

STORAGE NAME: h4079.ag
DATE: March 9, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4079 (PCB AG 98-03)
RELATING TO: Animals and Animal Products
SPONSOR(S): Committee on Agriculture
COMPANION BILL(S): SB 1944 (c) by Senator Thomas

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE YEAS 5 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

Prior to December 1, 1997, the Florida Department of Agriculture and Consumer Services (department) and the United States Department of Agriculture (U.S.D.A.) were both authorized to conduct inspections of meat, slaughterhouses, and meat packing houses for the State of Florida (state). During the 1997 Legislative Session, it was determined that it is not necessary for both agencies to provide services that are duplicative in nature. Funding was not provided for the department to continue its meat inspection program.

Statutes relating to meat, meat or packing house inspection, slaughter of animals, slaughterhouse inspection, or meat labeling are being adjusted to delete or correct references to the state's responsibilities regarding these inspections.

Removal of the state's program has eliminated \$1,900,000 in recurring annual costs.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Prior to December 1, 1997, both the Florida Department of Agriculture and Consumer Services (department) and the United States Department of Agriculture (U.S.D.A.) conducted inspections of meat, slaughterhouses, and meat packing houses in Florida. During the 1997 Legislative Session, it was determined that it is not necessary for both agencies to provide services that are duplicative in nature. Subsequently, funding was not provided for the department to continue its meat inspection program. Statutes currently contain references to these obsolete departmental duties.

Section 500.11, F.S., does not currently authorize the department to deem an animal product misbranded if it is not labeled with the official U.S.D.A. inspection legend.

Section 570.50, F.S., describes the duties of the Division of Food Safety (division). These duties include enforcing the provisions of chapter 585, F.S., which addresses the department's responsibilities for meat, slaughterhouse, and meat packing inspections.

Section 570.51, F.S., describes the duties of the director of the division. These duties include supervising, directing, and coordinating the activities of the division and enforcing the provisions of chapter 585, F.S., which addresses the department's responsibilities for meat, slaughterhouse, and meat packing inspections.

The state prohibits the purchase of beef or pork that has not been inspected by the U.S.D.A. in accordance with section 585.89, F.S. Currently, this statute contains reference to the state inspection as well. Section 585.92, F.S., allows any meat or meat product to be labeled "All American" if the meat has been entirely produced in the United States. It also allows any meat or meat product to be labeled "Genuine Florida" if the meat has been entirely produced in the state. These two sections comprise the remainder of part III of chapter 585, F.S., should the other sections be repealed.

Section 828.22, F.S., contains a cross-reference to "humane slaughter" in section 828.23, F.S. This subsection number will be obsolete should subsections (5) and (6) of section 828.23, F.S., relating to definitions of "packer" and "stockyard," be repealed.

According to section 877.05, F.S., the slaughtering of calves under four weeks old is a second degree misdemeanor, unless the meat packing or slaughtering establishment is operating under state or federal meat inspection supervision.

The following items are the remainder of statutes addressing the state's responsibilities regarding meat, meat or packing house inspection, slaughter of animals, or slaughterhouse inspection:

- * Section 205.1951, F.S., relating to custom animal slaughtering or animal product processing establishment; prerequisite for issuance of occupational license;
- * Section 585.70, F.S., relating to definitions;
- * Section 585.71, F.S., relating to legislative intent;

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- * Section 585.715, F.S., relating to enforcement; rules; duties of state attorneys;
- * Section 585.72, F.S., relating to adulteration;
- * Section 585.73, F.S., relating to misbranding;
- * Section 585.74, F.S., relating to grant of inspection; fees;
- * Section 585.75, F.S., relating to inspection of animal products;
- * Section 585.76, F.S., relating to antemortem inspection;
- * Section 585.77, F.S., relating to postmortem inspection;
- * Section 585.78, F.S., relating to inspection of prepared animal products;
- * Section 585.79, F.S., relating to labeling of animal products;
- * Section 585.80, F.S., relating to prohibition on sale and transportation of animal products; penalty;
- * Section 585.81, F.S., relating to unauthorized use of counterfeiting of official marks or labels;
- * Section 585.82, F.S., relating to sale and transportation of equine products;
- * Section 585.83, F.S., relating to inspection service; prohibition against gifts;
- * Section 585.84, F.S., relating to suspension of inspection;
- * Section 585.85, F.S., relating to prohibited transportation of certain animals and animal products;
- * Section 585.86, F.S., relating to proper storage of animal products;
- * Section 585.87, F.S., relating to duty to keep records;
- * Section 585.88, F.S., relating to exemptions;
- * Section 585.90, F.S., relating to inspections, stop-sale orders, condemnation, and destruction of animal products;
- * Section 585.902, F.S., relating to causes for seizure and condemnation of animal products;
- * Section 585.903, F.S., relating to seizure of animal products; procedures; penalties;

