

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; repealing s. 102, ch. 92-291, Laws
5 of Florida, relating to review and repeal of
6 ss. 500.12, 500.121, F.S.; providing for
7 funding for the Citrus Budwood Registration
8 Program; creating s. 506.5131, F.S.; providing
9 for the return of shopping carts to their owner
10 when found on public property; providing that
11 fees, fines, and costs may not be assessed
12 against the owner of a shopping cart in certain
13 circumstances; creating s. 604.50, F.S.,
14 relating to nonresidential farm buildings;
15 providing exemptions from building codes;
16 providing definitions; providing an effective
17 date.

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

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21 Section 1. Section 535.08, Florida Statutes, is
22 created to read:

23 535.08 Thoroughbred sales; administration of
24 medications prior to sale; testing.--

25 (1) No person shall administer to any thoroughbred
26 horse offered for licensed public sale at a thoroughbred horse
27 sale any substance that is recognized as an injectable, oral,
28 or topical medication within 72 hours of the start of the sale
29 session in which the thoroughbred horse is offered for sale
30 unless the person is a licensed veterinarian and the

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1 medication is therapeutic or necessary for the treatment or
2 prevention of an illness or injury.

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

7 (a) Identification of the medication, amount, and
8 strength.

9 (b) The date and time of administration.

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

12 (d) The reason for administration.

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14 The form must be filed with the sales organization no later
15 than 12 hours after administration or 1 hour before the start
16 of the sales session in which the thoroughbred horse is
17 offered for sale, whichever would require the earlier filing.
18 The sales organization shall make all such forms available to
19 the public, and the availability of this information shall be
20 publicized in any applicable sales catalogue.

21 (3)(a) The state veterinarian, or any veterinarian
22 designated by the department, may collect a blood sample from
23 any thoroughbred horse offered or sold at a licensed
24 thoroughbred horse sale for the purpose of determining if the
25 horse has been administered a substance in violation of
26 subsection (1). Such a test shall be performed at the request
27 of the purchaser of any thoroughbred horse sold, if the
28 purchaser makes such a request before taking physical
29 possession of the animal and within 24 hours of the time of
30 sale. The purchaser shall be solely responsible for the cost
31 of the test, and payment shall be made to the sales

1 organization. The sales organization shall then remit the cost
2 of these tests to the department.

3 (b) Any such blood sample shall be delivered for
4 initial testing to an official laboratory approved by the
5 department. One-half of any such blood sample shall be used
6 for initial testing and the remaining one-half shall be stored
7 for possible follow-up testing for a period of not less than 2
8 weeks after receipt of the initial test results.

9 (c) The seller may request followup testing in
10 response to any positive test result within 48 hours after
11 receiving actual notice of such a result. The seller shall be
12 solely responsible for the cost of any followup testing. Upon
13 request of the seller, the original laboratory and an
14 additional laboratory selected by the seller and approved by
15 the state veterinarian shall test the stored sample.

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

22 (e) The department shall by rule, establish those
23 medications and depressants for which a tolerance may be set
24 that, if found in the blood sample, may be construed to be
25 forbidden substances; shall establish procedures for the
26 collection, handling, and storage of blood samples; and shall
27 specify the type of test to be used. Until such time that a
28 tolerance or test is established, a zero tolerance will be
29 enforced.

30 (4)(a) Any person who violates subsection (1) commits
31 a misdemeanor of the second degree, punishable as provided in

1 ss. 775.082 and 775.083. For a second or subsequent offense,
2 such person commits a misdemeanor of the first degree,
3 punishable as provided in ss. 775.082 and 775.083.

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

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

11 535.11 Prohibition against administration of drugs;
12 testing; search powers of department; penalties.--

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

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

16 (a)~~(b)~~ "Depressant" means any medication that
17 depresses the circulatory, respiratory, or central nervous
18 system.

19 (b)~~(c)~~ "Forbidden substance" means any stimulant,
20 depressant, tranquilizer, analgesic, local anesthetic,
21 steroidal or nonsteroidal anti-inflammatory drug, or drug or
22 drug metabolite that could affect the performance of a horse.
23 The term includes any substance, regardless of how harmless or
24 innocuous, which could interfere in detecting the presence of
25 a stimulant, depressant, tranquilizer, analgesic, local
26 anesthetic, steroidal or nonsteroidal anti-inflammatory drug,
27 or drug or drug metabolite that could affect the performance
28 of a horse.

29 (c) "Horse show," "horse exhibition," or "horse sale"
30 means any event in which horses compete for awards, prizes,
31 points, ribbons, or money or are made available for public

1 sale other than through a public sale of thoroughbred horses
2 that requires licensing under s. 535.01.

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

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

9 Section 3. Section 585.147, Florida Statutes, is
10 created to read:

11 585.147 Permit for transporting or hauling certain
12 animals or animal products; fees; vehicle and container
13 requirements.--

14 (1) No person shall engage in the business of
15 transporting or hauling any dead, dying, disabled, or diseased
16 animal, any product of an animal that died other than by
17 slaughter, or any inedible animal product not meant for human
18 consumption without having first applied for, and obtained
19 from the department, a permit, which shall expire on June 30
20 of each year.

