

By the Committee on Agriculture & Consumer Affairs and  
Representative Spratt

1                                   A bill to be entitled  
2           An act relating to agriculture and consumer  
3           services; amending s. 120.80, F.S.; providing  
4           that marketing orders under ch. 527, F.S., are  
5           not rules; amending s. 125.27, F.S. ;  
6           authorizing the Department of Agriculture and  
7           Consumer Services to lease or loan equipment to  
8           governmental entities that have fire/rescue  
9           responsibilities; limiting liability for civil  
10          damages resulting from use or possession of  
11          such equipment; amending s. 201.15, F.S. ;  
12          authorizing the department to adopt rules  
13          regarding the distribution of funds for best  
14          management practices; amending s. 316.228,  
15          F.S.; revising requirements for lamps on  
16          projecting loads; amending s. 320.08, F.S. ;  
17          revising definition of a truck known as a  
18          "goat"; amending s. 403.714, F.S.; deleting  
19          requirement that the department coordinate  
20          development of uniform product specifications  
21          for compost used by state agencies; amending s.  
22          487.041, F.S.; authorizing the department to  
23          require and review data relating to the claims  
24          of pesticide products used as preventive  
25          treatment for termites; authorizing the  
26          department to adopt rules; amending s. 500.09,  
27          F.S.; authorizing fees for certain reinspection  
28          of food establishments; amending s. 500.12,  
29          F.S.; increasing the maximum food establishment  
30          operating permit fee; providing use of such  
31          fee; amending ss. 502.012 and 502.014, F.S. ;

1           revising references relating to the pasteurized  
2           milk ordinance and milk sanitation; deleting  
3           requirement that a copy of a federal temporary  
4           marketing permit for milk and milk products be  
5           forwarded to the department; amending s.  
6           502.053, F.S.; clarifying milk testing  
7           requirements; amending s. 502.091, F.S.;  
8           authorizing the department to forgo the grading  
9           of certain milk products in an emergency;  
10          providing for labeling; amending s. 503.041,  
11          F.S.; providing that attempting to transfer a  
12          frozen dessert plant license is grounds for  
13          license suspension or revocation; amending s.  
14          570.07, F.S.; authorizing the department to  
15          repair or build structures; providing  
16          restrictions; authorizing the department to  
17          conduct investigations of violations of laws  
18          relating to consumer protection; amending s.  
19          503.071, F.S.; providing for the embargo,  
20          detainment, or destruction of food or food  
21          processing equipment of a frozen dessert  
22          manufacturer; amending s. 570.244, F.S.;  
23          clarifying powers and duties of the department  
24          relating to the development of agribusinesses;  
25          amending s. 570.249, F.S.; clarifying  
26          aquacultural crops eligible for Agricultural  
27          Economic Development Program disaster loans;  
28          revising loan application requirements;  
29          directing the department to establish an  
30          agribusiness market development grant program;  
31          amending s. 570.38, F.S.; increasing membership

1 of the Animal Industry Technical Council;  
2 amending s. 580.051, F.S.; revising label  
3 requirements for commercial feed; providing a  
4 penalty; amending s. 580.065, F.S.; revising  
5 feed laboratory standards and procedures;  
6 amending s. 580.091, F.S.; removing intent  
7 language regarding feed sampling and analysis;  
8 revising department procedures relating to  
9 approval of a quality-assurance/quality-control  
10 plan; amending s. 580.112, F.S.; prohibiting  
11 distribution of a feed or feedstuff that is  
12 prohibited by federal law or regulation;  
13 amending s. 581.211, F.S.; providing a penalty  
14 for violation of rules relating to plant  
15 industry; amending s. 585.002, F.S.; limiting  
16 local government regulation with respect to the  
17 humane care and treatment of livestock and  
18 poultry; amending s. 585.145, F.S.; providing  
19 for qualification of accredited veterinarians  
20 to provide official certificates of veterinary  
21 inspection; providing conditions for denial of  
22 authority to issue such certificates; amending  
23 s. 585.155, F.S.; revising vaccination  
24 requirements for calves; amending s. 616.242,  
25 F.S.; providing additional exemptions from  
26 amusement ride safety standards; amending s.  
27 633.557, F.S.; revising exemptions from  
28 contractor requirements for certain farm  
29 buildings; amending s. 828.22, F.S.; creating  
30 the "Humane Slaughter Act"; revising provisions  
31 relating to humane slaughter and livestock

1 euthanasia; amending s. 828.23, F.S.; revising  
2 definitions; amending s. 828.24, F.S.; revising  
3 provisions relating to prohibited acts;  
4 amending s. 828.25, F.S.; revising provisions  
5 relating to administration of the act by the  
6 department; creating s. 828.251, F.S.;  
7 directing the department to make current  
8 technical information available to  
9 slaughterers; creating s. 828.252, F.S.;  
10 providing for humane treatment of nonambulatory  
11 animals; amending s. 828.26, F.S.; revising  
12 penalties; amending ss. 427.804 and 559.921,  
13 F.S.; correcting cross references; repealing s.  
14 570.544(10) and (11), F.S., relating to  
15 authority of the Division of Consumer Services  
16 of the department to conduct investigations of  
17 violations of laws relating to consumer  
18 protection; providing effective dates.

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

21  
22 Section 1. Subsection (2) of section 120.80, Florida  
23 Statutes, is amended to read:

24 120.80 Exceptions and special requirements;  
25 agencies.--

26 (2) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--

27 (a) Any Agricultural marketing orders under chapter  
28 527, chapter 573, or chapter 601 are not rules.

29 Section 2. Subsection (3) is added to section 125.27,  
30 Florida Statutes, to read:

31

1           125.27 Countywide forest fire protection; authority of  
2 the Division of Forestry; state funding; county fire control  
3 assessments; supplemental agreements; lease or donation of  
4 equipment, etc ~~disposition~~.--

5           (3) The Department of Agriculture and Consumer  
6 Services may lease, loan, or otherwise make available to  
7 state, county, and local governmental entities that have  
8 fire/rescue responsibilities, new or used fire protection  
9 equipment, vehicles, or supplies, which shall include all such  
10 items received from public or private entities. The  
11 department, and those private or public entities providing  
12 such items for loan or lease through the department, shall not  
13 be held liable for civil damage resulting from use or  
14 possession of such items. Private or public entities that  
15 donate equipment, vehicles, or supplies directly to state,  
16 county, or local governmental entities having fire/rescue  
17 responsibilities shall not be held liable for civil damage  
18 resulting from use or possession of such items.

