

1                   A bill to be entitled  
2           An act relating to the Department of  
3           Agriculture and Consumer Services; amending s.  
4           500.09, F.S.; authorizing the department to  
5           perform certain laboratory services relating to  
6           food safety and establish fees therefor;  
7           amending s. 500.121, F.S.; adding new  
8           disciplinary procedures for food establishments  
9           operating without a permit or with a suspended  
10          or revoked permit; providing a penalty;  
11          amending s. 525.07, F.S.; providing for the  
12          repair and adjustment of petroleum fuel  
13          measuring devices by meter mechanics; providing  
14          for notification of the department; creating s.  
15          535.08, F.S.; providing a prohibition against  
16          the administration of medications to  
17          thoroughbred horses prior to sale; providing an  
18          exception and certain requirements; providing  
19          for testing; providing penalties; amending s.  
20          535.11, F.S., relating to prohibition against  
21          administration of drugs to horses; providing a  
22          definition; amending s. 570.07, F.S.;  
23          authorizing an employees' benefit fund;  
24          amending s. 570.952, F.S.; revising membership  
25          of the Florida Agriculture Center and Horse  
26          Park Authority; amending s. 571.25, F.S.;  
27          changing the registration date for membership  
28          in the Florida Agricultural Promotional  
29          Campaign; amending s. 581.031, F.S.; providing  
30          duties of the department relating to a  
31          commercial citrus inventory; creating s.

1 585.147, F.S.; requiring a permit for  
2 transporting or hauling certain animals or  
3 animal products; providing vehicle and  
4 container requirements; amending s. 500.11,  
5 F.S.; specifying conditions for misbranding of  
6 animal products; amending ss. 570.50 and  
7 570.51, F.S.; deleting powers and duties of the  
8 Division of Food Safety of the Department of  
9 Agriculture and Consumer Services relating to  
10 certain animal and animal product inspection;  
11 amending and transferring ss. 585.89 and  
12 585.92, F.S., to ch. 571, F.S., relating to  
13 prohibitions on purchase of beef and pork,  
14 specifications for bid invitations, penalties,  
15 and labeling requirements; conforming  
16 provisions; amending s. 828.22, F.S.;  
17 correcting a cross reference; amending s.  
18 877.05, F.S., relating to the killing of young  
19 veal for sale; conforming provisions; repealing  
20 s. 205.1951, F.S., relating to the issuance of  
21 a grant of inspection or a custom animal  
22 slaughtering or processing establishment  
23 permit; repealing part III of ch. 585, F.S.,  
24 relating to animal and animal product  
25 inspection and labeling; repealing ss.  
26 828.23(5) and (6), 828.24, 828.25, and  
27 828.26(2), F.S., relating to definitions of  
28 terms "packer" and "stockyard," prohibited  
29 acts, department administration, and penalties  
30 pertaining to slaughter of livestock; repealing  
31 s. 877.06, F.S., relating to labeling of beef

1 not slaughtered according to state or United  
2 States standards; repealing s. 102, ch. 92-291,  
3 Laws of Florida, relating to review and repeal  
4 of ss. 500.12 and 500.121, F.S.; creating a  
5 committee to review and make recommendations  
6 concerning funding requests for such projects;  
7 prescribing criteria for such reviews;  
8 providing that appropriations for unreviewed  
9 projects may be placed in reserve; providing an  
10 effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsections (6) and (7) are added to  
15 section 500.09, Florida Statutes, to read:

16 500.09 Rulemaking; analytical work; fees.--

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

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

26 Section 2. Subsection (5) is added to section 500.121,  
27 Florida Statutes, to read:

28 500.121 Disciplinary procedures.--

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

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

10 Section 3. Subsection (7) of section 525.07, Florida  
11 Statutes, is amended to read:

12 525.07 Powers and duties of department; inspections;  
13 unlawful acts.--

14 (7) It is ~~shall be~~ unlawful for any person to break,  
15 cut, or remove any seal applied by the department to a  
16 petroleum fuel measuring device or container. When it becomes  
17 necessary to repair and adjust a petroleum fuel measuring  
18 device during the absence of an inspector of the department,  
19 the seal on the meter adjustment may be broken by a person who  
20 is registered with the department as a meter mechanic. After  
21 repairs and adjustments have been made, the adjusting  
22 mechanism must immediately be resealed by the registered meter  
23 mechanic with a seal clasp bearing the name of the company or  
24 the name or initials of the registered mechanic. The  
25 registered mechanic shall immediately notify the department of  
26 this action.

