 of a horse.

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

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

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

25           Section 3. Section 585.147, Florida Statutes, is  
26 created to read:

27           585.147 Permit for transporting or hauling certain  
28 animals or animal products; fees; vehicle and container  
29 requirements.--

30           (1) No person shall engage in the business of  
31 transporting or hauling any dead, dying, disabled, or diseased

1 animal, any product of an animal that died other than by  
2 slaughter, or any inedible animal product not meant for human  
3 consumption without having first applied for, and obtained  
4 from the department, a permit, which shall expire on June 30  
5 of each year.

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

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

13 Section 4. Subsections (6) and (7) are added to  
14 section 500.09, Florida Statutes, to read:

15 500.09 Rulemaking; analytical work.--

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

20 (7) The department may establish and collect  
21 reasonable fees for laboratory services performed pursuant to  
22 subsection (6). Such fees shall be deposited in the  
23 department's General Inspection Trust Fund and shall be used  
24 solely for the recovery of costs for the services provided.

25 Section 5. Subsection (5) is added to section 500.121,  
26 Florida Statutes, to read:

27 500.121 Disciplinary procedures.--

28 (5) The department shall post a prominent  
29 closed-for-operation sign on any food establishment that has  
30 had its permit suspended or revoked. The department shall also  
31 post such a sign on any establishment judicially or

1 administratively determined to be operating without a permit.  
2 It is a misdemeanor of the second degree, punishable as  
3 provided in s. 775.082 or s. 775.083, for any person to deface  
4 or remove such closed-for-operation sign or for any food  
5 establishment to open for operation without a permit or to  
6 open for operation while its permit is suspended or revoked.  
7 The department may impose administrative sanctions for  
8 violations of this subsection.

9 Section 6. Subsection (34) is added to section 570.07,  
10 Florida Statutes, to read:

11 570.07 Department of Agriculture and Consumer  
12 Services; functions, powers, and duties.--The department shall  
13 have and exercise the following functions, powers, and duties:  
14 (34) To adopt policies creating, and providing for the  
15 operation of, an employees' benefit fund.

16 Section 7. Paragraph (a) of subsection (2) of section  
17 570.952, Florida Statutes, is amended to read:

18 570.952 Florida Agriculture Center and Horse Park  
19 Authority.--

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

22 (a) Members shall include:

23 1. One citizen-at-large, who shall represent the views  
24 of the general public toward agriculture and equine activities  
25 in the state.

26 2. One representative from the Department of  
27 Agriculture and Consumer Services.

28 3. One representative from Enterprise Florida, Inc ~~the~~  
29 ~~Department of Commerce.~~

30 4. One representative from the Department of  
31 Environmental Protection, Office of Greenways Management.

- 1           5. One member of the Ocala/Marion County Chamber of  
2 Commerce.  
3           6. One public/private partnership expert.  
4           7. One member of a private environmental organization.  
5           8. One fruit and vegetable grower.  
6           9. One citrus grower.  
7           10. One commercial feed producer.  
8           11. One livestock/cattle breeder.  
9           12. One quarter horse breeder.  
10          13. One thoroughbred horse breeder.  
11          14. One standardbred horse breeder.  
12          15. One Arabian horse breeder.  
13          16. One color breeds ~~Appaloosa~~ horse breeder.  
14          17. One licensed veterinarian.  
15          18. One Paso Fino ~~paint~~ horse breeder.  
16          19. One ornamental or nursery stock grower.  
17          20. One representative from the horse show industry.  
18          21. One representative from the horse sport industry.  
19          22. One representative from the horse trailriders  
20 industry.  
21          23. One representative from the Board of County  
22 Commissioners of Marion County.

23           Section 8. Subsection (1) of section 571.25, Florida  
24 Statutes, is amended to read:

25           571.25 Registration and fees.--

26           (1) Any person who participates in the Florida  
27 Agricultural Promotional Campaign shall register annually with  
28 the department in a form and manner as required by the  
29 department. Each person shall renew his or her ~~their~~  
30 registration on the anniversary date of his or her original  
31 membership ~~by July 1 of each year.~~

1 Section 9. Subsection (31) is added to section  
2 581.031, Florida Statutes, to read:

3 581.031 Department; powers and duties.--The department  
4 has the following powers and duties:

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

9 Section 10. Paragraph (p) is added to subsection (1)  
10 of section 500.11, Florida Statutes, to read:

11 500.11 Food deemed misbranded.--

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

13 (p) If it is an animal product that fails to have  
14 directly thereon or on its container the official inspection  
15 legend as required by the United States Department of  
16 Agriculture and, unrestricted by any other provision of this  
17 section, such other information as the department requires to  
18 ensure that it shall not have false or misleading labeling and  
19 that the public is informed of the manner of handling required  
20 to maintain the product in a wholesome condition.

21 Section 11. Section 570.50, Florida Statutes, is  
22 amended to read:

23 570.50 Division of Food Safety; powers and  
24 duties.--The duties of the Division of Food Safety include,  
25 but are not limited to:

26 ~~(1) Enforcing those provisions of chapter 585, and the~~  
27 ~~rules adopted under that chapter, relating to the inspection~~  
28 ~~of meat and the antemortem and postmortem inspection of~~  
29 ~~poultry.~~

30 (1)(2) Conducting those general inspection activities  
31 relating to food and food products being processed, held, or

1 offered for sale in this state and enforcing those provisions  
2 of chapters 500, 501, 502, 503, 531, 583, ~~585, 586~~, and 601  
3 relating to foods as authorized by the department.