19           Section 3. Subsection (8) of section 201.15, Florida  
20 Statutes, as amended by chapters 99-247, 2000-151, 2000-170,  
21 and 2000-197, Laws of Florida, is amended to read:

22           201.15 Distribution of taxes collected.--All taxes  
23 collected under this chapter shall be distributed as follows  
24 and shall be subject to the service charge imposed in s.  
25 215.20(1), except that such service charge shall not be levied  
26 against any portion of taxes pledged to debt service on bonds  
27 to the extent that the amount of the service charge is  
28 required to pay any amounts relating to the bonds:

29           (8) One-half of one percent of the remaining taxes  
30 collected under this chapter shall be paid into the State  
31 Treasury and divided equally to the credit of the Department

1 of Environmental Protection Water Quality Assurance Trust Fund  
2 to address water quality impacts associated with  
3 nonagricultural nonpoint sources and to the credit of the  
4 Department of Agriculture and Consumer Services General  
5 Inspection Trust Fund to address water quality impacts  
6 associated with agricultural nonpoint sources, respectively.  
7 These funds shall be used for research, development,  
8 demonstration, and implementation of suitable best management  
9 practices or other measures used to achieve water quality  
10 standards in surface waters and water segments identified  
11 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.  
12 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best  
13 management practices and other measures may include cost-share  
14 grants, technical assistance, implementation tracking, and  
15 conservation leases or other agreements for water quality  
16 improvement. The Department of Environmental Protection and  
17 the Department of Agriculture and Consumer Services may adopt  
18 rules governing the distribution of funds for implementation  
19 of best management practices.The unobligated balance of funds  
20 received from the distribution of taxes collected under this  
21 chapter to address water quality impacts associated with  
22 nonagricultural nonpoint sources will be excluded when  
23 calculating the unobligated balance of the Water Quality  
24 Assurance Trust Fund as it relates to the determination of the  
25 applicable excise tax rate.

26 Section 4. Subsection (2) of section 316.228, Florida  
27 Statutes, is amended to read:

28 316.228 Lamps or flags on projecting load.--

29 (2) Any commercial motor vehicle or trailer, ~~except as~~  
30 ~~stated in s. 316.515(7)~~, transporting a load of unprocessed  
31 logs or, long pulpwood, ~~poles, or posts~~ which load extends

1 ~~extend~~ more than 4 feet beyond the rear of the body or bed of  
2 such vehicle, must have securely fixed as close as practicable  
3 ~~practical~~ to the end of any such projection one amber  
4 strobe-type lamp equipped with a multidirectional type lens so  
5 mounted as to be visible from the rear and both sides of the  
6 projecting load. If the mounting of one strobe lamp cannot be  
7 accomplished so that it is visible from the rear and both  
8 sides of the projecting load, multiple strobe lamps must be  
9 used to meet the visibility requirements of this subsection.  
10 The strobe lamp must flash at a rate of at least 60 flashes  
11 per minute and must be plainly visible from a distance of at  
12 least 500 feet to the rear and sides of the projecting load at  
13 any time of the day or night. The lamp must be operating at  
14 any time of the day or night when the vehicle is operated on  
15 any highway or parked on the shoulder or immediately adjacent  
16 to the traveled portion of any public roadway. The projecting  
17 load must also be marked with a red flag as described in  
18 subsection (1).

19 Section 5. Paragraph (d) of subsection (3) of section  
20 320.08, Florida Statutes, is amended to read:

21 320.08 License taxes.--Except as otherwise provided  
22 herein, there are hereby levied and imposed annual license  
23 taxes for the operation of motor vehicles, mopeds, motorized  
24 bicycles as defined in s. 316.003(2), and mobile homes, as  
25 defined in s. 320.01, which shall be paid to and collected by  
26 the department or its agent upon the registration or renewal  
27 of registration of the following:

28 (3) TRUCKS.--

29 (d) A truck defined as a "goat," or any other vehicle  
30 when used in the field by a farmer or in the woods for the  
31 purpose of harvesting a crop, including naval stores, during

1 such harvesting operations, and which is not principally  
2 operated upon the roads of the state: \$7.50 flat. A "goat" is  
3 a motor vehicle designed, constructed, and used principally  
4 for the transportation of citrus fruit within citrus groves or  
5 crops on farms, and may also be used for the hauling of  
6 associated equipment or supplies, including required sanitary  
7 equipment, and the towing of farm trailers.

8 Section 6. Subsection (3) of section 403.714, Florida  
9 Statutes, is amended to read:

10 403.714 Duties of state agencies.--

11 (3) All state agencies, including, but not limited to,  
12 the Department of Transportation, the department, and the  
13 Department of Management Services and local governments, are  
14 required to procure compost products when they can be  
15 substituted for, and cost no more than, regular soil amendment  
16 products, provided the compost products meet all applicable  
17 state standards, specifications, and regulations. ~~The~~  
18 ~~Department of Agriculture and Consumer Services shall~~  
19 ~~coordinate the development of uniform product specifications~~  
20 ~~for procurement and use of compost by all state agencies. This~~  
21 ~~product preference shall apply to, but not be limited to, the~~  
22 ~~construction of highway projects, road rights-of-way, highway~~  
23 ~~planting projects, recultivation and erosion control programs,~~  
24 ~~and other projects. The Department of Agriculture and Consumer~~  
25 ~~Services shall prepare an annual summary on the use of compost~~  
26 ~~products by any state agency, political subdivision, or agency~~  
27 ~~of a political subdivision which is using state funds, or any~~  
28 ~~person contracting with such agency with respect to work~~  
29 ~~performed under contract. Such summary shall describe the use~~  
30 ~~of compost products in relation to similar products such as~~  
31 ~~top soil, fill dirt, sand, peat, and fertilizer. The~~



1 ~~Department of Agriculture and Consumer Services shall~~  
2 ~~establish a work group of state agency and local government~~  
3 ~~personnel to design an appropriate reporting mechanism. The~~  
4 ~~report shall be submitted to the Governor, the President of~~  
5 ~~the Senate, and the Speaker of the House of Representatives.~~

6 Section 7. Paragraph (e) is added to subsection (4) of  
7 section 487.041, Florida Statutes, to read:

8 487.041 Registration.--

9 (4) The department, in addition to its other duties  
10 under this section, has the power to:

11 (e) Require data demonstrating the efficacy of  
12 pesticide products containing label statements that include  
13 directions for use as preventive treatments for termites for  
14 new construction. The department shall review the data and  
15 determine if the data supports label claims of termite  
16 prevention or protection from termite damage. Label claims for  
17 protection from damage must be supported by data that shows  
18 the product will prevent damage to a structure and its  
19 contents for a minimum of 5 years under Florida conditions. If  
20 the data does not support such label claims, then the product  
21 cannot be registered or reregistered. The department shall  
22 adopt rules specifying performance standards and acceptable  
23 test conditions for data submitted in support of an efficacy  
24 claim, or may reference such performance standards and test  
25 conditions established by the United States Environmental  
26 Protection Agency.