27 Section 4. Section 535.08, Florida Statutes, is  
28 created to read:

29 535.08 Thoroughbred sales; administration of  
30 medications prior to sale; testing.--

31

1           (1) No person shall administer to any thoroughbred  
2 horse offered for public sale at a thoroughbred horse sale any  
3 substance that is recognized as an injectable, oral, or  
4 topical medication within 72 hours of the start of the sale  
5 session in which the thoroughbred horse is offered for sale  
6 unless the person is a licensed veterinarian and the  
7 medication is therapeutic or necessary for the treatment or  
8 prevention of an illness or injury.

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

13           (a) Identification of the medication, amount, and  
14 strength.

15           (b) The date and time of administration.

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

18           (d) The reason for administration.

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

27           (3)(a) The state veterinarian, or any veterinarian  
28 designated by the department, may administer a blood test to  
29 any thoroughbred horse offered or sold at a thoroughbred horse  
30 sale for the purpose of determining if the horse has been  
31 administered a substance in violation of subsection (1). Such

1 a test shall be performed at the request of the purchaser of  
2 any thoroughbred horse sold, if the purchaser makes such a  
3 request before taking physical possession of the animal and  
4 within 24 hours of the time of sale. The purchaser shall be  
5 solely responsible for the cost of the test, and payment shall  
6 be made to the sales organization. The sales organization  
7 shall then remit the cost of these tests to the department.

8 (b) One-half of any such blood sample shall be  
9 delivered for initial testing to the official laboratory  
10 approved by the department. The other half of the blood sample  
11 shall be stored for possible followup testing for a period of  
12 not less than 2 weeks after receipt of the initial test  
13 results.

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

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

27 (4)(a) Any person who violates subsection (1) commits  
28 a misdemeanor of the second degree, punishable as provided in  
29 ss. 775.082 and 775.083. For a second or subsequent offense,  
30 such person commits a misdemeanor of the first degree,  
31 punishable as provided in ss. 775.082 and 775.083.

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

6           Section 5. Subsection (1) of section 535.11, Florida  
7 Statutes, is amended to read:

8           535.11 Prohibition against administration of drugs;  
9 testing; search powers of department; penalties.--

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

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

13           **(a)**~~(b)~~ "Depressant" means any medication that  
14 depresses the circulatory, respiratory, or central nervous  
15 system.

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

26           **(c)** "Horse show," "horse exhibition," or "horse sale"  
27 **means any event in which horses compete for awards, prizes,**  
28 **points, ribbons, or money or are made available for public**  
29 **sale other than through a public sale of thoroughbred horses**  
30 **that requires licensing under s. 535.01.**

31

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

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

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

9           570.07 Department of Agriculture and Consumer  
10 Services; functions, powers, and duties.--The department shall  
11 have and exercise the following functions, powers, and duties:

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

14           Section 7. Paragraph (a) of subsection (2) of section  
15 570.952, Florida Statutes, is amended to read:

16           570.952 Florida Agriculture Center and Horse Park  
17 Authority.--

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

20           (a) Members shall include:

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

24           2. One representative from the Department of  
25 Agriculture and Consumer Services.

26           3. One representative from Enterprise Florida, Inc ~~the~~  
27 ~~Department of Commerce.~~

28           4. One representative from the Department of  
29 Environmental Protection, Office of Greenways Management.

30           5. One member of the Ocala/Marion County Chamber of  
31 Commerce.



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

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

23 571.25 Registration and fees.--

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

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

1           581.031 Department; powers and duties.--The department  
2 has the following powers and duties:

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

7           Section 10. Section 585.147, Florida Statutes, is  
8 created to read:

9           585.147 Permit for transporting or hauling certain  
10 animals or animal products; vehicle and container  
11 requirements.--

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

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

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

26           Section 11. Paragraph (p) is added to subsection (1)  
27 of section 500.11, Florida Statutes, to read:

28           500.11 Food deemed misbranded.--

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

30           (p) If it is an animal product that fails to have  
31 directly thereon or on its container the official inspection

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

8 Section 12. Section 570.50, Florida Statutes, is  
9 amended to read:

10 570.50 Division of Food Safety; powers and  
11 duties.--The duties of the Division of Food Safety include,  
12 but are not limited to:

13 ~~(1) Enforcing those provisions of chapter 585, and the~~  
14 ~~rules adopted under that chapter, relating to the inspection~~  
15 ~~of meat and the antemortem and postmortem inspection of~~  
16 ~~poultry.~~

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

22 (2)(3) Analyzing samples of foods offered for sale in  
23 this state as required under chapters 500, 501, 502, 503, ~~585,~~  
24 ~~586~~, and 601.

25 (3)(4) Investigating, evaluating, and developing new  
26 or improved methodology to enhance the analytical capability  
27 and efficiency of all divisional laboratories and performing  
28 other related analyses as deemed necessary.