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

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

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

30 500.09 Rulemaking; analytical work.--
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1 (6) The department may perform laboratory services
2 relating to, or having potential impact on, food safety or the
3 compliance of food with the requirements of this chapter for
4 any person or public agency.

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

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

12 500.121 Disciplinary procedures.--

13 (5) The department shall post a prominent
14 closed-for-operation sign on any food establishment that has
15 had its permit suspended or revoked. The department shall also
16 post such a sign on any establishment judicially or
17 administratively determined to be operating without a permit.
18 It is a misdemeanor of the second degree, punishable as
19 provided in s. 775.082 or s. 775.083, for any person to deface
20 or remove such closed-for-operation sign or for any food
21 establishment to open for operation without a permit or to
22 open for operation while its permit is suspended or revoked.
23 The department may impose administrative sanctions for
24 violations of this subsection.

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

27 570.07 Department of Agriculture and Consumer
28 Services; functions, powers, and duties.--The department shall
29 have and exercise the following functions, powers, and duties:

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

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

3 570.952 Florida Agriculture Center and Horse Park
4 Authority.--

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

7 (a) Members shall include:

8 1. One citizen-at-large, who shall represent the views
9 of the general public toward agriculture and equine activities
10 in the state.

11 2. One representative from the Department of
12 Agriculture and Consumer Services.

13 3. One representative from Enterprise Florida, Inc ~~the~~
14 ~~Department of Commerce.~~

15 4. One representative from the Department of
16 Environmental Protection, Office of Greenways Management.

17 5. One member of the Ocala/Marion County Chamber of
18 Commerce.

19 6. One public/private partnership expert.

20 7. One member of a private environmental organization.

21 8. One fruit and vegetable grower.

22 9. One citrus grower.

23 10. One commercial feed producer.

24 11. One livestock/cattle breeder.

25 12. One quarter horse breeder.

26 13. One thoroughbred horse breeder.

27 14. One standardbred horse breeder.

28 15. One Arabian horse breeder.

29 16. One color breeds ~~Appaloosa~~ horse breeder.

30 17. One licensed veterinarian.

31 18. One Paso Fino ~~paint~~ horse breeder.

- 1 19. One ornamental or nursery stock grower.
2 20. One representative from the horse show industry.
3 21. One representative from the horse sport industry.
4 22. One representative from the horse trailriders
5 industry.
6 23. One representative from the Board of County
7 Commissioners of Marion County.

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

10 571.25 Registration and fees.--

11 (1) Any person who participates in the Florida
12 Agricultural Promotional Campaign shall register annually with
13 the department in a form and manner as required by the
14 department. Each person shall renew his or her ~~their~~
15 registration on the anniversary date of his or her original
16 membership by July 1 of each year.

17 Section 9. Subsection (31) is added to section
18 581.031, Florida Statutes, to read:

19 581.031 Department; powers and duties.--The department
20 has the following powers and duties:

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

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

27 500.11 Food deemed misbranded.--

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

29 (p) If it is an animal product that fails to have
30 directly thereon or on its container the official inspection
31 legend as required by the United States Department of

1 Agriculture and, unrestricted by any other provision of this
2 section, such other information as the department requires to
3 ensure that it shall not have false or misleading labeling and
4 that the public is informed of the manner of handling required
5 to maintain the product in a wholesome condition.

6 Section 11. In the event it is determined that the
7 Citrus Budwood Registration Program in the amount of \$601,396
8 cannot be funded from the Citrus Inspection Trust Fund, then
9 the Citrus Budwood Registration Program shall be funded from
10 budget transfers within the operating budget of the Department
11 of Agriculture and Consumer Services.

12 Section 12. Section 506.5131, Florida Statutes, is
13 created to read:

14 506.5131 Return of shopping carts; assessment of fees;
15 finances and costs.--

16 (1) The rightful owner of any shopping cart with a
17 registered name or mark found on public property shall be
18 immediately notified of its recovery.

19 (2) Notwithstanding any other provision of law or
20 local ordinance, no fee, fine or costs may be assessed against
21 the owner of a shopping cart found on public property, unless
22 the shopping cart was removed from the premises or parking
23 area of a retail establishment by the owner of the shopping
24 cart, or an employee acting on the owner's behalf, and such
25 fee, fine or cost has been approved by the Department of
26 Agriculture and Consumer Services.

27 Section 13. Section 604.50, Florida Statutes, is
28 created to read:

29 604.50 Nonresidential farm buildings.--Notwithstanding
30 any other law to the contrary, any nonresidential farm
31 building located on a farm is exempt from the Florida Building

1 Code, and any county or municipal building code. For purposes
2 of this section "nonresidential farm building" means any
3 building or structure located on a farm that is not used as a
4 residential dwelling. Farm is as defined in s. 823.14.

5 Section 14. Section 102 of chapter 92-291, Laws of
6 Florida, is repealed.

7 Section 15. This act shall take effect upon becoming a
8 law.

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