27 Section 8. Subsection (7) of section 500.09, Florida  
28 Statutes, is amended to read:

29 500.09 Rulemaking; analytical work.--

30 (7) The department may establish and collect  
31 reasonable fees for laboratory services performed pursuant to

1 subsection (6) or to recover the cost of each reinspection of  
2 a food establishment when the reinspection is conducted for  
3 the purpose of verifying compliance with the provisions of  
4 this chapter or rules promulgated thereunder. Such fees shall  
5 be deposited in the department's General Inspection Trust Fund  
6 and shall be used solely for the recovery of costs for the  
7 services provided.

8 Section 9. Paragraph (b) of subsection (1) of section  
9 500.12, Florida Statutes, is amended to read:

10 500.12 Food permits; building permits.--

11 (1)

12 (b) An application for a food permit from the  
13 department must be accompanied by a fee in an amount  
14 determined by department rule, which may not exceed \$1,000 and  
15 shall be used solely for the recovery of costs for the  
16 services provided~~\$350~~, except that the fee accompanying an  
17 application for a food permit for operating a bottled water  
18 plant may not exceed \$1,000 and the fee accompanying an  
19 application for a food permit for operating a packaged ice  
20 plant may not exceed \$250. The fee for operating a bottled  
21 water plant or a packaged ice plant shall be set by rule of  
22 the department. Food permits must be renewed annually on or  
23 before January 1. If an application for renewal of a food  
24 permit is not received by the department within 30 days after  
25 its due date, a late fee, in an amount not exceeding \$100,  
26 must be paid in addition to the food permit fee before the  
27 department may issue the food permit. The moneys collected  
28 shall be deposited in the General Inspection Trust Fund.

29 Section 10. Subsection (15) of section 502.012,  
30 Florida Statutes, is amended to read:

31

1           502.012 Definitions.--The following definitions shall  
2 apply in the interpretation and enforcement of this law:

3           (15) "Pasteurized milk ordinance" means the ~~Grade A~~  
4 Pasteurized Milk Ordinance, 1993 Recommendations of United  
5 States Public Health Service/Food and Drug Administration  
6 Publication No. 229, including and all associated appendices,  
7 as adopted by department rule.

8           Section 11. Paragraph (b) of subsection (2) and  
9 subsection (5) of section 502.014, Florida Statutes, are  
10 amended to read:

11           502.014 Powers and duties.--

12           (2)

13           (b) The department shall designate employees who shall  
14 be certified by the United States Food and Drug Administration  
15 as state milk sanitation rating officers, sampling  
16 surveillance officers, and laboratory evaluation officers in  
17 accordance with the requirements published in "Methods of  
18 Making Sanitation Ratings of Milk Supplies, ~~1989 Revision,~~"  
19 "Evaluation of Milk Laboratories, ~~1985 Revision,~~" and  
20 "Procedures Governing the Cooperative State-Public Health  
21 Service/Food and Drug Administration Program for Certification  
22 of Interstate Milk Shippers, ~~1991 Revision,~~" respectively, as  
23 adopted by department rule. These officers shall conduct  
24 routine sanitation compliance survey ratings of milk  
25 producers, milk plants, laboratories, receiving stations,  
26 transfer stations, and manufacturers of single-service  
27 containers for milk and milk products. These ratings shall be  
28 made in accordance with the recommendations of the United  
29 States Food and Drug Administration published in Standard  
30 Methods for the Examination of Dairy Products.

31

1           ~~(5)(a) A person who obtains a temporary marketing~~  
2 ~~permit from the United States Food and Drug Administration for~~  
3 ~~milk and milk products that do not conform to existing~~  
4 ~~standards and definitions shall immediately forward a copy of~~  
5 ~~the permit to the department. The department may allow the~~  
6 ~~person to operate in the state under the authority of the~~  
7 ~~federal permit if the department determines that it is in the~~  
8 ~~interest of the state to do so.~~

9           (a)~~(b)~~ The department shall adopt criteria for  
10 issuance of a state temporary marketing permit for milk and  
11 milk products that do not conform to existing standards and  
12 definitions.

13           (b)~~(c)~~ The department shall establish a fee, not to  
14 exceed \$100, for the issuance of a state temporary marketing  
15 permit or the use of a federal permit in the state. The fee  
16 shall cover all costs of issuing the state permit or  
17 processing the federal permit.

18           Section 12. Paragraph (c) of subsection (2) of section  
19 502.053, Florida Statutes, is amended to read:

20           502.053 Permits; requirements; exemptions; temporary  
21 permits.--

22           (2) REQUIREMENTS.--

23           (c) In addition to the testing required in ~~Appendix N~~  
24 ~~of the pasteurized milk ordinance and its appendices~~, each  
25 milk plant operator in the state shall be responsible for  
26 routine testing and inspection of raw milk shipped from  
27 outside the state prior to processing and shall notify the  
28 department when such testing and inspection indicates a  
29 violation of the standards contained in the pasteurized milk  
30 ordinance.

31

1           Section 13. Paragraph (a) of subsection (1) of section  
2 502.091, Florida Statutes, is amended to read:

3           502.091 Milk and milk products which may be sold.--

4           (1) Only Grade A pasteurized milk and milk products or  
5 certified pasteurized milk shall be sold to the final consumer  
6 or to restaurants, soda fountains, grocery stores, or similar  
7 establishments.

8           (a) In an emergency, however, the department may  
9 authorize the sale of reconstituted pasteurized milk products,  
10 or pasteurized milk and milk products which have not been  
11 graded, or the grade of which is unknown, in which case such  
12 milk and milk products shall be appropriately labeled, as  
13 determined by the department. ~~"ungraded."~~

14           Section 14. Subsection (1) of section 503.041, Florida  
15 Statutes, is amended to read:

16           503.041 License fee; report required; penalty.--

17           (1) Each frozen dessert plant that manufactures frozen  
18 desserts or other products defined in this chapter, or offers  
19 these products for sale in this state must hold a valid  
20 license. Any attempted or purported transfer of such license  
21 is grounds for suspension or revocation of such license.

22           Section 15. Subsections (36), (37), and (38) are added  
23 to section 570.07, Florida Statutes, to read:

24           570.07 Department of Agriculture and Consumer  
25 Services; functions, powers, and duties.--The department shall  
26 have and exercise the following functions, powers, and duties:

27           (36) To repair or build structures from existing  
28 appropriation authority, notwithstanding chapters 216 and 255,  
29 not to exceed a cost of \$250,000 per structure. These  
30 structures must meet all applicable building codes.

31

1       (37) If the department, by its own inquiry or as a  
2 result of complaints, has reason to believe that a violation  
3 of the laws of the state relating to consumer protection has  
4 occurred or is occurring, the department may conduct an  
5 investigation, subpoena witnesses and evidence, and administer  
6 oaths and affirmations. If, as a result of the investigation,  
7 the department has reason to believe a violation of chapter  
8 501 has occurred, the department shall have the authority to  
9 bring an action in accordance with the provisions of chapter  
10 501.