29 (4)(5) Analyzing food and feed samples offered for  
30 sale in the state for chemical residues as required under the  
31 adulteration sections of chapters 500 and 580.

1           Section 13. Subsection (2) of section 570.51, Florida  
2 Statutes, is amended to read:

3           570.51 Director; qualifications; duties.--

4           (2) The director shall supervise, direct, and  
5 coordinate the activities of the division and enforce the  
6 provisions of chapters 500, 501, 502, 503, 531, 583, ~~585~~, and  
7 601 and any other chapter necessary to carry out the  
8 responsibilities of the division.

9           Section 14. Sections 585.89 and 585.92, Florida  
10 Statutes, are renumbered as sections 571.41 and 571.42,  
11 respectively, designated as part III of chapter 571, Florida  
12 Statutes, entitled "Miscellaneous," and amended to read:

13           571.41 ~~585.89~~ Beef and pork; prohibition on purchase;  
14 bid specifications; penalty.--

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

30           (2) All bid invitations for purchase of fresh or  
31 frozen meats of any kind by any agency of the state or of any

1 municipality, political subdivision, school district, or  
2 special district using state or local funds shall include the  
3 words: " 'All American' and 'Genuine Florida' meats or meat  
4 products shall be granted preference as allowed by Section  
5 287.082, Florida Statutes."

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

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

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

20 828.22 Humane slaughter requirement.--

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

29 Section 16. Section 877.05, Florida Statutes, is  
30 amended to read:

31

1           877.05 Killing young veal for sale; penalty;  
 2 exception.--Whoever kills or causes to be killed for the  
 3 purpose of sale, any calf less than 4 weeks old, and knowingly  
 4 sells, or has in his or her possession with intent to sell,  
 5 the meat of any calf killed when less than 4 weeks old, shall  
 6 be guilty of a misdemeanor of the second degree, punishable as  
 7 provided in s. 775.083. This section shall not apply to  
 8 calves slaughtered on the premises of meat packing or  
 9 slaughtering establishments operating under ~~state or~~ federal  
 10 meat inspection supervision.

11           Section 17. Sections 205.1951, 585.70, 585.71,  
 12 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77,  
 13 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84,  
 14 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903,  
 15 585.904, 585.91, 585.93, 585.96, 828.24, 828.25, and 877.06,  
 16 Florida Statutes, and subsections (5) and (6) of section  
 17 828.23 and subsection (2) of section 828.26, Florida Statutes,  
 18 are repealed.

19           Section 18. Section 102 of chapter 92-291, Laws of  
 20 Florida, is repealed.

21           Section 19. (1) A committee is created to review  
 22 funding for fairs, agricultural centers, pavilions, and  
 23 multiuse facilities. The committee shall consist of two  
 24 members appointed by the Governor, two members appointed by  
 25 the President of the Senate, two members appointed by the  
 26 Speaker of the House of Representatives, and a seventh member  
 27 appointed by the remaining members. All members shall be  
 28 appointed to serve 2-year terms. The initial appointments by  
 29 the Governor, the President of the Senate, and the Speaker of  
 30 the House of Representatives must be made by August 15, 1998,  
 31 and the seventh member must be appointed by September 15,

1 1998. The committee shall designate one of its members as  
2 chairperson.

3 (2)(a) The committee shall annually review all funding  
4 requests for fairs, agricultural centers, pavilions, and  
5 multiuse facilities which have been submitted for the ensuing  
6 fiscal year and shall recommend to the Governor and  
7 Legislature, by February 1 preceding the fiscal year for which  
8 funding has been requested, the priority that should be given  
9 to each request.

10 (b) In making its recommendations, the committee shall  
11 consider the extent of local government sponsorship and  
12 support and the extent to which the project will provide  
13 direct public benefits, including, but not limited to,  
14 educational and recreational benefits and the preservation of  
15 history, culture, or heritage.

16 (3) In addition to the review required by subsection  
17 (2), the committee shall annually review those fairs,  
18 agricultural centers, pavilions, and multiuse facilities for  
19 which the Legislature has appropriated funds but which were  
20 not previously reviewed by the committee. If the committee  
21 finds that the project substantially meets the criteria  
22 prescribed in paragraph (2)(b), it shall recommend to the  
23 appropriate agency head that a grant be awarded for the  
24 project up to the amount appropriated by the Legislature. If  
25 the committee finds that the project does not substantially  
26 meet the criteria prescribed in paragraph (2)(b), it shall  
27 recommend that the Executive Office of the Governor place the  
28 appropriation for the project in reserve. Funds for projects  
29 reviewed under this subsection must be awarded or placed in  
30 reserve by January 1 of the fiscal year for which the funds  
31 were appropriated.

1           Section 20. This act shall take effect upon becoming a  
2 law.  
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