4 (2)~~(3)~~ Analyzing samples of foods offered for sale in  
5 this state as required under chapters 500, 501, 502, 503, ~~585,~~  
6 586, and 601.

7 (3)~~(4)~~ Investigating, evaluating, and developing new  
8 or improved methodology to enhance the analytical capability  
9 and efficiency of all divisional laboratories and performing  
10 other related analyses as deemed necessary.

11 (4)~~(5)~~ Analyzing food and feed samples offered for  
12 sale in the state for chemical residues as required under the  
13 adulteration sections of chapters 500 and 580.

14 Section 12. Subsection (2) of section 570.51, Florida  
15 Statutes, is amended to read:

16 570.51 Director; qualifications; duties.--

17 (2) The director shall supervise, direct, and  
18 coordinate the activities of the division and enforce the  
19 provisions of chapters 500, 501, 502, 503, 531, 583, ~~585,~~and  
20 601 and any other chapter necessary to carry out the  
21 responsibilities of the division.

22 Section 13. Sections 585.89 and 585.92, Florida  
23 Statutes, are renumbered as sections 571.41 and 571.42,  
24 respectively, designated as part III of chapter 571, Florida  
25 Statutes, entitled "Miscellaneous," and amended to read:

26 571.41 ~~585.89~~ Beef and pork; prohibition on purchase;  
27 bid specifications; penalty.--

28 (1) Fresh or frozen beef or pork that has not been  
29 inspected by the United States Department of Agriculture ~~or~~  
30 ~~the department~~ shall not be purchased, or caused to be  
31 purchased, by any agency of the state or of any municipality,

1 political subdivision, school district, or special district  
2 for consumption in this state or for distribution for  
3 consumption in this state. Bid invitations issued by any  
4 agency of the state or of any municipality, political  
5 subdivision, school district, or special district for the  
6 purchase of fresh or frozen beef or pork must specify that  
7 only beef or pork inspected and passed by ~~either~~ the United  
8 States Department of Agriculture ~~or the department~~ will be  
9 accepted. The supplier or vendor shall certify on the invoice  
10 that the fresh or frozen beef or pork or imported beef or pork  
11 supplied is either domestic or complies with this subsection.

12 (2) All bid invitations for purchase of fresh or  
13 frozen meats of any kind by any agency of the state or of any  
14 municipality, political subdivision, school district, or  
15 special district using state or local funds shall include the  
16 words: " 'All American' and 'Genuine Florida' meats or meat  
17 products shall be granted preference as allowed by Section  
18 287.082, Florida Statutes."

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

23 571.42 ~~585.92~~ All American and Genuine Florida meat or  
24 meat products.--Each slaughterhouse or meatpacking or  
25 processing plant in the state or other person vending any meat  
26 or meat product, the meat of which is entirely produced in the  
27 United States, may label such meat or meat product "All  
28 American", and any such vendor selling any such meat or meat  
29 product, the meat of which is entirely produced in the state,  
30 may label such meat or meat product "Genuine Florida."

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1           Section 14. Subsection (3) of section 828.22, Florida  
2 Statutes, is amended to read:

3           828.22 Humane slaughter requirement.--

4           (3) Nothing in this act shall be construed to  
5 prohibit, abridge, or in any way hinder the religious freedom  
6 of any person or group. Notwithstanding any other provision  
7 of this act, in order to protect freedom of religion, ritual  
8 slaughter and the handling or other preparation of livestock  
9 for ritual slaughter are exempted from the terms of this act.

10 For the purposes of this action the term "ritual slaughter"

11 means slaughter in accordance with s. 828.23(5)(b)~~s.~~

12 ~~828.23(7)(b)~~.

13           Section 15. Section 877.05, Florida Statutes, is  
14 amended to read:

15           877.05 Killing young veal for sale; penalty;

16 exception.--Whoever kills or causes to be killed for the  
17 purpose of sale, any calf less than 4 weeks old, and knowingly  
18 sells, or has in his or her possession with intent to sell,  
19 the meat of any calf killed when less than 4 weeks old, shall  
20 be guilty of a misdemeanor of the second degree, punishable as  
21 provided in s. 775.083. This section shall not apply to  
22 calves slaughtered on the premises of meat packing or  
23 slaughtering establishments operating under ~~state or~~ federal  
24 meat inspection supervision.

25           Section 16. Sections 205.1951, 585.70, 585.71,  
26 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77,  
27 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84,  
28 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903,  
29 585.904, 585.91, 585.93, 585.96, 828.24, 828.25, and 877.06,  
30 Florida Statutes, and subsections (5) and (6) of section

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1 828.23 and subsection (2) of section 828.26, Florida Statutes,  
2 are repealed.

3           Section 17. Section 102 of chapter 92-291, Laws of  
4 Florida, is repealed.

5           Section 18. This act shall take effect upon becoming a  
6 law.

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