11       (38) If the department, by its own inquiry or as a  
12 result of complaints, has reason to believe that a violation  
13 of the laws of the state relating to consumer protection has  
14 occurred or is occurring, that the interests of the consumers  
15 of this state have been damaged or are being damaged, or that  
16 the public health, safety, or welfare is endangered or is  
17 likely to be endangered by any consumer product or service,  
18 the department may commence legal proceedings in circuit court  
19 to enjoin the act or practice or the sale of the product or  
20 service and may seek appropriate relief on behalf of  
21 consumers. Upon application by the department, a hearing shall  
22 be held within 3 days after the commencement of the  
23 proceedings.

24       Section 16. Subsection (6) is added to section  
25 503.071, Florida Statutes, to read:

26       503.071 Penalty, injunction, and administrative  
27 fines.--

28       (6) Frozen dessert manufacturers are subject to the  
29 provisions of s. 500.172, relating to embargoing, detaining,  
30 or destroying food or food processing equipment, as well as  
31 the provisions of this section.

1 Section 17. Subsection (4) of section 570.244, Florida  
2 Statutes, is amended to read:

3 570.244 Department of Agriculture and Consumer  
4 Services; powers and duties.--For the accomplishment of the  
5 purposes specified in this act, the department shall have all  
6 powers and duties necessary, including, but not limited to,  
7 the power and duty to:

8 (4) Facilitate economic growth through the development  
9 of ~~new~~ agribusinesses such as value-added processing plants  
10 and associated enterprises using raw products which are  
11 produced in the state.

12 Section 18. Effective upon this act becoming a law,  
13 paragraph (d) of subsection (2) and subsections (4) and (5) of  
14 section 570.249, Florida Statutes, are amended, and subsection  
15 (7) is added to said section, to read:

16 570.249 Agricultural Economic Development Program  
17 disaster loans and grants and aid.--

18 (2) ELIGIBLE CROPS.--Crops eligible for the emergency  
19 loan program include:

20 (d) Specialty crops, such as seafood and aquaculture,  
21 including, but not limited to, the products of shellfish  
22 cultivation and harvesting, ornamental fish farming, and  
23 commercial fishing;~~aquacultural, floricultural, or ornamental~~  
24 nursery crops; Christmas trees; turf for sod; industrial  
25 crops; and seed crops used to produce eligible crops.

26 (4) LOAN APPLICATION.--In order to qualify for a loan  
27 under this section, an applicant must submit an application to  
28 the department ~~committee~~ within 90 ~~30~~ days after the date the  
29 natural disaster or socioeconomic condition or event occurs or  
30 the crop damage becomes apparent. An applicant must be a  
31 citizen of the United States, a bona fide resident of the

1 ~~state, and, together with the applicant's spouse and their~~  
2 ~~dependents, have a total net worth of less than \$100,000. The~~  
3 ~~value of any residential homestead owned by the applicant must~~  
4 ~~not be included in determining the applicant's net worth. An~~  
5 ~~applicant~~ must also demonstrate the need for economic  
6 ~~assistance, be worthy of credit according to standards~~  
7 ~~established by the commissioner, prove that he or she cannot~~  
8 ~~obtain commercial credit, and demonstrate that he or she has~~  
9 the ability to repay the loan.

10 (5) LOAN SECURITY REQUIREMENTS.--All loans must be  
11 secured ~~fully collateralized~~. A first lien is required on all  
12 property or product acquired, produced, or refinanced with  
13 loan funds. The specific type of collateral required may vary  
14 depending upon the loan purpose, repayment ability, and the  
15 particular circumstances of the applicant.

16 (7) GRANTS AND AID.--The department shall establish a  
17 grant program to provide aid to agribusinesses to assist in  
18 market development.

19 Section 19. Subsection (1) of section 570.38, Florida  
20 Statutes, is amended to read:

21 570.38 Animal Industry Technical Council.--

22 (1) COMPOSITION.--The Animal Industry Technical  
23 Council is hereby created in the department and shall be  
24 composed of 14 ~~11~~ members as follows:

25 (a) The beef cattle, swine, dairy, horse, independent  
26 agricultural markets, meat processing and packing  
27 establishments, veterinary medicine, and poultry  
28 representatives who serve on the State Agricultural Advisory  
29 Council and three additional representatives from the beef  
30 cattle industry, as well as three at-large members  
31 representing other animal industries in the state, who shall



1 be appointed by the commissioner for 4-year terms or until  
2 their successors are duly qualified and appointed.

3 (b) Each additional beef cattle representative shall  
4 be appointed subject to the qualifications and by the  
5 procedure as prescribed in s. 570.23 for membership to the  
6 council by the beef cattle representative. If a vacancy  
7 occurs in these three positions, it shall be filled for the  
8 remainder of the term in the same manner as an initial  
9 appointment.

10 Section 20. Section 580.051, Florida Statutes, is  
11 amended to read:

12 580.051 Labels; requirements; penalty.--

13 (1) Any commercial feed distributed in this state,  
14 except a customer-formula feed and feed distributed through an  
15 integrated poultry operation or by a cooperative to its  
16 members, shall be accompanied by a legible label bearing all  
17 information required by the United States Food and Drug  
18 Administration and the following information:

19 (a) An accurate statement of the net weight.

20 (b) The name and principal address of the registrant.

21 (c) The brand name and product name, if any, under  
22 which the commercial feed is distributed. The word "medicated"  
23 shall be incorporated as part of the brand or product name if  
24 the commercial feed contains a drug.

25 1. The department may require feeding directions and  
26 precautionary statements to be placed on the label for the  
27 safe and effective use of medicated and other feed as deemed  
28 necessary.