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- * Section 585.904, F.S., relating to condemnation, sale, or release of seized animal products;

- * Section 585.91, F.S., relating to regulation of custom slaughterers and processors; permits;

- * Section 585.93, F.S., relating to requests for inspection of nontraditional livestock;

- * Section 585.96, F.S., relating to penalties; administrative fines; injunctive relief;

- * Subsections (5) and (6) of section 828.23, F.S., providing definitions of "packer" and "stockyard;"

- * Section 828.24, F.S., relating to prohibited acts; exemption;

- * Section 828.25, F.S., relating to administration; rules and regulations; inspection; fees;

- * Subsection (2) of section 828.26, F.S., relating to penalty regarding inspection; and

- * Section 877.06, F.S., relating to labeling of beef not slaughtered according to state or United States standards; enforcement; penalty.

B. EFFECT OF PROPOSED CHANGES:

The bill authorizes the department to deem an animal product misbranded if it is not labeled with the official U.S.D.A. inspection legend. It deletes duties for enforcement of meat inspection laws and rules and removes references to chapter 585, F.S., for both the division and the director of the division.

Sections 585.89 (571.41), F.S., relating to prohibition of the purchase of beef or pork that has not been inspected by the U.S.D.A., and 585.92 (571.42), F.S., relating to the labeling of meat, are renumbered and transferred to part III of chapter 571, F.S., entitled "Miscellaneous." In addition, the bill deletes reference to the department with regard to meat inspection.

The bill corrects a cross-reference subsection number and removes the reference to state inspection of calf slaughtering.

The bill repeals sections in chapters 205, 585, 828, and 877, F.S., which address the state's prior responsibilities regarding meat, meat or packing house inspection, slaughter of animals, or slaughterhouse inspection.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Effective December 1, 1997, the U.S.D.A. has assumed all meat inspection responsibilities for the state.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

The U.S.D.A. will continue to maintain its meat inspection program, which has expanded to perform all meat inspections in the state.

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment: **Not applicable.**

a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?
- (2) Who makes the decisions?
- (3) Are private alternatives permitted?
- (4) Are families required to participate in a program?
- (5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?
- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?
- (2) service providers?
- (3) government employees/agencies?

D. STATUTE(S) AFFECTED:

Sections 205.1951, 500.11, 570.50, 570.51, 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.88, 585.89, 585.90, 585.902, 585.903, 585.904, 585.91, 585.92, 585.93, 585.96, 828.22, 828.23, 828.24, 828.25, 828.26, 877.05, and 877.06, Florida Statutes.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amending s. 500.11, F.S., authorizing the department to deem an animal product misbranded if it is not labeled with the official U.S.D.A. inspection legend.

Section 2. Amending s. 570.50, F.S., deleting duties for enforcement of the provisions of chapter 585, and removing other references to chapter 585, F.S., for the division, and renumbering subsections.

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Section 3. Amending s. 570.51, F.S., removing reference to chapter 585, F.S., from duties of director of the division.

Section 4. Amending s. 585.89, F.S., relating to prohibitions on purchase of beef and pork, and s. 585.92, F.S., relating to "All American" and "Genuine Florida" labeling of meat or meat products; deleting reference to the department with regard to beef or pork inspection; renumbering and transferring said sections to part III of chapter 571, F.S., entitled "Miscellaneous."

Section 5. Amending s. 828.22, F.S., correcting a cross-reference.

Section 6. Amending s. 877.05, F.S., removing reference to the state with regard to the slaughtering of calves less than four weeks old.

Section 7. Repealing sections 205.1951, 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91, 585.93, 585.96, 828.24, 828.25, and 877.06, Florida Statutes.

Section 8. Providing that the act shall take effect upon becoming a law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

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2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

Termination of the department's meat inspection program, effective December 1, 1997, eliminated \$1,900,000 in recurring annual costs to the state.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax shared with counties or municipalities.

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V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

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