29 2. Labels on medicated feed shall include all of the  
30 following:

31

- 1           a. Any feeding directions prescribed by the department  
2 to ensure safe usage.
- 3           b. The stated purpose of the medication contained in  
4 the feed as stated in the claim statement.
- 5           c. The established name of each active drug  
6 ingredient.
- 7           d. The level of each drug used in the final mixture  
8 expressed in metric units as well as the required avoirdupois.
- 9           (d) The date of manufacture or expiration date of  
10 commercial feed sold at retail as the department may by rule  
11 require.
- 12           (e) The guaranteed analysis stated in terms that  
13 advise the consumer of the composition of the feed or  
14 feedstuff or support claims made in the labeling. In all  
15 cases, the elements or compounds listed in the analysis must  
16 be determinable by laboratory methods approved by the  
17 department.
- 18           1. The guaranteed analysis, listing the minimum  
19 percentage of crude protein, minimum percentage of crude fat,  
20 and maximum percentage of crude fiber and, when more than 10  
21 percent mineral ingredients are present, the minimum or  
22 maximum percentages of mineral elements or compounds as  
23 provided by rule.
- 24           2. Vitamin ingredients, when guaranteed, shall be  
25 shown in amounts and terms provided by rule. For mineral feed,  
26 the list shall include the following: maximum or minimum  
27 percentages of calcium (Ca), phosphorus (P), salt (NaCl), iron  
28 (Fe), copper (Cu), cobalt (Co), magnesium (Mg), manganese  
29 (Mn), potassium (K), selenium (Se), zinc (Zn), and fluorine  
30 (F) if ingredients used as sources of any of these  
31 constituents are declared. All mixtures that contain mineral

1 or vitamin ingredients generally regarded as dietary factors  
2 essential for the normal nutrition of animals and that are  
3 sold or represented for the primary purpose of supplying these  
4 minerals or vitamins as additions to rations in which these  
5 same mineral or vitamin factors may be deficient shall be  
6 classified as mineral or vitamin supplements. Products sold  
7 solely as mineral or vitamin supplements and guaranteed as  
8 specified in this section need not show guarantees for  
9 protein, fat, and fiber.

10 3. Other nutritional substances or elements  
11 determinable by laboratory methods may be guaranteed by  
12 permission of, or shall be guaranteed at the request of, the  
13 department as may be provided by rule.

14 (f) The common or usual name of each ingredient used  
15 in the manufacture of the commercial feed; however, for all  
16 commercial feed except horse feed, the department by rule may  
17 permit the use of collective terms for a group of ingredients  
18 which perform a similar nutritional function.

19 (2) Customer-formula feed shall be accompanied by a  
20 label, invoice, delivery slip, or other shipping document,  
21 bearing all information required by the United States Food and  
22 Drug Administration and the following:

23 (a) The name and address of the manufacturer.

24 (b) The name and address of the customer ordering the  
25 feed.

26 (c) The date of delivery.

27 (d) The product name and net weight of each commercial  
28 feed and each other ingredient used in the mixture.

29 (e) Adequate directions and precautionary statements  
30 for the safe and effective use of all customer-formula feed  
31 that is medicated.

1           (3) Feed distributed by an integrated poultry  
2 operation or by a cooperative to its members shall be  
3 accompanied by a legible label bearing the information  
4 required by the United States Food and Drug Administration.

5           ~~(4)(3)~~ When a commercial feed is distributed in this  
6 state in bags or other containers, a label shall be placed on  
7 or affixed to each container; when a commercial feed is  
8 distributed in bulk, a label shall accompany delivery and be  
9 furnished to the customer at time of delivery.

10           ~~(5)(4)~~ The amount of \$100 shall be paid to the  
11 department as penalty for the distribution of any commercial  
12 feed that is not accompanied with the label required under  
13 this chapter. The proceeds from any such penalty payments  
14 shall be deposited by the department in the General Inspection  
15 Trust Fund.

16           Section 21. Subsections (1), (2), and (3) of section  
17 580.065, Florida Statutes, are amended to read:

18           580.065 Laboratory certifications; application; fees;  
19 requirements; reporting; refusal or cancellation of  
20 certification.--

21           (1)(a) The department by rule shall establish the  
22 standards that a laboratory must meet to become certified in  
23 any of the following areas of testing:

- 24           1. Nutrient.
- 25           2. Mycotoxins.
- 26           3. Microbiological organisms.
- 27           4. Pesticide residues.
- 28           5. Drugs ~~Drug residues~~.

29           (b) The department shall be guided by the methods  
30 published by the Association of Official Analytical Chemists,  
31 the United States Environmental Protection Agency, the United

1 States Food and Drug Administration, or other generally  
2 recognized authorities in developing the standards for these  
3 laboratory certifications.

4 (2)(a) Any laboratory wanting to be certified by the  
5 department in any of the testing categories must complete and  
6 return an application with a \$100 application fee and a \$300  
7 fee for each of the desired certifications. A single  
8 application may be used to apply for more than one  
9 certification. The department shall furnish the application  
10 forms, which must require the distributor to state that the  
11 laboratory will comply with all provisions of this chapter and  
12 applicable rules. The registration form shall identify the  
13 laboratory's name, the name of the owner or owners of the  
14 business, the location of the laboratory, and other  
15 information as required by rule of the department. The form  
16 shall be signed by the owner, a partner, if a partnership, or  
17 an authorized officer or agent, if a corporation.

18 (b) The department shall mail a certificate for each  
19 certification granted to the laboratory to signify that  
20 administrative requirements have been met.

21 (c) Each laboratory that is certified in any area of  
22 testing must renew each certification annually. Renewal must  
23 be submitted on a form provided by the department at least 30  
24 days prior to the expiration date of the current certificate.  
25 The laboratory must complete and return the renewal form with  
26 the appropriate fee for the desired annual certification as  
27 indicated on the form. Failure to timely renew certification  
28 shall result in the expiration of the certification on the  
29 date stated on the certificate. Any renewal received after the  
30 expiration date on the certificate shall be accompanied by a  
31 \$50 late charge. Any renewal received 30 days or more beyond

1 the expiration date on the certificate shall be returned to  
2 the laboratory, and the laboratory shall apply to the  
3 department as if it were the initial application for  
4 certification.

5 (d) Certification shall be conditioned on the  
6 laboratory's compliance with all provisions of this chapter  
7 and rules thereof, including:

8 1. Submitting quarterly reports to the department  
9 containing the results of the commercial feed and feedstuff  
10 analyses for that quarter, including, but not limited to, the  
11 results of each sample submitted for analysis by each  
12 registrant, the registration number of the registrant  
13 submitting the samples, the number of violative samples, and  
14 any additional information the department may require by rule.

15 2. Reporting immediately to the department each sample  
16 that is found to be in violation of the standards in this  
17 chapter and in the rules thereof.

18 3. Participating in the quarterly check-sample program  
19 administered by the department, when required.

20 4. Maintaining a bookkeeping system and records that  
21 will allow the department to verify the accuracy of the  
22 reports required in this chapter and to examine such records  
23 at reasonable times.

24 (e) Failure to submit reports as required in this  
25 subsection may result in the suspension or revocation of one  
26 or more of the laboratory's testing certifications.

27 (3) The department may ~~shall~~ operate a check-sample  
28 program for all testing certifications. If 30 percent or more  
29 of a laboratory's check-sample results are outside the  
30 acceptable variation established by rule for each check-sample  
31 test, the laboratory must pay a \$100 fine and shall be placed

1 on probation for the next quarter. The laboratory may ~~shall~~ be  
2 required to process additional check samples during the  
3 probationary period. If 20 percent or more of the results of  
4 the laboratory's check samples are outside the acceptable  
5 variation level during the probationary period, that test  
6 category certification shall be revoked and the laboratory may  
7 not apply again for the same certification for 1 year after  
8 the date of the revocation.

9 Section 22. Paragraph (d) of subsection (2) and  
10 paragraphs (a) and (b) of subsection (5) of section 580.091,  
11 Florida Statutes, are amended to read:

12 580.091 Inspection; sampling; analysis; exemption.--

13 (2) All registrants must have samples of their feed  
14 and feed ingredients tested by a laboratory that has been  
15 certified by the department or must be exempt from the  
16 certified laboratory testing requirements, as provided in this  
17 chapter, to ensure that all commercial feed and feedstuff  
18 comply with the provisions of this chapter. The sampling  
19 frequency and analysis requirements shall be determined by  
20 rule of the department for poultry, dairy cow, beef cattle,  
21 horse, swine, and other agriculture feed.

22 ~~(d) It is the intent of the Legislature that the~~  
23 ~~department not require sampling and analysis any more rigorous~~  
24 ~~than the level of sampling and analysis reflected in the Feed~~  
25 ~~Laboratory Quarterly Reports or official department records.~~

26 (5) A registrant may apply for an exemption from the  
27 certified laboratory testing requirements by submitting its  
28 quality-assurance/quality-control plan, including laboratory  
29 testing protocols, to the department for review and approval  
30 or disapproval. The department shall furnish the form for  
31 requesting the exemption, which form shall require the

1 registrant to comply with all applicable provisions of this  
2 chapter and related rules.

3 (a) Upon approval of a registrant's  
4 quality-assurance/quality-control plan, the department ~~shall~~  
5 ~~conduct an evaluation of the registrant's facility to verify~~  
6 ~~compliance with the plan and the testing protocols submitted.~~  
7 ~~The department~~ shall send the registrant a letter of exemption  
8 if it finds that adequate measures are in place to assure  
9 compliance with the material submitted and with this chapter.

10 (b) The registrant's quality-assurance/quality-control  
11 plan ~~laboratory facility~~ shall be subject to evaluation every  
12 3 years. Application for renewal must be submitted on a form  
13 provided by the department at least 30 days prior to the  
14 expiration date of the current approval letter. Any renewal  
15 application received after the expiration date on the approval  
16 letter shall be accompanied by a \$50 late charge. Failure to  
17 timely renew certification shall result in the expiration of  
18 the approval and imposition of the requirement to have all  
19 feed samples tested by a department-certified laboratory.

20 Section 23. Subsection (14) is added to section  
21 580.112, Florida Statutes, to read:

22 580.112 Certain acts prohibited.--The following acts,  
23 or the causing thereof knowingly, within the state are  
24 prohibited:

25 (14) The distribution of a feed or feedstuff that is  
26 prohibited by federal law or regulation.

27 Section 24. Paragraph (a) of subsection (1) of section  
28 581.211, Florida Statutes, is amended to read:

29 581.211 Penalties for violations.--

30 (1) Any person who:  
31



1           (a) Violates any provision of this chapter or the  
2 rules adopted under this chapter;

3  
4 commits a misdemeanor of the first degree, punishable as  
5 provided in s. 775.082 or s. 775.083.

6           Section 25. Subsection (6) is added to section  
7 585.002, Florida Statutes, to read:

8           585.002 Department control; continuance of powers,  
9 duties, rules, orders, etc.--

10           (6) Except as otherwise provided in this chapter, and  
11 notwithstanding any other provision of law, a local government  
12 or other state agency may not adopt any ordinance, regulation,  
13 rule, or policy for the humane care and treatment of  
14 livestock, as defined by s. 585.01(13), and poultry housed or  
15 pastured in the state where such activity is regulated through  
16 implemented best management practices developed or adopted by  
17 the department under chapter 120 as part of a statewide or  
18 regional program.

19           Section 26. Subsection (3) of section 585.145, Florida  
20 Statutes, is renumbered as subsection (4), and a new  
21 subsection (3) is added to said section to read:

22           585.145 Control of animal diseases.--

23           (3) Official certificates of veterinary inspection may  
24 only be completed by a veterinarian accredited under the  
25 National Veterinary Accreditation Program. The department may,  
26 as prescribed by rule, deny a veterinarian the authority to  
27 issue such certificates for the importation, movement, or  
28 transfer of ownership of animals into or within the state as  
29 required by this section for one of the following causes:

30           (a) The revocation of such veterinarian's license to  
31 practice veterinary medicine in the state;

1           (b) The forgery, counterfeiting, alteration, or  
2 misrepresentation of an official certificate of veterinary  
3 inspection; or

4           (c) The failure to report or the negligent handling of  
5 any reportable disease.

6           Section 27. Paragraphs (a) and (c) of subsection (2)  
7 of section 585.155, Florida Statutes, are amended to read:

8           585.155 Whole-herd and calf vaccination.--

9           (2)(a) All calves officially vaccinated with Brucella  
10 abortus vaccine shall be permanently identified at the time of  
11 vaccination with the official shield tattoo "V," registered by  
12 the United States Department of Agriculture, in the right ear,  
13 preceded by the numeral of the quarter of the year and  
14 followed by the last numeral of the year.

15           ~~(c) Heifer calves must be vaccinated when not less~~  
16 ~~than 4 months and not more than 10 months of age.~~

17           Section 28. Paragraph (a) of subsection (10) of  
18 section 616.242, Florida Statutes, is amended to read:

19           616.242 Safety standards for amusement rides.--

20           (10) EXEMPTIONS.--

21           (a) This section does not apply to:

22           1. Permanent facilities that employ at least 1,000  
23 full-time employees and that maintain full-time, in-house  
24 safety inspectors. Furthermore, the permanent facilities must  
25 file an affidavit of the annual inspection with the  
26 department, on a form prescribed by rule of the department.  
27 Additionally, the Department of Agriculture and Consumer  
28 Services may consult annually with the permanent facilities  
29 regarding industry safety programs.

30           2. Any playground operated by a school, local  
31 government, or business licensed under chapter 509, if the

1 playground is an incidental amenity and the operating entity  
2 is not primarily engaged in providing amusement, pleasure,  
3 thrills, or excitement.

4           3. Museums or other institutions principally devoted  
5 to the exhibition of products of agriculture, industry,  
6 education, science, religion, or the arts.

7           4. Conventions or trade shows for the sale or exhibit  
8 of amusement rides if there are a minimum of 15 amusement  
9 rides on display or exhibition, and if any operation of such  
10 amusement rides is limited to the registered attendees of the  
11 convention or trade show.

12           5. Skating rinks, arcades, lazer or paint ball war  
13 games, bowling alleys, miniature golf courses, mechanical  
14 bulls, inflatable rides, trampolines, ball crawls, exercise  
15 equipment, jet skis, paddle boats, air boats, helicopters,  
16 airplanes, parasails, hot air or helium balloons whether  
17 tethered or untethered, theatres, batting cages, stationary  
18 spring-mounted fixtures, rider-propelled merry-go-rounds,  
19 games, side shows, live animal rides, or live animal shows.

20           6. Go-karts operated in competitive sporting events if  
21 participation is not open to the public.

22           7. Nonmotorized playground equipment that is not  
23 required to have a manager.

24           8. Coin-actuated amusement rides designed to be  
25 operated by depositing coins, tokens, credit cards, debit  
26 cards, bills, or other cash money and which are not required  
27 to have a manager, and which have a capacity of six persons or  
28 less.

29           9. Facilities described in s. 549.09(1)(a) when such  
30 facilities are operating cars, trucks, or motorcycles only.  
31

1           10. Battery-powered cars or other vehicles that are  
2 designed to be operated by children 7 years of age or under  
3 and that do not exceed a speed of 4 miles per hour.

4           11. Mechanically driven vehicles that pull train cars,  
5 carts, wagons, or other similar vehicles, that are not  
6 confined to a metal track or confined to an area but are  
7 steered by an operator and do not exceed a speed of 4 miles  
8 per hour.

9           Section 29. Subsection (1) of section 633.557, Florida  
10 Statutes, is amended to read:

11           633.557 Exemptions; nonresidential farm buildings ~~farm~~  
12 ~~outbuildings~~; standpipe systems installed by plumbing  
13 contractors.--

14           (1) This act does not apply to owners of property who  
15 are building or improving nonresidential farm buildings as  
16 defined in s. 604.50 ~~farm outbuildings~~. The Department of  
17 Agriculture and Consumer Services shall have exclusive  
18 authority to adopt by rule, pursuant to chapter 120,  
19 exceptions to nonresidential farm buildings exempted by this  
20 subsection when reasonably necessary to preserve public  
21 health, safety, and welfare.

22           Section 30. Section 828.22, Florida Statutes, is  
23 amended to read:

24           828.22 Humane Slaughter Act; humane slaughter and  
25 livestock euthanasia; requirements ~~requirement~~.--

26           (1) Sections 828.22-828.26 may be cited as the "Humane  
27 Slaughter Act."

28           (2)(a)~~(1)~~ The Legislature of this state finds that the  
29 use of humane methods in the killing ~~slaughter~~ of livestock  
30 prevents needless suffering, results in safer and better  
31 working conditions for persons engaged in the slaughtering

1 industry or other livestock operations, brings about  
2 improvement of products and economy in slaughtering or other  
3 livestock operations, and produces other benefits for  
4 producers, processors, and consumers which tend to expedite  
5 the orderly flow of livestock and their products.

6 ~~(b)(2)~~ It is therefore declared to be the policy of  
7 this state to require that the slaughter of all livestock and  
8 the handling of livestock in connection with slaughter shall  
9 be carried out only by humane methods and to provide that  
10 methods of slaughter shall conform generally to those employed  
11 in other states where humane slaughter is required by law and  
12 to those authorized by the Federal Humane Slaughter Act of  
13 1958, and regulations thereunder.

14 (3) Nothing in ss. 828.22-828.26 ~~this act~~ shall be  
15 construed to prohibit, abridge, or in any way hinder the  
16 religious freedom of any person or group. Notwithstanding any  
17 other provision of ss. 828.22-828.26 ~~this act~~, in order to  
18 protect freedom of religion, ritual slaughter and the handling  
19 or other preparation of livestock for ritual slaughter are  
20 exempted from the terms of ss. 828.22-828.26 ~~this act~~. For  
21 the purposes of this action the term "ritual slaughter" means  
22 slaughter in accordance with s. 828.23(3)(7)(b).

23 Section 31. Section 828.23, Florida Statutes, is  
24 amended to read:

25 828.23 Definitions; ss. 828.22-828.26.--As used in ss.  
26 828.22-828.26, the following words shall have the meaning  
27 indicated:

28 (1) "Department" means the Department of Agriculture  
29 and Consumer Services.

30  
31

1           (2) "Person" means any individual, partnership,  
2 corporation, or association doing business in this state, in  
3 whole or in part.

4           (3) "Slaughter" means the act of killing one or more  
5 livestock animals for any purpose.

6           ~~(4)(3) "Slaughterer" means any person other than a~~  
7 licensed veterinarian, or an employee of a humane society or  
8 animal control agency, who kills regularly engaged in the  
9 ~~commercial slaughtering of livestock.~~

10           ~~(5)(4) "Livestock" means cattle, calves, sheep, swine,~~  
11 ~~horses, mules, goats, ostriches, rneas, emus, and any other~~  
12 domestic animal which can or may be used in the preparation of  
13 animal and for the preparation of meat or meat products. For  
14 the purposes of ss. 828.22-828.26, "livestock" does not  
15 include poultry and aquatic species.

16           ~~(5) "Packer" means any person engaged in the business~~  
17 ~~of slaughtering, or of manufacturing or preparing meat or meat~~  
18 ~~products for sale, either by such person or others; or of~~  
19 ~~manufacturing or preparing livestock products for sale by such~~  
20 ~~person or others.~~

21           ~~(6) "Stockyard" means any place, establishment, or~~  
22 ~~facility commonly known as a stockyard, conducted or operated~~  
23 ~~for compensation or profit as a public market, consisting of~~  
24 ~~pens, or other enclosures, and their appurtenances, for the~~  
25 ~~handling, keeping, and holding of livestock for the purpose of~~  
26 ~~sale or shipment.~~

27           ~~(6)(7) "Humane method" means either:~~

28           (a) A method whereby the animal is rapidly and  
29 effectively rendered insensitive to pain by electrical or  
30 chemical means or by a penetrating captive bolt or gunshot  
31 with appropriate caliber and placement rendered insensible to

1 ~~pain by mechanical, electrical, chemical, or other means that~~  
2 ~~are rapid and effective, before being shackled, hoisted,~~  
3 ~~thrown, cast, or cut; or~~

4 (b) A method in accordance with ritual requirements of  
5 any religious faith whereby the animal suffers loss of  
6 consciousness by anemia of the brain caused by the  
7 simultaneous and instantaneous severance of the carotid  
8 arteries with a sharp instrument.

9 Section 32. Section 828.24, Florida Statutes, is  
10 amended to read:

11 828.24 Prohibited acts; exemption.--

12 (1) No person shall kill an animal in any way except  
13 by an approved humane method ~~slaughterer, packer, or stockyard~~  
14 ~~operator shall shackle, hoist, or otherwise bring livestock~~  
15 ~~into position for slaughter, by any method which shall cause~~  
16 ~~injury or pain.~~

17 (2) No person shall shackle or hoist with intent to  
18 kill any animal prior to rendering the animal insensitive to  
19 pain ~~slaughterer, packer, or stockyard operator shall bleed or~~  
20 ~~slaughter any livestock except by a humane method.~~

21 (3) Nothing in this section precludes the enforcement  
22 of s. 828.12 relating to cruelty to animals ~~This act shall not~~  
23 ~~apply to any person, firm or corporation slaughtering or~~  
24 ~~processing for sale within the state not more than 20 head of~~  
25 ~~cattle nor more than 35 head of hogs per week.~~

26 Section 33. Section 828.25, Florida Statutes, is  
27 amended to read:

28 828.25 Administration; rules ~~and regulations;~~  
29 inspection; fees.--

30 (1) The department shall administer the provisions of  
31 ss. 828.22-828.26 ~~this act.~~ It shall promulgate and may from

1 time to time revise rules ~~and regulations~~ which shall conform  
2 substantially to and are not less restrictive than the rules  
3 and regulations promulgated by the Secretary of Agriculture of  
4 the United States pursuant to the Federal Humane Slaughter Act  
5 of 1958, Pub. L. No. 85-765, 72 Stat. 862, and any amendments  
6 thereto; ~~provided, however, that the use of a manually~~  
7 ~~operated hammer, sledge or poleax is declared to be an~~  
8 ~~inhumane method of slaughter within the meaning of this act.~~

9 (2) The department may appoint any member of its staff  
10 as an official inspector for the purposes of ss. 828.22-828.26  
11 ~~this act~~. Such inspector shall have the power to enter the  
12 premises of any slaughterer for the purposes of verifying  
13 compliance or noncompliance with the provisions of ss.  
14 828.22-828.26 ~~this act~~.

15 (3) The department has the authority to conduct  
16 inspections of the premises of slaughterers at random  
17 intervals. ~~As soon as practicable after October 1, 1961, an~~  
18 ~~inspection shall be made of the premises of each slaughterer.~~  
19 ~~Additional inspections shall be made not less frequently than~~  
20 ~~quarterly. No fee shall be charged for such inspection.~~

21 Section 34. Section 828.251, Florida Statutes, is  
22 created to read:

23 828.251 Instruction.--The department, in conjunction  
24 with the State University System, the American Veterinary  
25 Medical Association, and humane animal groups, shall make  
26 available to slaughterers the most current technical  
27 information. Such information may be in video or manual  
28 format, or another widely accepted media format.

29 Section 35. Section 828.252, Florida Statutes, is  
30 created to read:

31



1           828.252 Nonambulatory animals.--This section  
2 acknowledges that natural emergencies may arise or, even under  
3 recognized best management practices, injury may result. In  
4 all cases, nonambulatory animals shall be dealt with in a  
5 humane manner.

6           (1) As used in this section, the term "nonambulatory  
7 animal" means any livestock that is unable to stand and walk  
8 unassisted.

9           (2) No person shall buy, sell, give, receive,  
10 transfer, market, hold without providing proper care within 24  
11 hours, or drag any nonambulatory animal unless the  
12 nonambulatory animal has been humanely euthanized, except in  
13 such cases where providing proper care requires that the  
14 animal be moved.

15           Section 36. Section 828.26, Florida Statutes, is  
16 amended to read:

17           828.26 Penalties ~~Penalty~~.--

18           (1) Any person who violates the provisions of ss.  
19 828.22-828.26 and any rule associated with said sections shall  
20 be subject to an administrative fine of up to \$10,000 for each  
21 violation.~~No slaughterer found by the department in~~  
22 ~~accordance with the above not to be in compliance with the~~  
23 ~~provisions of this act shall sell any meat or meat products to~~  
24 ~~any public agency in the state, or to any institution~~  
25 ~~supported by state, county, or municipal funds. Failure to~~  
26 ~~comply with this provision shall be a misdemeanor of the~~  
27 ~~second degree, punishable as provided in s. 775.083.~~

28           (2) Unless otherwise provided, any person violating  
29 any provision of ss. 828.22-828.26 commits a misdemeanor of  
30 the second degree, punishable as provided in s. 775.082 or s.  
31 775.083.~~Upon failure to be in compliance with the provisions~~

1 ~~of this act after a period of 1 year from the date of the~~  
2 ~~first inspection required under s. 828.25, the department~~  
3 ~~shall direct the slaughterer to cease slaughtering livestock.~~  
4 ~~Failure to comply with this directive shall be a misdemeanor~~  
5 ~~of the second degree, punishable as provided in s. 775.083,~~  
6 ~~and constituting a separate offense for each day of continued~~  
7 ~~slaughtering operations beyond the first week following~~  
8 ~~mailing of such directive to the slaughterer by the~~  
9 ~~department.~~

10 (3) Nothing in this section precludes the enforcement  
11 of s. 828.12, relating to cruelty to animals.

12 Section 37. Subsection (10) of section 427.804,  
13 Florida Statutes, is amended to read:

14 427.804 Repair of nonconforming assistive technology  
15 devices; refund or replacement of devices after attempt to  
16 repair; sale or lease of returned device; arbitration;  
17 investigation; limitation of rights.--

18 (10) The department shall process consumer complaints  
19 pursuant to ss. 570.07 and ~~s.~~570.544.

20 Section 38. Subsection (2) of section 559.921, Florida  
21 Statutes, is amended to read:

22 559.921 Remedies.--

23 (2) The department shall process consumer complaints  
24 according to ss. 570.07 and ~~s.~~570.544.

25 Section 39. Subsections (10) and (11) of section  
26 570.544, Florida Statutes, are repealed.

27 Section 40. Except as otherwise provided herein, this  
28 act shall take effect July 1, 2001.

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HOUSE SUMMARY

Revises various provisions relating to agriculture and consumer services. Authorizes the Department of Agriculture and Consumer Services to require and review data relating to the claims of preventive treatment for termites. Increases from \$350 to \$1,000 the food establishment operating permit fee. Provides for use of such fee. Provides that an attempt to transfer a frozen dessert plant manufacturing license is grounds for suspension or revocation of such license. Provides for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer under certain conditions. Revises label requirements for commercial feed, revises certain feed laboratory standards and procedures, and prohibits distribution of a feed or feedstuff that is prohibited by federal law or regulation. Authorizes the department to repair and build structures when the cost does not exceed \$250,000 per structure. Authorizes the department, rather than the Division of Consumer Services, to conduct certain investigations of violations of consumer protection laws. Provides for qualification of accredited veterinarians to provide official certificates of veterinary inspection. Specifies conditions for denial of authority to issue such certificates. Creates the "Humane Slaughter Act," revising various provisions, including definitions, prohibited acts, and penalties, relating to humane slaughter and livestock euthanasia. Limits local government regulation relating to the humane care and treatment of livestock and poultry. See bill for details.